



# Oregon

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: September 01, 2015

Jurisdiction: City of Bay City

Local file no.: 2014-03

DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/31/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-14 {22410}  
Received: 8/31/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Bay City

Local file no.: **2014-03**

Date of adoption: June 9, 2015

Date sent: 8/31/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): March 25, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Added a definition and use for "short term vacation rentals" that are currently allowed for all residential properties in any zone under Bay City General Ordinance standards

Local contact (name and title): Sabrina Pearson, City Planner; Angie Cherry, Planning Secretary

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Street address: 5525 B Street, PO Box 3309

City: Bay City

Zip: 97107-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Goal 17 Coastal Shorelands, Goal 7 Natural Hazards, Goal 12 Transportation

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

ComprehensivePlan:ADDGoal7Policies12,13;ADDShoreland3Zone;ZoneMap:AMENDPortionMI&SHItoSL3;  
ORD#374:ADD§5.108PropLineAdjust;§1.85SL3Zone;§1.3,1.35,2.214Marijuana;§5.1055TransportStudies;  
AMENDDev Ord.#374 §1.3,§1.35AllowableUses;§1.4,§1.5,§1.6High,Moderate,Low  
IntensityZones;§1.75FWZone;§3.25GradeErosionControl;§3.5,§3.6Off-StParking;  
§3.702YardStorage;§3.71Bed&B'fast; §3.8Signs;§3.98Use of Trailer/RV;A§4Info.forPlanningApps;  
§10PublicHearings;§13.010Definitions;Renumber applicable&§1.7HOZone

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from Moderate Intensity	to Shoreland 3	Acres: 40
Change from South High Intensity	to Shoreland 3	Acres: 40
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The Staff Report and Findings of Fact prepared for the public hearing process are available upon request.

**CITY OF BAY CITY  
ORDINANCE NO. 663**

**AN ORDINANCE AMENDING THE BAY CITY DEVELOPMENT ORDINANCE  
374, AS AMENDED; AMENDING THE BAY CITY ZONING MAP; AMENDING  
THE BAY CITY COMPREHENSIVE PLAN AND DECLARING AN  
EMERGENCY**

The City of Bay City ordains that the Bay City Development Ordinance #374 and all subsequent amending ordinances, the Bay City Zoning Map and the Bay City Comprehensive Plan, shall be modified, as set forth herein.

1. **COMPREHENSIVE PLAN**. The City of Bay City Comprehensive Plan is amended, as follows:

A. **Policy 12**: Add Goal VII, Natural Resources Policy 12 to read:

“12. When funding opportunities are available, the City shall endeavor to relocate the City Hall, the Fire Station, and other critical facilities to a disaster resilient site located outside the tsunami inundation zone.”

B. **Policy 13**. Add Goal VII, National Resources Policy 13 to read:

“13. All uses in the City shall continuously maintain waste management and water service approved by the City.”

C. **South High Intensity Zone**. Replace the South High Intensity Zone to read:

“The south commercial area in the city has traditionally contained highway oriented uses, such as a service station and crab stand. Other commercial ventures, such as the meat processing plant, have and will locate in this area because of the proximity to the Highway and flat land.

It is the intent of the Comprehensive Plan to promote high intensity uses in these areas which would not be appropriate in the town center area. Uses permitted are light industrial activities, mobile home parks, highway and commercial uses, warehousing or large land uses, recreation vehicle parking areas, and similar uses.

Highway commercial activities should be close to U.S.101, either on highway frontage or immediately adjacent. Other uses should be attractively designed, and buffered from less intensive uses, particularly residences. Although design review in these areas is less important than in the town center, it should still be used.

Performance standards in the Development Ordinance should be designed to insure that uses in this area are beneficial to the community at large.”

D. **Coastal Shorelands**. Amend Coastal Shorelands 3 Zone to read:

“Because of the variety of physical features and existing land use patterns in the Bay City Shoreland Area, the Shoreland Area has been divided into three subareas:

Shoreland 1 Zone, a natural subarea that extends from Larson Cove to the Main Street Extension;

Shoreland 2 Zone, a water – dependent water related management unit in the vicinity of the Bay City Jetty; and

Shoreland 3 Zone, a non-water dependent / related subarea in the southern portion of the town.”

E. **Shoreland 3 Zone**. Add Shoreland 3 Zone to read:

“Shoreland 3 Zone. The Shoreland 3 Zone area encompasses an area along the Tillamook Bay waterfront west side of U.S. Highway 101. The Shoreland 3 Zone is located adjacent to estuaries and wetlands associated with Goose Point and Kilchis Point. The land is suitable for residential development and for non-residential development where it is determined to be compatible with development standards. The Tillamook County Pioneer Museum operates Kilchis Point Reserve here. The Wastewater Treatment Plant, Sewage Treatment Lagoons, and Public Works offices and shops are located here. Vehicular access from the area to U.S. Highway 101 is provided by Warren Street. The City is evaluating opportunities to create secondary emergency access.

Policies applicable to the Shoreland 3 Zone are:

1. The Shoreland 3 Zone allows residential uses outright and allows other uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.

2. All development except for single family dwellings, duplexes, accessory uses and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:

a. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided.

b. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes.

c. The use is consistent with specified performance standards.

d. The use is consistent with the Bay City Comprehensive Plan.

3. Riparian vegetation shall be protected and retained. A 50-foot riparian zone is established on the bank of Tillamook Bay.

4. The Shoreland 3 area is susceptible to the following identified natural hazards. Therefore, it is City policy to allow a maximum density for new development of one dwelling unit per 10,000 square feet.

a. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) identifies the Shoreland 3 area as having property located within the Velocity Flood Zone.

b. Bay City is required to participate in the National Flood Insurance Program (NFIP).

c. The Oregon Department of Geology and Mineral Industries (DOGAMI) identifies property within the Shoreland 3 area as being susceptible to tsunami inundation hazards.

d. The Shoreland 3 area has a single vehicular access point at Warren Street.

e. Structures in the Shoreland 3 area are required to have fire sprinklers installed with development until such time as a second access meeting Oregon Fire Code access standards is installed.”

3. **ZONING MAP.** The Bay City Zoning Map shall be amended as follows:

A. **Coastal Shoreland Moderate Intensity Zone.** Rezone the Coastal Shoreland Moderate Intensity 1 located west of US Highway 101 to the Shoreland 3 Zone.

B. **Coastal Shoreland South High Intensity Zone.** Rezone the Coastal Shoreland South High Intensity Zone located west of US Highway 101 to the Shoreland 3 Zone.

C. **Maps.** Replace the existing zoning maps in conflict with the above referenced rezoning and replace them with the following maps:



3. **DEVELOPMENT ORDINANCE.** The Bay City Development Ordinance is amended, as follows:

