



GOLD BEACH ZONING ORDINANCE

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COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

The Gold Beach Zoning Ordinance is the implementing document of the Gold Beach Comprehensive Plan. The Ordinance defines the specific uses that are allowed in each zone. Any change in the zoning map requires that the comprehensive plan map be checked to insure that the proposed change is in conformance with the comprehensive plan designation for the area. If the plan designation is different than the proposed zone change then the comprehensive plan must be amended in accordance with Statewide Planning Goal 2 as a part of the zone change request.

Following is a description of the various zones that are allowable under each comprehensive plan designation.

COMPREHENSIVE PLAN DESIGNATION	TYPES OF ZONING PERMITTED
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<u>Residential</u>	1-R, 2-R, 3-R
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This designation provides areas for residential development.

<u>Commercial</u>	4-C
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This designation provides areas which are suitable for commercial development.

<u>Industrial</u>	5-I
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This designation provides areas which are suitable for light industrial development.

<u>Marine Activity</u>	6-MA
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This designation provides areas which are suited for marine related activities. These areas are suitable for port related activities and provide for uses which are water-dependent and water-related.

<u>Public and Semi-Public</u>	7-PF
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This designation provides areas for existing public facilities and parks. These areas can be expanded as new public facilities and parks are required.

<u>Airport Activity</u>	4-C, 5-I, 6-MA, 7-PF
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This designation provides areas around the airport which allow only the kind of development which is compatible with continued airport operation. While a variety of zoning is allowable under this designation, any new development must be compatible with the types of activities which occur in conjunction with the airport.

OVERLAY & SPECIAL USE DESIGNATIONS

Conservation

8-CN

This overlay provides areas that have natural features which contribute basic benefits to the Gold Beach area as a whole. While not intended as preservation areas, activities in conservation areas shall be limited to those which will not have an adverse impact on these basic benefits.

Estuary

9-ER

This overlay provides areas that are located within the Port of Gold Beach Boat Basin and the Rogue River Estuary which are water covered or intertidal lands. These areas are suitable for port related activities and natural resource uses related to the estuarine environment based on the estuary management units defined in the comprehensive plan.

Shoreland

10-SO

This overlay provides special protection to areas that are seaward of the coastal shoreland boundary as defined in the comprehensive plan in accordance with the Statewide Planning Goals. While not intended as preservation areas, activities in the shoreland shall be limited to those which will not have an unacceptable adverse impact on coastal resources or conflict with special hazards identified in the area.

Significant Natural Resources

11-SNF

This overlay provides protection for identified significant natural resources within the City of Gold Beach as designated under Statewide Planning Goal 5 and Goal 17. For the purpose of this overlay, significant natural resources are designated as Significant Wetlands and Riparian Corridors under Goal 5, and Major Marshes and Riparian Vegetation under Goal 17. These resources have been inventoried within the City of Gold Beach according to procedures, standards and definitions established under Goal 5 and Goal 17 and are identified on the Significant Natural Resources Maps as adopted in the Comprehensive Plan.

Airport Approach

12-AA

This overlay applies to properties which lie within the air approaches to the Gold Beach Airport. Further, this prevents the establishment of air space obstructions in air approaches through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the residents of the City of Gold Beach.

Natural Hazards

13-NH

This overlay provides for appropriate uses and to protect people, lands and development in areas that have been identified in the Comprehensive Plan as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic and flood hazards.

ARTICLE I. Introductory Provisions

Section 1.010. Title.

This ordinance shall be known as the "Zoning Ordinance of the City of Gold Beach."

Section 1.020. Purposes.

The purpose of this ordinance is:

1. To promote public health, safety, convenience and general welfare.
2. To encourage the most appropriate use of land, consistent with Statewide Planning Goals;
3. To encourage the orderly growth of the city;
4. To facilitate adequate provisions for community utilities and facilities such as water, sewage treatment, and transportation; and in general to promote public health, safety, convenience and general welfare.
5. To aid in the rendering of fire and police protection.