A. **Section 1.3, Allowable Use Matrix.** Replace Section 1.3 Allowable Use Matrix:

Use	Title of Use	Use Zones							
		USE ZONES:	SL1	SL2	SL3	NHI	SHI	EHI	MI
1	Accessory Building	NA	C	O	O	O	O	O	O
2	Agriculture	NA	NA	C	NA	NA	C	C	O
3	Aquaculture, including Oyster Farming	C	C	C	NA	NA	NA	NA	NA
4	Bed and Breakfast Establishment	NP	NP	C	C	NP	NP	C	C
5	Boat Storage - Boat Repair or Construction	NP	C	NP	NP	C	C	NP	C
6	Child Care Facility	NP	NP	NP	C	NP	NP	C	C
7	Commercial - Water Dependent	NP	C	NA	NP	NA	NA	NA	NA
8	Commercial - Water Related	NP	C	NA	NA	C	NA	NA	NA
9	Commercial - Primary Retail or Service Non-Water Dependent or Related	NP	NP	NP	C	C	C	NP	NP
10	Commercial - Retail or Service with Large Land Needs - High Traffic Generation	NP	NP	NP	NP	C	NP	NP	NP
11	Commercial Recreation - High Traffic Generation	NP	NP	NP	NP	C	C	NP	NP
12	Commercial Recreation - Low Traffic Generation	NP	NP	C	NP	C	C	C	C
13	Cottage Industry	NP	NP	C	C	C	C	C	C
14	Development on Slopes 25% or Greater	C	C	C	C	C	C	C	C
15	Dredge Material Disposal	NP	C	NP	NP	NP	NP	NP	NA
16	Eating or Drinking Establishment	NP	C	NP	C	C	C	NP	NP
17	Extensive Excavation or Grading	NP	C	C	C	C	C	C	C
18	Forest Management	C	NA	C	NA	NA	NA	C	C
19	Home Occupation	NP	NP	O	O	O	O	O	O
20	Hospitals and Health Care Facility	NP	NP	NP	NP	NP	C	NP	C
21	Industrial - Water Dependent	NA	C	NA	NA	NA	NA	NA	NA
22	Industrial - Water Related	NP	C	NA	NA	C	NA	NA	NA
23	Industrial - Non-Water Dependent or Non-Water Related**	NP	NP	NP	NP	C	C	NP	NP
24	Kennel	NP	NP	NP	NP	NP	NP	NP	C
25	Large Scale Development	NP	NP	C	C	C	C	C	C
26	Marinas, Piers, Launching Ramps, Docks, and Other Boating Facilities	NP	C	NP	NA	NA	NA	NA	NA
27	Marijuana Production, Processing, Wholesale and Distribution	NP	NP	NP	NP	NP	NP	NP	C
28	Marijuana Retail	NP	NP	NP	NP	C	NP	NP	NP
29	Meeting Hall, Church, School and Museum	NP	NP	NP	C	C	C	C	C
30	Mining, Removal of Sand or Gravel	NP	NP	C	NP	NP	NP	NP	NP
31	Mini-storage Establishment	NP	NP	NP	NP	C	C	NP	NP
32	Minor Navigation Improvement	C	C	C	NA	NA	NA	NA	NA
33	Mixed Use Non-Residential - Residential Use	NP	NP	NP	C	NP	NP	C	C
34	Motels, Hotels, and Inns	NP	NP	NP	C	C	C	NP	NP
35	Natural Resource, Cultural, and Historical Interpretative Center	NP	C	C	C	C	C	C	C
36	Parking Area, Public or Private	NP	C	C	C	C	C	C	C
37	Partition, Planned Development, Replat, or Subdivision	C	C	C	C	C	C	C	C
38	Property Line Adjustment	C	C	C	C	C	C	C	C
39	Public Recreation Area	C	C	C	C	C	C	C	C
40	Residential Development - Single Family or- Duplex	NP	NP	O	NP	NP	NP	O	O
41	Residential Development - Multiple Family	NP	NP	NP	NP	NP	NP	C	C
42	Restoration and Mitigation Activity	C	C	C	C	C	C	C	C
43	Senior and Disability Service Facility	NP	NP	NP	C	C	C	C	C
44	Shoreline Stabilization Structure	C	C	C	C	C	C	C	C
45	Short Term Vacation Rentals	N/P	N/P	O	O	O	O	O	O
46	Temporary Estuarine or Riparian Alteration	T	T	T	T	T	T	T	T
47	Temporary Recreation Vehicle / Travel Trailer	N/P	N/P	T	T	T	T	T	T
48	Utilities - Public or Private; Power Station, Sewer Pond, Pump Station	C	C	C	C	C	C	C	C
49	Wrecking Yard; Junk Yard	NP	NP	NP	NP	NP	NP	NP	NP
50	Yurt, Recreational	NP	NP	C	NP	NP	NP	NP	NP
51	Zero Lot Line Development.	NP	NP	C	NP	NP	NP	C	NP

C = Conditional Use    O = Outright Use    T = Temporary    NP = Not Permitted    N/A = Not Applicable  
 SL1 = Shoreland 1 Zone    SL2 = Shoreland 2 Zone    SL3 = Shoreland 3 Zone  
 MI = Moderate Intensity Zone    LI = Low Intensity Zone  
 NHI = North High Intensity Zone    SHI = South High Intensity Zone    EHI = East High Intensity Zone  
 The Coastal Shoreland Area is defined by the Bay City Comprehensive Plan and Oregon Statewide Planning Goal 17 as the area west of Highway 101.

**B. Section 1.35.** Replace Section 1.35 Allowable Uses of the Development Ordinance to read:

“Section 1.35 Allowable Uses

1. Accessory Building.  
Examples include a detached garage, guest house, greenhouse, and storage or utility building.  
Reference: Section 1.3 Allowable Use Matrix (1) Accessory Building
2. Agriculture.  
Examples include farming, pasturing, dairying, mink ranching, community garden, nursery activities, horticulture, and similar activities. Processing, slaughtering, large scale poultry raising and similar high impact uses are not permitted.  
Reference: Section 1.3 Allowable Use Matrix (2) Agriculture
3. Commercial or Industrial - Water Dependent.  
Examples include a commercial marina, pier, wharf, dock, or moorage.  
Reference: Section 1.3 Allowable Use Matrix (7) Commercial - Water Dependent; (21) Industrial - Water Dependent
4. Commercial or Industrial - Water Related.  
Examples include fish or shellfish processing, warehousing, retail or wholesale outlets; marine craft or marine equipment storage or sales; water-borne commerce; sports fish cleaning, smoking or curing establishments; retail trade where the majority of the products are to be used in conjunction with a water-dependent use; restaurants which provide a view of the waterfront and which may be operated in conjunction with a water-dependent or water-related use, such as a seafood processing plant. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.  
Reference: Section 1.3 Allowable Use Matrix (8) Commercial - Water Related; (22) Industrial – Water Related
5. Commercial - Primary Retail or Service; Non-Water Related or Dependent.  
Examples include grocery store, meat market, variety store, antique shop, and similar uses which are normally found in a downtown area; uses which are compatible with the existing downtown commercial uses; motels and hotels.  
Reference: Section 1.3 Allowable Use Matrix (9) Commercial - Primary Retail or Service; Non-Water Related or Dependent
6. Commercial - Retail or Service with Large Land Needs; Non-Water Dependent or Related.  
Examples include automobile service station, car lot; drive-in restaurant;

wholesale business with large land requirements, and similar activities which might be incompatible with primary retail uses.  
Reference: Section 1.3 Allowable Use Matrix (10) Commercial - Retail or Service with Large Land Needs; Non-Water Related or Dependent

7. Commercial Recreation; High Traffic Generation.  
Examples include recreation vehicle park, campground, miniature golf course, bowling alley, and similar uses.  
Reference: Section 1.3 Allowable Use Matrix (11) Commercial Recreation; High Traffic Generation
8. Commercial Recreation; Low Traffic Generation.  
Examples include golf course, racquet club, and equestrian stable and similar uses.  
Reference: Section 1.3 Allowable Use Matrix (12) Commercial Recreation; Low Traffic Generation
9. Cottage Industry.  
A cottage industry may have clients coming to site if adequate off-street parking is provided. Business may be carried out in the dwelling or an accessory structure, although no outdoor storage is permitted. No off-site environmental impact is permitted.  
Reference: Section 1.3 Allowable Use Matrix (13) Cottage Industry)
10. Development on Slopes 25% or Greater.  
Development on slopes 25% or greater is permitted only where the application is found to be consistent with the applicable criteria.  
Reference: Section 1.3 Allowable Use Matrix (14) Development on slopes 25% or greater
11. Eating or Drinking Establishment.  
A drive-in restaurant or fast food establishment is reviewed as Section 1.3 (10) Commercial - Retail or Service with Large Land Needs, Non-Water Dependent.  
Reference: Section 1.3 Allowable Use Matrix (16) Eating or Drinking Establishment
12. Home Occupation.  
A home occupation shall be carried out within the dwelling or in an accessory structure. A home occupation may have clients coming to site if adequate off-street parking is provided.  
Reference: Section 1.3 Allowable Use Matrix (19) Home Occupation
13. Hospital and Health Care Facility.  
Examples include a hospital, extended and intermediate care facility, day surgery center, birthing center, outpatient renal dialysis center and skilled nursing facility. They do not include a professional office of physicians, dentists, or other licensed

professional health care practitioners which are governed under Section 1.3 (6) Commercial - Primary Retail or Service; Non-Water Related or Dependent.  
Reference: Section 1.3 Allowable Use Matrix (20) Hospital and Health Care Facility

14. Motels, Hotels and Inns. A structure designed for transient rental of thirty days or less and not designed or used for full-time residential occupancy.  
Reference: Section 1.3, Allowable Use Matrix (34) Motel, Hotel, Inn.
15. Marijuana Production, Processing, Wholesale and Distribution.  
The production, processing, wholesale and distribution of recreational and medicinal marijuana requires large areas, possibly with warehouses or greenhouses, with easy access to Highway 101 transportation. This activity requires permits/licensing from state agencies.  
Reference: Section 1.3 Allowable Use Matrix (27) Marijuana Production, Processing, Wholesale and Distribution
16. Marijuana Retail Sales.  
Commercial retail businesses of recreational and medical marijuana have significant parking and transportation needs, generating frequent, short-term, traffic, which is not suitable for residential neighborhoods. There may also be prohibitions for location siting distances from schools and other uses. This activity requires permits/licensing from state agencies.  
Reference: Section 1.3 Allowable Use Matrix (28) Marijuana Retail Sales
17. Mining, Removal of Sand or Gravel.  
These activities require permits from state agencies.  
Reference: Section 1.3 Allowable Use Matrix (30) Mining, Removal of Sand or Gravel
18. Partition.  
Land may be partitioned no more than one time within a twelve-month period.  
Reference: Section 1.3 Allowable Use Matrix (37) Partition, Replat, or Subdivision
19. Replat.  
A replat is allowed not more than one time within a twelve-month period.  
Reference: Section 1.3 Allowable Use Matrix (37) Partition, Replat, or Subdivision
20. Residential Development - Single Family or Duplex.  
For the purposes of this Ordinance, individual manufactured dwellings are considered a single family dwelling and are subject to the criteria listed in Section 3.75.  
Reference: Section 1.3 Allowable Use Matrix (38) Residential Development - Single Family or Duplex

21. Residential Use – Multiple Family.

At least 50% of the required open space shall be designed to be usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area. Parking shall be located in an unobtrusive location and traffic shall be routed onto an existing or planned arterial or collector street with safety of ingress and egress considered in the design.