Section 1.030. Definitions.

See also: Section 2.1020-Definitions for Significant Natural Resources Overlay

As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

ACCESSORY DWELLING UNIT (ADU) (*Amended by Ordinance No. 660, December 2016*) means a smaller secondary home on the same lot as a primary dwelling having a total square footage of 200'-600' square feet. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities. There are two types of ADUs:

- 1) "Garden" or "Granny" cottages which are detached structures (e.g. conversion of existing detached garage or accessory structure).
- 2) Accessory suites or "mother-in-law" apartments which are attached or part of the primary dwelling (e.g. converted living space, apartments over garages, basements or attics; additions to existing dwellings, or any combination thereof).

ACCESSORY STRUCTURE OR USE: A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use.

ACCRETION: The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material

ALLEY: A street which affords only a secondary means of access to property.

ANADROMOUS: Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

AQUACULTURE: The cultivation of water plants and animals.

ARCHAEOLOGICAL RESOURCES: Those districts, sites, buildings, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past. (See Historical Resources definition.)

ATTACHED SINGLE-FAMILY HOUSE: see Townhouse

AVERAGE SLOPE: The average of percent slope between the highest and lowest points where development activity is to occur on the property resulting from the division of the increase in elevation in feet by the actual distance between the two points as measured in feet in flat plane on a map.

AVULSION: A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

BEACH: Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

BENTHIC: Living on or within the bottom sediments in water bodies.

BRIDGE CROSSINGS: The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

BRIDGE CROSSING SUPPORT STRUCTURES: Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CARRYING CAPACITY: Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

CITIZEN: Any individual within the planning area; any public or private entity or association within the planning area, including corporations, governmental and private agencies, associations, firms, partnerships, joint stock companies and any group of citizens.

CITIZEN ADVISORY COMMITTEE (CAC): A group of citizens organized to help develop and maintain a comprehensive plan and its land use regulations. Local governments usually establish one such group for each neighborhood in a city or each district in a county. CACs may also be known as neighborhood planning organizations, area advisory committees, or other local terms. CACs convey their advice and concerns on planning issues to the planning commission or governing body. CACs also convey information from local officials to neighborhood and district residents.

CITIZEN INVOLVEMENT ADVISORY COMMITTEE (CIAC): A state committee appointed by the Land Conservation and Development Commission to advise that commission on matters of citizen

involvement, to promote public participation in the adoption and amendment of the goals and guidelines, and to assure widespread citizen involvement in all phases of the planning process. CIAC is established in accordance with ORS 197.160.

CITIZEN INVOLVEMENT PROGRAM (CIP): A program established by a city or county to ensure the extensive, ongoing involvement of local citizens in planning. Such programs are required by Goal 1, "Citizen Involvement," and contain or address the six components described in that goal.

CITY: The City of Gold Beach.

COASTAL LAKES: Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.

COASTAL SHORELANDS: Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

COASTAL STREAM: Any stream within the coastal zone.

COASTAL WATERS: Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

COASTAL ZONE: The area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island. (Formerly ORS 191.110)

COMMITTEE FOR CITIZEN INVOLVEMENT (CCI): A local group appointed by a governing body for these purposes: assisting the governing body with the development of a program that promotes and enhances citizen involvement in land use planning; assisting in the implementation of the citizen involvement program; and evaluating the process being used for citizen involvement. A CCI differs from a citizen advisory committee (CAC) in that the former advises the local government only on matters pertaining to citizen involvement and Goal 1. A CAC, on the other hand, may deal with a broad range of planning and land use issues. Each city or county has only one CCI, whereas there may be several CACs.

CONSERVE: To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

CONSERVATION: The act of conserving the environment.

CONTINENTAL SHELF: The area seaward from the ocean shore to the distance when the ocean depth is 200 meters, or where the ocean floor slopes more steeply to the deep ocean floor. The area beyond the state's jurisdiction is the OUTER Continental Shelf.