Reference: Section 1.3 Allowable Use Matrix (41) Residential Use – Multiple Family

22. Short Term Vacation Rentals. A legal residential structure may be rented for transient rental purposes for thirty days or less. A Short Term Vacation Rental use is considered a transient rental of a legal residential use property and the density and use of a Short Term Vacation Rental is limited by the residential density and residential use standards of the zone.

Reference: Section 1.3 Allowable Use Matrix (45), Short Term Vacation Rentals.

23. Subdivide Land.

Land may be subdivided no more than one time within a twelve-month period.

Reference: Section 1.3 Allowable Use Matrix (37) Partition, Replat, or Subdivision

24. Temporary Estuarine or Riparian Alteration.

A temporary estuarine or riparian alteration may not be for more than three years and the affected area must be restored to its previous condition. A temporary alteration includes: (1) an alteration necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) an alteration to established mitigation sites, an alteration for ridge construction or repair and for drilling or other exploratory operations, and (3) a minor structure such as blinds necessary for research and educational purposes.

Reference: Section 1.3 Allowable Use Matrix (45) Temporary Estuarine or Riparian Alteration

25. Temporary Recreation Vehicle / Travel Trailer.

A recreation vehicle or travel trailer may be placed on site and occupied as a temporary residence for up to one year provided that: (1) Applicant obtains a temporary placement permit from the City; (2) Applicant holds a valid building permit; (3) Applicant or other person authorized by Applicant who is residing in the temporary structure is actively constructing the building; and (4) Applicant has paid the applicable sewer and water hookup fees, system development charges and all other related fees prior to occupancy. The actual sewer and water connections must be made within 90 days of obtaining the temporary placement permit. No dumping of wastewater or sewage shall be allowed on the property.

Reference: Section 1.3 Allowable Use Matrix (46) Temporary Recreation Vehicle/Travel Trailer

26. Water-Related.

Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

Reference: Section 1.3 Allowable Use Matrix (8) Commercial - Water Related; (22) Industrial - Water-Related

27. Yurt, Recreational.

A yurt shall comply as far as reasonably practicable with the standards established by the Oregon Building Code Division for prefabricated structures, with the Oregon One and Two Family Dwelling Specialty Code, and shall be certified with an Oregon Insignia of Compliance.

Reference: Section 1.3 Allowable Use Matrix (49) Yurt, Recreational”

C. Section 1.4. Amend those portions of Section 1.4, High Intensity Zone, to read as follows:

1. Section 1.407. Amend those portions of Section 1.407, Maximum Lot Coverage, as follows:

- a. Mixed Commercial-Residential / Residential Uses ..... 50%
- b. Commercial, industrial and other non-residential uses ..... 75%

2. Section 1.408. Amend those portions of Section 1.408, Minimum Open Areas, to read as follows:

- a. Mixed Commercial-Residential / Residential Uses ..... 50%
- b. Commercial, industrial and other non-residential use..... 25%

3. Section 1.411. Amend those portions of Section 1.411, Minimum Lot Size for lots existing prior to the enactment of this ordinance

- (a) Minimum lot width or depth ..... 40 feet
- (b) Minimum lot area.....5,000 square feet

4. Section 1.4115. Add Section 1.4115, Maximum Densities of Dwelling Units to read as follows:

The Maximum Density for Dwelling Units is 5,000 square feet for each dwelling unit.

5. Section 1.412. Replace Section 1.412, Minimum Common Open Space, to read as follows:

Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12 month period shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirement.

6. Section 1.413 Add to Section 1.413, Maximum Height, as follows:

- a. The outright permitted maximum building height in the High Intensity Zone is 24 feet.
- b. In the North High Intensity Zone, as a conditional use, the Planning Commission may allow a maximum building height of 30 feet when the street frontage serves commercial use(s)."

- D. Section 1.5. Amend those portions of Section 1.5, Moderate Intensity Zone (MI), to read:

1. "Section 1.513. Replace Section 1.513(a) –(d), Minimum lot size for lots existing prior to the enactment of this ordinance, as follows:

- (a) Minimum lot width or depth .....40 feet
- (b) Minimum lot area.....5,000 square feet

2. Section 1.5135. Add Section 1.5135, Maximum Densities of Dwelling Units, to read:

The Maximum Density of Dwelling Units is 5,000 square feet for each dwelling unit.

3. Section 1.514. Replace Section 1.514, Minimum Common Open Space, to read, as follows:

Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12 month period shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirement."

- E. Section 1.6. Amend Section 1.6, Low Intensity Zone(LI), as follows:

1. Section 1.614. Replace Section 1.614, Minimum Lot Size for Lots Existing Prior to the Enactment of this Ordinance, as follows:

- (a) Minimum lot width or depth ..... 100 feet
- (b) Minimum lot area..... 20,000 square feet

2. Section 1.6145. Add Section 1.6145, Maximum Densities of Dwelling Units, to read:

The maximum density is 20,000 square feet for each dwelling unit.

3. Section 1.615. Replace Section 1.615, Minimum Common Open Space, to read as follows:

Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12 month period shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirement.”

F. Section 1.7. Amend those portions of Section 1.7, Hazards Overlay Zone (HZ). Amend a portion of Section 1.7, Hazards Overlay Zone (HZ), to read as follows:

1. Section 1.701. Replace Section 1.701, Purpose, to read as follows:

The purpose of this zone is to mitigate potential building hazards and threats to life and property created by flooding, landslides, weak foundation soils, and other hazards as may be identified and mapped by the City of Bay City or other agency. Building hazards exist throughout the other zones of the City, but specific parcels which lie wholly or partially in an area of identified hazards are considered to be in the Hazards Overlay Zone.

2. Section 1.702. Amend those portions of Section 1.702, Geologic Hazard Areas, to read as follows:

a. No change.

b. The following are specific Geologic Hazards to which the standards of this Section apply:

1) Slopes mapped at less than 12%:

Where development is proposed on areas mapped as 12% or less, the presence of non-engineered fills, sinkholes, identified drainages, adverse drainage conditions, or proposed cuts and fills exceeding 4 feet in height, or landslides,

will require the submittal of a geologic or geotechnical engineering assessment.

2. Slopes 12% to 25% (remainder of paragraph unchanged).
  3. Slopes of 25% or greater (remainder of paragraph unchanged).
  4. Sinkholes. (remainder of paragraph unchanged).
  5. Fills. (remainder of paragraph unchanged).
  6. Tide Flats. (remainder of paragraph unchanged).
3. Section 1.703(a). Replace Section 1.703(a), Geologic Hazard Zone Standards, Report Detail, as follows:

a. Report Detail:

The extent and detail of the reports shall be consistent with the guidelines of the Oregon State Board of Geologist Examiners (OSBGE) and the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) and shall be commensurate with the degree of the suspected mapped hazard, ranging from brief written evaluations of moderate slope hazards to in-depth evaluation of potential landslide hazards.

4. Section 1.752. Replace Section 1.752, Freshwater Wetland Overlay Zone (FW), Zone Boundaries, to read:

Section 1.752 Zone Boundaries.

The boundaries of the Freshwater Wetland Overlay Zone shall those shown on the map titled "Significant Freshwater Wetlands of Bay City" on file at the City Hall and other significant freshwater wetlands. Jurisdictional boundaries shall be identified by delineation concurred with by the Oregon Department of State Lands."

G. Section 1.8. Shoreland Overlay Zones.

1. Section 1.801. Replace Section 1.801, Shoreland Zones (S1, S2), to read, as follows:

"Section 1.801 Purpose:

The purpose of the shoreland zones is to identify and regulate uses within the Bay City Coastal Shoreland Boundary in order to implement the Coastal Shoreland Goal and policies of the Bay City Comprehensive Plan. The shoreland area is divided into three zones, based on their suitability for development or conservation. The uses permitted in each shoreland zone are listed in the Allowable Use Matrix, Section 1.3.

2. Section 1.831. Replace Section 1.831, Shoreland Zone 2 Standards, to read as follows:

Purpose:

The purpose of the Shoreland 2 Zone is to manage shoreland areas which are especially suited for water-dependent industrial, commercial or recreational use. Water-dependent uses have the highest priority, followed by water-related uses. Uses which are not water dependent or water related may be allowed when they do not preclude or conflict with existing or probable future water-dependent uses of the site.

3. Section 1.85. Add a new Section 1.85, Shoreland 3 Zone, to read:

Section 1.85, Shoreland 3 Zone Standards

Section 1.8501, Purpose

Shoreland 3 allows residential uses outright and allows other uses on a conditional use basis, subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.

Section 1.8502, Estuary and Shoreland Standards

All uses and activities shall satisfy the applicable Estuary and Shoreland Standards in Section 2.22.

Section 1.8503, Additional Standards

Any Grading and Erosion Control Plan shall ensure that development does not adversely impact adjacent and surrounding property, the Tillamook Bay, wetlands, and surrounding Estuary Zones.

Section 1.8504, Maximum Lot Coverage

- a. Residential Uses . . . . . 40%
- b. Non-residential Uses . . . . . 40%

Section 1.8505, Minimum Open Area

- a. Residential Uses . . . . . 60%
- b. Non-Residential Uses . . . . . 60%

Section 1.8506, Minimum Landscaped Open Area

A minimum of 10% of the total lot area of a commercial, industrial, or other non-residential use shall be maintained in landscaped open area, located on the street side or in front of a use.

Section 1.8507, Minimum lot area for lots in new subdivisions, partitions and planned developments: 10,000 square feet.

Section 1.8508, Maximum Density of Dwelling Units

The Maximum Density of Dwelling Units is 5,000 square feet for each dwelling unit.

Section 1.8509, Minimum Lot Size for Platted Lots Existing Prior to the Enactment of this Ordinance

- (a) Minimum lot width or depth ..... 40 feet
- (b) Minimum lot area..... 5,000 square feet

Section 1.8510, Minimum Common Open Space

Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12 month period shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirement.

Section 1.8512, Maximum Height

Maximum building height permitted is 24 feet.

Section 1.8513, Uses Allowed

Refer to Allowable Use Matrix, Section 1.3

Section 1.8514, Setback Requirements

Refer to Section 3.3

Section 1.8515, Parking Requirements

Refer to Section 3.4

Section 1.8516, Sign Requirements

Refer to Section 3.8

Section 1.8517, Architectural Review

Refer to Section 3.96

4. Section 1.861. Amend those portions of Section 1.861, Uses Permitted Outright (P), as follows:

The following uses are permitted outright in all estuary zones:

a-d. Unchanged

e. Fencing, provided that it is not placed across publicly-owned intertidal areas so as to restrict public access to, or recreational boating access across said lands and intertidal areas.

f. Delete”

- H. Section 2. Make the following changes to Article 2, Conditional Uses, as follows:

1. Section 2.102. Replace Section 2.102, Time Limit on Conditional Uses, to read as follows:

“The Planning Commission may set a time limit for the operation or continuance of conditional uses. The time limit shall be automatically renewed without complaint being registered or violation of the conditions of approval. Complaints signed by three or more persons shall be filed with the City Recorder who shall then schedule a public hearing for the review of the conditional use(s). After the hearing the Planning Commission shall determine if (1) the conditional use(s) may be allowed to continue; (2) additional conditions are necessary for the continuance of the use(s); or (3) the use(s) shall be discontinued. All standards established by this ordinance or required as a condition on granting a conditional use permit must be met prior to the occupancy of the site, building, structure or addition or as required by the City as a condition of approval.”

2. Section 2.202(a). Replace Section 2.202(a) to read as follows:

“Child care facilities and nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring screen or buffer shall separate the play area from abutting lots or streets.”

3. Section 2.214. Add Section 2.214, Marijuana Retail, Processing, Production, Wholesale and Distribution, as follows:

“2.2141 The retail sale, production, wholesale, and distribution of recreational marijuana requires a Conditional Use Permit, and an annual license issued by the Oregon Liquor License Commission and approved by the City Council.

2.2142 Medicinal sale, processing, production, wholesale, and distribution of medicinal Marijuana require a Conditional Use Permit and an annual license issued by the Oregon Health Authority.

2.2143 A copy of the license shall be provided to the City each year within 30 days of its renewal or the conditional use permit will expire and a new conditional use permit application would then need to be submitted and approved.

2.2144 In addition to all other requirements, location of any marijuana facilities shall be in close proximity of Oregon Highway 101. Transportation to and from any facilities, including retail marijuana stores, shall not create any significant vehicle traffic in any residential area.

2.2145 In addition to all other requirements, location of retail marijuana stores/outlets, shall provide sufficient short-term parking, for its customer base, and shall provide safe ingress and egress to the parking area.

2.2146 In addition to all other requirements, one of the conditions for conditional use approval shall be that sufficient security measures are to be in place for any marijuana facility, due to the lack of a police force within the City limits.”

- I. Section 3.102(g). Density Considerations. Replace Section 3.102(g), Density Considerations, in its entirety with the following:

“Section 3.102 (g) Density Considerations

1. Land within designated wetlands shall not be used in density calculations.
2. When site development of existing lots is proposed or when lots are created such as through a partition, subdivision, property line adjustment, or planned development, site plans shall demonstrate the future ability to divide oversized lots and to provide for street, drainage, and utility connections.”

- J. Section 3.2. Amend those portions of 3.2 to read as follows:

1. Section 3.253. Replace Section 3.253, Exemptions, to read as follows:

- “a. Exploratory excavations under the direction of a qualified professional engineer, registered geologist, certified engineering geologist, or geotechnical engineers.
- b. Routine agricultural crop management, horticulture or gardening practices unless subject to the requirements of Bay City Development Ordinance Section 3.252.
- c. Emergency response activities intended to reduce or eliminate an immediate danger to life or property or to mitigate flood or fire hazards.

- d. Forest practices in commercial forest management areas under the supervision of the Oregon Department of Forestry.
- e. Brush removal, mowing, or routine property maintenance which does not disturb the soil.”

2. Section 3.255(j). Amend Section 3.255(j), Erosion and Sediment Control Permit Standards, as follows:

“j. Stormwater Drainage Systems:

The applicant shall improve storm drainage systems as necessary to provide effective management for on-site runoff caused by altered soil and surface conditions during and after development. Stormwater Drainage Systems shall carry runoff to suitable drainage ways utilizing but not limited to storm drains, drainage swales, culverts or other approved system. For local reference documentation, see the Bay City Stormwater Management Plan available for review at City Hall.”

There is no change to Section 3.255(j)(1-3).

3. Section 3.255(k). Amend Section 3.255(k), Erosion and Sedimentation Control Systems, to read as follows:

“Erosion and Sedimentation Control Systems: The applicant shall provide erosion and sedimentation control systems such as sediment or debris basins, silt traps, filter barriers, vegetation and or mulching, permanent plantings or other measures to protect adjacent and surrounding properties. For local reference documentation, see the Bay City Stormwater Management Plan available for review at City Hall.”

There is no change to Section 3.255(k)(1-4).

4. Section 3.257. Replace Section 3.257 Implementation, in full, as follows:

“Erosion and Sediment Control Permit Bond Requirement

- a. A performance and maintenance bond agreement or similar equivalent shall be required by the City for street improvements, large scale developments, subdivisions, planned developments, and for development of slopes 25% or greater, of any mapped drainage, or within 50 feet of a mapped sinkhole.
  - 1) The bond shall be in the form of a personal bond, surety bond, or cash, as may be required by the City.

- 2) The bond amount shall be supported by an estimate written by a qualified professional engineer retained by the developer, shall be reviewed by the City Engineer at the cost of the developer, and shall be agreed upon by the City
  - 3) The bond agreement shall specify that upon City declaration of dissatisfactory project completion, the City may complete the work and recover the full costs, including legal fees and inspection necessary for the completion of the project.
  - 4) The bond shall be released upon written determination by the City that work has been completed satisfactorily, and is installed, accepted, and approved by the City.
- b. The bond agreement shall ensure that:
- 1) Public improvements are installed consistent with approved plans and perform satisfactorily for a period of one year after project completion without the need for repair; and
  - 2) Solutions to identified hazards, erosion prevention, storm water management, and sedimentation control measures are installed within agreed upon timelines and perform satisfactorily for a period of one year after project completion without the need for repair; and
  - 3) Existing streets and other public facilities damaged in the development of the property are repaired within time limits specified in an improvement agreement.”

5. Section 3.258. Add a new Section 3.258, Inspection and Enforcement, to read as follows:

- “a. The requirements of this ordinance shall be enforced by the City.
- b. The City may make periodic inspections to ascertain that grading and erosion control measures as proposed and approved are implemented, are being maintained effectively, and are working effectively.
- c. For development of land within the Hazard Overlay Zone, the property owner shall be responsible for the cost of inspection by the City.
- d. If inspection by the City reveals erosive conditions which exceed those prescribed by this ordinance or permit, the City may require that work is stopped until appropriate corrective measures are completed.

- e. If inspection by the City reveals that the approved grading and erosion control measures are not working effectively, the City shall have the right to require the developer to pay for additional measures to assure compliance with the purpose of this ordinance.”

K. Section 3.5. Replace Section 3.5, Parking Standards, with the following.

“Section 3.5        Off-Street Parking Standards

Off-street parking spaces shall be provided in the following proportions:

<u>Use</u>	<u>No. of Spaces Required</u>
1. Adult Foster Home	1 per three bedrooms
2. Assisted Living Facility	1 for each living unit plus one for each employee on the largest shift
3. Auditoriums with fixed seating	1 per three seats
4. Bed & Breakfast	1 for each guest accommodation plus parking required for the dwelling
5. Child Care Facilities	1 per 500 square feet of gross floor area
6. Churches/Meeting Halls/Museums	1 per 400 square feet of gross floor area
7. Dwelling, Duplex	2 per dwelling unit, one of which must be in a garage
8. Dwelling, Single Family	2 per dwelling unit, one of which must be in a garage
9. Dwelling, Multifamily	2 per dwelling unit
10. Eating / Drinking Establishment	1 per 200 square feet of gross floor area
11. Home Occupation	Parking for the dwelling plus one space if clients come to the residence.
12. Hotel / Motel	1.25 per unit
13. Industrial / Manufacturing	1 per employee on largest shift
14. Launching Ramps	Spaces shall be provided for boat and trailer parking
15. Marinas, piers, boating facilities	To be determined by conditional use review
16. Office / Bank	1 per 600 square feet of gross floor area
17. Personal Service / Beauty Shop	1 per 600 square feet gross floor area
18. Recreation Areas	To be determined by conditional use review
19. Recreational Vehicle Park	1 per RV space
20. Residential Care Facility	1 per 1,000 square feet of gross floor area
21. Retail Sales and Service	1 per 500 square feet of gross floor area
22. Retail with large floor area Requirements	1 per 800 square feet of gross floor area
23. Service Stations	1 per 1,000 square feet site area
24. Schools	To be determined by conditional use review
25. Self-storage, mini or boat	2 spaces plus adequate queuing area for each unit

26. Yurt

1 space for the yurt plus parking for the dwelling”

L. Section 3.6. Replace Section 3.6 , Design Requirements for Off-Street Parking, as follows:

1. Section 3.6 Design Requirements for Off-Street Parking

Whenever off-street parking is required, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards.

a-d. No change.

e. The surface of the parking area shall be either asphalt or other suitable all-weather material. Where the access to required off-street parking is shared, the surface shall be asphalt or concrete.

f. No change.

g. No change.

h. For multifamily or non-residential uses, parking areas shall have access from a clearly limited and defined driveway not less than fifteen feet wide if for one-way traffic and twenty-two feet wide if for two-way traffic, and not more than twenty-five feet wide. Other residential uses shall have access from a clearly limited and defined driveway not less than twelve feet wide and not more than twenty-five feet wide.

i. No change.

j. No change.

k. The parking space requirements of buildings and uses not listed in this ordinance shall be determined by the City Planner for an outright permitted use and by the Planning Commission for a Conditional Use. Such determination shall be based upon the requirements for the most comparable building or use specified.

l. Accessible spaces shall be provided consistent with the Americans with Disabilities Act Accessibility Guidelines.

m. At the time a new structure is erected or enlarged, or the use of an existing structure is substantively altered off-street parking spaces, loading spaces, and access shall be provided.

- n. If parking facilities have been provided in connection with an existing use they shall not be reduced below the requirements of this ordinance.”

- 2. Section 3.605. Add a new Section 3.605, Shared Parking, to read, as follows:

“Section 3.605, Shared Parking.

- a. Where access is provided by a shared access easement, a written agreement that ensures continuous use and financial responsibility for maintenance shall be recorded for each property permitted to use the shared parking facility.
- b. The total off-street parking requirement shall be the sum of the requirements for the uses computed separately.
- c. For a commercial or industrial use, the City may reduce the required number of parking stalls when conditions have been met for the use of shared parking. The right of joint use shall be evidenced by a written and recorded document.
- d. When parking spaces are made available by the City, an applicant in the North High Intensity Zone may apply to the City to pay a fee established by the City Council for each required parking space in lieu of providing off-street parking.”

M. Section 3.7. Amend those portions of Section 3.7, Accessory Uses, as follows:

- 1. Section 3.702. Replace Section 3.702, Storage in a Front Yard, as follows:

“Section 3.702, Storage in a Yard.

Vehicles which are partially dismantled or do not have a valid state license and other materials or objects which would detract from the open space character of the yard shall not be stored more than 10 days in a yard unless obscured by an attractive screen such as a hedge or cedar good neighbor fence at least 6 feet in height except where a lesser height is required to meet clear vision area standards. Storage of recreational vehicles shall be in a side yard or rear yard.”

- 2. Section 3.71(d). Replace Section 3.71(d), Bed and Breakfast Establishments, as follows:

(d) In the Moderate Intensity Zone and in the Shorelands 3 Zone signs shall be limited to one non-illuminated sign not to exceed six square feet in area. No Vacancy signs shall be permitted.”

N. Section 3.8. Amend those portions of Section 3.8, Sign Requirements, as follows:

1. Section 3.8(b)(15). Add Section 3.8(b)(15), as follows:

“15. Signs intended to be viewed from US Highway 101 shall be reviewed for consistency with applicable criteria and permit requirements by both the City and ODOT who have joint responsibility. Written findings for approval from ODOT shall be obtained and submitted with any application to the City.”

2. Section 3.8(c)(3)(e): Add Section 3.8(c)(3)(e), as follows:

“(e) Shoreland 3 Zone Sign Standards shall be the same as for the Moderate Intensity Zone.”

O. Section 3.98. Replace those portions of Section 3.98, Periodic Use of Travel Trailers/Recreational Vehicles to read, as follows:

“(a)Periodic use of travel trailers / recreational vehicles shall be allowed on all properties on which there is located a minimum of one occupied dwelling unit or with the approval of a building permit to construct or renovate a dwelling unit. The periodic use of the travel trailer / recreational vehicle must be with the consent of the property owner or resident of the property.

(c)The periodic use of the travel trailers / recreational vehicles is limited to no more than fourteen (14) consecutive days except that the temporary use of a travel trailer / recreational vehicle with a valid building permit to construct or renovate a dwelling unit is limited to no more than one year. “

P. Section 4.1. Amend those portions of Section 4.1, Information Required for Land Use Planning Applications, to read as follows.

1. Section 4.104. Replace Section 4.104, Interpretation of Required Information, as follows:

“Interpretation of information is the responsibility of the Building Official, City Planner, City Recorder, Public Works Superintendent, Fire Chief, Planning Commission, or City Council, depending on the type of information required. An optional conference with City Staff, including the City Planner, Public Works Superintendent, or City Attorney may be requested by the applicant to discuss required information and applicable provisions of the Development Ordinance or Comprehensive plan. The City Recorder

shall endeavor to schedule such conference to be within 10 days after the request of the applicant.”

2. Section 4.105. Replace Section 4.105, Information Required for Planning Applications, as follows:

Application Type	Information														
	Site Plan	Tentative Plat	Grading Plan	Drainage Plan	Utility Plan	Structures	Hazards	Open Space	Title Report	Ownerships	Geologic, Geographic Delineation, or Engineering Reports	Phasing	Performance Bond	Final Survey	Findings of Fact
Building Permit with no ground disturbance	R		OP	OP	OP	R	OP	R	OP	OP	OP			OP	R
Building Permit with ground disturbance	R		R	R	R	R	OP	R	OP	OP	OP	OP	OP	OP	R
Flood Development Permit	R	R	R	R	R	R	R	R	OP	OP	OP		OP	R	R
Grading and Erosion Control	R		R	R		OP	OP	R	OP	OP	OP	OP	OP	OP	R
Streets / Public Utility	R		R	R	R	OP	OP		OP	OP	OP	OP	R	R	R
Property Line Adjustment	R	R				OP	OP		OP	OP	OP			R	R
Minor Partition		R	R	R	R	OP	OP		R	R	OP			R	R
Major Partition		R	R	R	R	OP	OP		R	R	OP	OP	R	R	R
Subdivision		R	R	R	R	OP	OP	R	R	R	OP	OP	R	R	R
Planned Development		R	R	R	R	OP	OP	R	R	R	OP	OP	R	R	R
Conditional Use	R		OP	OP	OP	OP	OP	R	OP	OP	OP	OP	OP	OP	R
Variance	R		OP	OP	OP	OP	OP	OP	OP	OP	OP	OP	OP	OP	R
Zone Change	OP	OP			OP	OP	OP		OP	OP	OP				R
Text Amendment							OP		OP	OP	OP				R

R: Required OP: Optional Requirements to be determined by the governing authority

3. Section 4.107. Replace Section 4.107, Optional Requirements, as follows:

“Certain requirements are optional in that they may be required by the Building Official, City Planner, Public Works Superintendent, Fire Chief, Planning Commission or City Council as circumstances dictate, or may be submitted by the applicant in support of an application.”

4. Section 4.108. Replace Section 4.108, Map Scale, as follows:

“Subdivision and Planned Development tentative and final plan maps shall be at a scale of 1” = 50’, except that those larger than 10 acres may be at a scale of 1” = 100’. Plot plans for building permits, minor or major partitions, conditional uses, property line adjustments, variances and minor zone changes may be at a scale of 1” = 100’. Maps showing details or additional information may be at various scales.”

5. Section 4.109. Replace Section 4.109, Mapped Information Required, as follows:

“Each map shall indicate scale and shall provide a north arrow.

a. Site Plan

A diagram depicting all existing major natural features including contour lines, trees with diameters larger than 12 inches as measured six inches above grade, low or swampy areas, streams or drainage ways, Tillamook Bay, wetlands, or geologic features, the dimensions of the site, and the dimensions and locations of existing and proposed structures, retaining walls, driveways, parking areas, storage areas, decks, patios, or other impervious surfaces with square footages indicated on the plan. A topographic survey may be required to show the slope of the property.

b. Tentative Plan

A diagram depicting property boundaries, lot area in acres or square feet, proposed lot lines, lot dimensions, existing and proposed rights-of-way, street dimensions, easements, feasible building sites on each lot, north point, scale and date, the name of owner or authorized person, and the engineer or surveyor preparing the diagram(s).

c. Grading Plan

A diagram depicting the slope of the property, existing and proposed finished grades of the property and streets, location and a detailed cross section of all cut and fill areas, location of proposed retaining walls, types of erosion and sedimentation control measures, landscaping areas, soil stockpiles, and all existing major natural features including Tillamook Bay, trees, drainage ways, wetlands, sinkholes, slopes of 12% percent or greater, and flood zones. The grading plan shall be consistent with the criteria provided in Section 3.25 Grading and Erosion Control Permit and Section 1.7 Hazards Overlay Zone.

d. Drainage Plan

A diagram depicting the location of all existing and proposed culverts, proposed stormwater drainage systems, and the location and dimensions of all existing and

proposed alterations of drainage ways. The drainage plan shall be consistent with the criteria provided in Section 3.25 Grading and Erosion Control Permit.

e. Utility Plan

A diagram depicting the locations and size of existing and proposed utilities, including streets, water and sewer, fire hydrants, storm drains, and electricity and communications lines.

f. Structures

A diagram depicting the location of proposed structures and their intended use, retaining walls, driveways, parking areas, storage areas, decks, patios, existing structures, and impervious surfaces with square footage indicated on the plans. Building plans and their vicinity maps are acceptable if square footages are indicated.

g. Hazards

A plan depicting the locations of hazards areas as indicated on the City's hazards maps, areas that are designated hazardous by Section 1.7 Hazards Overlay Zone, wetlands and areas subject to flooding, landsliding, sinkholes or other hazards. Geologic Hazard, Geographic Delineation, and / or Engineering Report(s) may be required by the City.

h. Open Space Plan

A diagram depicting the locations and square footages of open space, including common open space, open areas, setbacks where applicable, buffers, screens, recreation facilities, adjacent City parks, or required landscaped areas.”

6. Section 4.111. Replace Section 4.111(a), Submission of Final Plat, as follows:

“a. Final Plat Format

A final plat shall be prepared in accordance with the provisions of this Ordinance and state law, including Oregon Revised Statutes Chapter 92. The final plat shall include the information on the tentative plan, the final survey, and the Section 1.7 Hazard Overlay Zone Final Certification Report.”

Q. Section 5.1. Amend those portions of Section 5.1, Subdivision, Partitioning, Cluster and Planned Development, as follows:

1. Section 5.1055. Add a new Section 5.1055, Transportation Studies, as follows:

“Section 5.1055 Transportation Studies

- a. A transportation impact study may be required for all development applications in which traffic generated from the proposed development is projected to exceed the current constructed capacity of the facility and/or have a significant impact upon any affected transportation corridor or intersection. This determination shall be made by the City based on estimated trip generation by the development.
- b. The City may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the City determines the potential transportation impacts and the required mitigation for the affected transportation corridor and the applicant agrees to the recommended mitigation.
- c. Nothing in this section supersedes any requirements for traffic analysis or mitigation of traffic impacts by the State of Oregon, Tillamook County, or other affected jurisdictions.”

2. Section 5.108. Add Section 5.108, Property Line Adjustment to read:

“Section 5.108 Property Line Adjustment

- a. A request for a property line adjustment shall be made in writing to the City.
- b. The application shall be accompanied by documentation showing consistency with the standards of Oregon Revised Statutes Chapter 92 and applicable local, state, and federal law.
- c. The City shall approve or deny the request in writing with findings of fact.”

R. Section 10.010(a)(1). Amend Section 10.010(a)(1), Procedure for Mailed Notice, as follows:

“a. Mailed Notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:

- 1) Legislative Change to the zoning ordinance:

Mailed notice shall be sent to the owner of each property that the ordinance proposes to rezone where required by local, state or federal law.”

S. Section 13.010. Replace Section 13.010, Definitions, to read as follows:

“Section 13.010 Definitions

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

1. Access  
The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.
2. Accessory Structure or Accessory Use  
A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.
3. Adult Day Care Services  
Social, recreational and health services provided in a protective setting to individuals who cannot be left alone because of health care needs, confusion or disability.
4. Adult Foster Home  
A private residence licensed, inspected and monitored by the Department of Human Services and Area Agency on Aging offices, which offers personal and health care to no more than five individuals.
5. Agriculture  
The tilling of soil, growing of crops, dairying or animal husbandry.
6. Alley  
A minor public right-of-way which is used primarily for vehicular service access to the back side of properties otherwise abutting on a street.
7. Alteration  
A change, an addition, or a modification in construction or occupancy of a building or structure.
8. Amendment  
A change in wording, context, or substance of the Development Ordinance, or a change in the zone boundaries or area district boundaries upon the zoning map or plan.
9. Aquaculture  
The controlled culture of any marine species for the purpose of commercial harvest or scientific research.
10. Assisted Living Facility  
A facility licensed and regulated by the Department of Human Services providing housing and supportive services for six or more residents in private apartments, each apartment equipped with a kitchenette, private bathroom and wheelchair-accessible shower.

11. Automobile Service Station  
A retail business engaged primarily in the sale of motor fuels, but which may also supply goods and services required in the operation of automotive vehicles.
12. Basement  
That portion of a building between the floor and ceiling which is partly below and partly above grade but is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.
13. Bed and Breakfast Establishment  
An owner-occupied dwelling where one to three rooms are available for transient lodging and where a morning meal is provided.
14. Boat Storage, Repair and Construction  
Commercial construction, storage and/or repair of boats and boat trailers.
15. Bond  
Cash or an instrument given to the City in which a surety agrees to pay for required improvements, as well as damage to existing City improvements, such as streets, water and sewer lines, in the event that the owner or contractor fails to complete all required improvements and repairs satisfactorily.
16. Bridge Crossing  
The portion of a bridge spanning a waterway, not including support structures or fill located in the waterway or adjacent wetlands.
17. Bridge Crossing Support Structures  
Piers, pilings, and similar structures necessary to support a bridge span, but not including fill for causeways or approaches.
18. Buffer  
A horizontal distance intended to provide attractive spaces or distance, to obstruct undesirable views, to serve as an acoustic barrier, to reduce the impact of development on adjacent property or natural features, to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions, or to maintain privacy. (Amended Ord. #630, 05-07)
19. Building  
A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, or personal or real property of any kind. The word "building" shall include the word "structure."
20. Building Height  
The vertical distance above grade, as defined, to the highest point of the structure of the building, excluding non habitable projections, such as

satellite receiving dishes with a diameter of twenty-four (24”) inches or less, chimneys, elevator shaft housings and flagpoles, that satisfy all setback requirements.

21. Building Line  
A line that coincides with the front side of the main building.
22. Building Official  
The superintendent of the building department or his/her designee.
23. Child Care Facility  
An institution, establishment, or place in which are commonly received at one time four or more children not of common parentage, for a period not to exceed 12 hours, for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.
24. City  
The City of Bay City, Oregon.
25. Commercial or Industrial - Non-Water Dependent or Related  
A commercial or industrial use involving manufacturing, fabrication, processing, transshipment, storage, and/or distribution of goods which can reasonably be located in places other than on the waterfront.
26. Commercial or Industrial, Water-Dependent  
A commercial or industrial use or activity which can be carried out only on, in or adjacent to a water body.
27. Commercial or Industrial, Water-Related  
A commercial or industrial use or activity not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a loss of the quality of goods or services offered.
28. Common Open Space  
Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, community garden, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.
29. Community Garden  
One or more lots or parcels of land divided into plots and meeting the criteria for community gardens established by the City used to produce annual fruits, flowers, or other plant material for sale, donation or use by the property owner and individuals authorized by the property owner.
30. Comprehensive Plan  
The adopted Comprehensive Plan of the City of Bay City, Oregon.

31. Concurrent Development  
Development for which a developer has not received final approvals.
32. Contractor:
- a. A person that, for compensation or with the intent to sell, arranges or undertakes or offers to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect, move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other structure, project, development or improvement attached to real estate, or to do any part thereof.
  - b. A person that purchases or owns property and constructs or for compensation arranges for the construction of one or more residential structures or small commercial structures with the intent of selling the structures.
  - c. A school district or community college district that permits students to construct a residential structure or small commercial structure as an educational experience to learn building techniques and sells the completed structure.
33. Cottage Industry  
A home-based business carried out on the premises by the homeowner and family members, with no more than one employee outside the family.
34. Court  
An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.
35. Density, Net  
The number of buildings per net acre, based on the total area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, previously designated common open space, and excluding rights-of-way or easements.
36. Development  
Building a structure that requires a permit; making a material change in the use or appearance of a structure or land that requires approval of an application or permit; dividing land into two or more parcels, including partition; subdivision; replat; property line adjustment; planned development; or creating or terminating a right of access.
37. Developer  
A person that owns property or an interest in property and engages in the business of arranging for construction work or performing other activities associated with the improvement of real property with the intent to sell the property.

38. Dock  
A structure built over or floating upon the water, used as a mooring or launching place for commercial or recreation purposes.
39. Dredging Material Disposal  
The disposition on land of material removed during dredging operations.
40. Dwelling, Apartment or Multiple Family  
A building designed for occupancy by three or more families, all living independently of each other, and having a separate bathroom and full kitchen facilities for each family.
41. Dwelling, Single Family  
A detached building designed exclusively for the occupancy of one family and having bathroom and kitchen facilities for only one family.
42. Dwelling, Two Family (Duplex)  
A structure containing two dwelling units located on the same lot, sharing a common interior wall, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.
43. Dwelling Unit  
One or more rooms designed for occupancy by one family and having a bathroom and not more than one cooking facility, except facilities designed for camping purposes such as a tent, yurt, or recreation vehicle.
44. Eating or Drinking Establishment  
A restaurant, tavern, bar, café, cafeteria or similar use.
45. Estuarine Enhancement  
An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.
46. Excavation  
The removal of earth materials by artificial means.
47. Extensive Excavation and Grading  
Excavation and grading which results in an alteration from the existing grade of more than three feet or which excavates a trench or grades a roadway or walkway for fifty (50) feet or more.
48. Family  
One or more persons living together as a housekeeping unit in a dwelling unit.
49. Fence  
A protective or confining barrier constructed of wood, metal, or wire mesh.

50. Fence, Sight Obscuring  
A fence consisting of wood, metal, or similar materials, arranged in such a way as to obscure vision at least 80 percent.
51. Fill  
The deposition of earth materials by artificial means.
52. Floor Area  
The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:
- a. Attic space providing headroom of less than seven feet.
  - b. Basement or cellar providing headroom of less than seven feet.
  - c. Uncovered steps or fire escapes.
  - d. Private garages, carports or porches.
  - e. Accessory water towers or cooling towers.
  - f. Accessory off-street parking or loading spaces.
53. Forest Management  
Logging and related management techniques such as slash removal and planting to preserve or improve the health of the forest.
54. Frontage  
Property abutting on a street.
55. Garage, Private
- a. A portion of a residence that measures at least 12 feet by 20 feet in size, has a garage vehicle door and is accessible from the street; or
  - b. A detached building or portion of a building not more than 500 square feet in area, that measures at least 12 feet by 20 feet in size, has a vehicle garage door and is accessible from the street.
56. Goal  
A general statement establishing a direction for City policies, ordinances or actions.
57. Grade, Ground Level  
The average of the existing ground level prior to construction at the center of all walls of a building, or where the walls are parallel to and within five feet of a public sidewalk, alley or public way, at the average elevation of the sidewalk, alley or public way.
58. Grading  
An excavation or fill or combination thereof.

59. Hazard  
A threat to life, property, or the environment such as landsliding, flooding, subsidence, erosion, or fire.
60. Health Care Facility:  
Hospital, Long Term Care Facility, Ambulatory Surgical Center, Birthing Center, Outpatient Renal Dialysis Center, Skilled Nursing Facility, or Immediate Care Facility; and excluding the professional office of a physician, dentist or other licensed professional health care practitioner.
61. Home Occupation  
A home based business carried out by the resident or residents of a dwelling which has no outward appearance of business activity and no outside employees.
62. Horticulture  
The cultivation of plants, garden crops, trees or nursery stock.
63. Hospital  
A facility with an organized medical staff and a permanent building, or in the event of an emergency a temporary structure, that is capable of providing 24-hour inpatient care to two or more individuals who have an illness, injury, or deformity, or where obstetrical or other healing, curing, and/or nursing care is rendered and that provides at least the following health services: Medical, Nursing, Laboratory, Pharmacy, and Dietary; or a special inpatient care facility as that term is defined by the Oregon Health Authority by rule.
64. Industrial  
Uses involving manufacturing, processing, transshipment, storage and/or distribution.
65. Institution, Higher Educational  
A college or university accredited by the State of Oregon.
66. Kennel  
A lot or premises on which four or more dogs more than six months old are kept, whether by owners of the dogs or by persons providing facilities and care for compensation.
67. Land Use  
Any use of land including, but not limited to, construction, subdivision, agriculture, recreation, public utilities placement, forest management, or natural uses.
68. Large Scale Development  
The concurrent construction or renovation of four or more dwelling units; the concurrent extension of utilities and services to four or more lots or parcels of raw land; development requiring extensive excavation or

grading to serve four or more dwelling units, lots or parcels of raw land; or a property line adjustment of four or more lots.

69. Loading Space

An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley or other appropriate means of ingress and egress.

70. Lot

For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards or other open spaces as are herein required with frontage on an improved public street, or on an approved private street, and may consist of:

- a. a single lot of record.
- b. a portion of a lot of record.
- c. a combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.
- d. a parcel of land described by metes and bounds

71. Lot Area

The total area of a lot measured in a horizontal plane within the lot boundary line exclusive of public streets and access easements.

72. Lot Coverage

The portion of a lot or parcel of land which is covered with buildings, parking and maneuvering areas, patios, decks, covered or paved storage areas, or other impervious surfaces.

73. Lot Depth

The horizontal distance between the front and rear property lines of the lot.

74. Lot Line, Front

For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street.

75. Lot Line, Rear

For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line 10 feet in length that is parallel to and

at the maximum distance from the front lot line.

76. Lot Line, Side

For interior lots, a line separating one lot from the abutting lot or lot fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

77. Lot Types

- a. Corner Lot. Either a lot or development site, bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with lot lines other than street lines, forms an angle of 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line.
- b. Reversed Corner Lot. A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.
- c. Interior lot. A lot or development site other than a corner lot with frontage only on one street.
- d. Through lot. A lot or development site other than a corner lot with frontage on more than one street. Through lots with frontage on two streets may be referred to as "double-frontage-lots."

78. Lot Width

The horizontal distance between side property lines of the lot.

79. Major Partition

A partition that includes the creation of a street.

80. Manufactured Dwelling

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities that is intended for human occupancy, which is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, which is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, which is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulation in effect at the time of construction.  
“Manufactured dwelling” does not mean any building or structure subject to the Structural Specialty code adopted pursuant to ORS 455.100 – 455.450.

- 81. Manufactured Dwelling Park  
Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
- 82. Marina  
A facility which provides boat launching, storage, supplies and services for small pleasure craft.
- 83. Meeting Hall  
A non-commercial public or private facility used primarily or incidentally for meetings or gatherings such as a school, church, library, fraternal organization, or clubhouse.
- 84. Mining  
The removal or extraction of minerals including sand and gravel from the ground or from under bodies of water.
- 85. Mini-storage establishment  
A structure or area used for storage of personal belongings, commercial materials or vehicles on a rental or lease basis.
- 86. Minor Navigation Improvement  
Alteration necessary to provide water access to existing or permitted uses in conservation management units including dredging for access channels and for maintaining existing navigation, but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable barriers.
- 87. Minor Partition  
A partition that does not include the creation of a street.
- 88. Mitigation and Restoration  
The 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 (ORS 541.626).

89. Motel, Hotel and Inn. A building or group of buildings used for transient rental purposes containing guest rooms which are designed to be used, and which are used, rented or hired out for sleeping purposes.
90. Natural Resource, Cultural or Historical Interpretative Center  
A facility to inform visitors about natural resources, history or culture.
91. Nonconforming Structure or Use  
A lawful existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
92. Nursing Facility  
A facility licensed and regulated by the Department of Human Services providing residents 24-hour medical oversight in a protective and structured setting.
93. Open Area  
The area devoted to lawns, setbacks, buffers, landscaped areas, community gardens, natural areas, outdoor recreation areas, and similar types of uncovered open areas and maintained in plant cover, and excluding storage areas for materials, boats or vehicles.
94. Owner  
Any person, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land, including the attorney or agent thereof.
95. Parking Area, Private  
Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Ordinance, and not open for use by the general public.
96. Parking Area, Public  
Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration.
97. Parking Space  
An area permanently available for the parking of a full-size automobile, having dimensions of not less than 9 feet by 18 feet.
98. Parcel  
A unit of land which is created by partitioning land.

99. Partition Land  
An act of dividing land or an area or tract of land partitioned.
100. Partition of Land  
Either an act of partitioning land or an area or tract of land partitioned.
101. Person  
Any natural person, contractor, developer, firm, partnership, association, limited liability company, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit or joint venture whether defacto or dejure.
102. Planning Commission or Commission  
The Planning Commission of the City of Bay City.
103. Plat  
A final map, diagram, drawing, re-plat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or major partition.
104. Policy  
A definitive statement or requirement of the Comprehensive Plan or Development Ordinance, generally qualitative in nature.
105. Property Line Adjustment  
Relocation or elimination of all or a portion of the common property line between abutting properties that does not increase or decrease the number of lots or parcels.
106. Public Recreation Area  
A facility designed or intended for public recreation, which may have constructed facilities, including parks, playgrounds, boat ramps, camping areas, ball fields or courts, and parking areas for the patrons' use.
107. Recreation Vehicle  
See Travel Trailer
108. Replat  
The act of platting the lots, parcels and easements in a recorded subdivision or partition to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of parcels or lots.
109. Residential Care Facility  
A facility licensed and regulated by the Department of Human Services, providing housing and supportive services for six or more people who do not need 24-hour nursing service.
110. Residential Development - Multiple Family  
A residential structure containing three or more dwelling units designed

for occupancy by three or more families, each dwelling unit having a separate full kitchen and bathroom.

111. Residential Development - Single Family or Duplex  
A residential structure designed for the occupancy of one or two families, each dwelling unit having a separate full kitchen and bathroom.
112. Respite Care  
Companionship, light assistance and recreational activities provided to adults in need of respite care in their homes to give families or other caregivers temporary relief.
113. Resource Capability  
A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or that the resources of the area are able to assimilate the use and activity, and their effects and continue to function in a manner consistent with the purpose of the zone.
114. Restoration  
For the purposes of Goal 16, estuarine restoration means to revitalize or re-establish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.
115. Retirement Home, Complex or Community  
A home, complex or community for retired persons who are able to live independently and who no longer wish to maintain their own homes.
116. Riparian Area  
The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to terrestrial ecosystem. (*Amended Ord. #630, 05-07*)
117. School, Commercial  
A school teaching arts, crafts, trades, or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.
118. School, Primary, Elementary, Junior High or High  
A public, private, or parochial school, but not nursery school, kindergarten, or day nursery, except when operated in conjunction with a school.
119. Screen  
A vertical barrier consisting of a fence, wall, hedge, tree row, or other

dense structure intended to perform a buffering effect in a limited space, particularly for noise reduction or visual separation. (*Amended Ord. #630, 05-07*)

120. Senior and Disability Service Facility  
A facility such as Adult Day Care, Adult Foster Care, Alzheimer's Care Unit, Assisted Living Facility, Nursing Facility, Residential Care Facility, Respite Care Facility, Hospice, Continuing Care or Retirement Community, Retirement Home, Retirement Complex or Retirement Community.
121. Setback  
The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property line.
122. Shoreland  
The area between U.S. Highway 101 and the mean high or water line (MHHW) of Tillamook Bay.
123. Shoreline Stabilization Structure  
A structure built to protect shoreline areas from erosion, such as bulkheads and rip-rap.
124. Short Term Vacation Rentals. A legal residential structure rented for transient rental use.
125. Sign  
An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.
126. Sign, Advertising  
A sign which directs attention to business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.
127. Slope  
An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
128. Standard  
A specific requirement regulating land use, generally quantitative in nature.
129. Story  
The portion of a building included between a floor and the ceiling next above it which is six feet or more above grade.
130. Story, Half

A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, or a basement or cellar, except as provided in this Ordinance, which has less than six feet of its height above grade.

131. Street  
A public thoroughfare or right-of-way dedicated, deeded, or condemned, which has been officially approved by the Commission and accepted by the Council for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, arterial highway, freeway, and traffic collector street and any other thoroughfare, except as excluded in this Ordinance.
132. Structure  
Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.
133. Subdivider  
Any person, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.
134. Subdivision  
Either an act of subdividing land or an area or tract of land subdivided as defined in this section and as governed by Chapter 92, Oregon Revised Statutes.
135. Temporary Alteration  
Dredging, filling, or other estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan.
136. Transitional Use  
A use allowed in a transitional area intended to create a gradual change in use from residential to commercial or industrial.
137. Travel Trailer/Recreation Vehicle  
A vehicular portable structure build on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and having a body width not exceeding eight feet.
138. Use  
The purpose for which land or a structure is designed, arranged, or intended, for which it is occupied or maintained.
139. Vehicle  
A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

140. Water-Dependent  
A use or activity which can be carried out only on, in, or adjacent to, water areas because the use requires access to the water body for water-borne transportation, recreation, energy, production, or source of water.
141. Water-Oriented  
A use whose attraction to the public is enhanced by a view of or access to coastal waters.
142. Water-Related  
A use which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a loss of the quality of goods or services offered.
143. Wrecking Yard, Junk Yard  
A location where wrecked vehicles, decommissioned vehicles, or other scrap materials or metal are brought, stored, and / or dismantled.
144. Yard  
A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward extending between lot lines which intersect a street line, the depth of which is the minimum horizontal distance between the street line and a line parallel thereto on the lot.
145. Yurt  
A structure defined and governed by Oregon Building Code as a prefabricated recreational use structure designed for seasonal recreation and camping use.
146. Zero Lot Line Wall  
A common interior wall separating two dwelling units and located on the common boundary line.
147. Zero Lot Line Development  
A structure containing two or more dwelling units located on separate lots, sharing a common interior wall, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.”

Section 45. All remaining provisions of Ordinance 374 which have not been amended or replaced by the foregoing shall remain unchanged and in full force and effect.

Section 46. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect

the validity of the remaining portions of this ordinance, which shall continue in full force and effect.

SECTION 47. Emergency. The City Council declares an emergency to exist to protect the health, safety and welfare of its residents and to provide continuity of its development ordinance. This ordinance shall become effective immediately after its adoption by the City Council and approval by the Mayor.

PASSED and ADOPTED by the City Council this 9<sup>th</sup> day of June, 2015 and APPROVED by the Mayor this 9<sup>th</sup> day of June, 2015.

  
Shaena E. Peterson, Mayor

ATTEST:

  
Linda Downey, City Recorder

First Reading: May 12, 2015  
Second Reading: June 9, 2015  
Adoption: June 9, 2015  
Ayes: 6  
Nays: 0  
Abstentions: 0