COPING: The top course of a firewall, the finishing course on top of a wall in masonry.

DEFLATION PLAIN: The broad interdune area which is wind-scoured to the level of the summer water table.

DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT: The act, process or result of developing.

DEVELOPMENT ACTIVITY: Any use or proposed use of land that requires disturbance of the vegetation or soils or which requires action of the Planning Division or Building Division to allow the construction or modification of structures or other improvements or to allow the division of the land.

DIVERSITY: The variety of natural, environmental, economic, and social resources, values, benefits, and activities.

DUNE: A hill or ridge of sand built up by the wind along sandy coasts.

DUNE, ACTIVE: A dune that migrates, grows and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.

DUNE, CONDITIONALLY STABLE: A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

DUNE, OLDER STABILIZED: A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

DUNE, OPEN SAND: A collective term for active, unvegetated dune landforms.

DUNE, RECENTLY STABILIZED: A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any, development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.

DUNES, YOUNGER STABILIZED: A wind-stable dune with weakly developed soils and vegetation.

DUNE COMPLEX: Various patterns of small dunes with partially stabilized intervening areas.

DUPLEX: A detached building containing two dwelling units.

DWELLING: Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes. (2008 Oregon Residential Specialty Code)

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. (2008 Oregon Residential Specialty Code)

ECOSYSTEM: The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.

ENGINEER: A certified geotechnical engineer or a registered professional engineer licensed by the State of Oregon with knowledge and experience relating to geology and geotechnical principles.

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

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.

FARMING, FARM USE: The commercial cultivation of the ground; the raising or harvesting of crops or other plants including trees, including uses and structures incidental to the above uses.

FILL: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.

FLOODFRINGE: The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.

FLOODPLAIN: The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.

FLOOD, REGIONAL (100-YEAR): A standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.

FLOODWAY: The normal stream channel and that adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.

FLOOR AREA: The area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

FOREDUNE, ACTIVE: An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

FOREDUNE, CONDITIONALLY STABLE: An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

FOREDUNE, OLDER: A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

GABLE: The upper, usually triangular part of an end wall enclosed by the sloping ends of a ridged roof.

GEOLOGIC: Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

GEOLOGIC HAZARD AREA: Geologic Hazard Areas in the City of Gold Beach are areas shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the City of Gold Beach Comprehensive Plan, including the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletin 90 Land-Use Geology of Western City of Gold Beach, Oregon, and the DOGAMI maps known variously as "Further Review Areas." Geologic Hazard Areas include, but are not limited to,

- a) earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage, or soil distribution;
 - b) areas of recent earth movement shown by tension cracks, bowed trees and other indicators;
 - c) steep slope mass movement areas which are areas subject to localized debris slide, debris flow, rockfall, or rock slide;
 - d) other areas as may be identified by in the preparation of assessments and reports
- Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides.

GRADE (ground level): The established slope and elevation of the ground around a building to which it is to be filled or cut down, when the grading is done.

GRAVEL SCREENING: The operation of portable aggregate screening equipment for the purpose of separating, washing, stockpiling, loading, scaling of sand and gravel products from dredge spoils, but not including crushing.

GUEST HOUSE: A detached accessory structure containing a sleeping facility and bathroom, but without kitchen equipment or provisions for such, which is used in conjunction with an existing dwelling, and does not exceed 500 square feet in size.

HEADLANDS: Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.

HEALTH CARE ESTABLISHMENT: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis. Health care establishment also includes assisted living facilities.

HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitch or hip roof.

HIP: The external angle in which adjacent roof slopes meet each other.

HISTORICAL RESOURCES: Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past. (See Archaeological Resources definition.)

HOME OCCUPATION: Means any business or professional activity engaged in for the production of income by a resident of a dwelling or dwelling unit as a subordinate use of the building and its premises, and in conformance with the standards listed in 3.050. Such term does not include the lease or rental of a dwelling unit or the rental of guest rooms on the same premises.

HOUSEHOLD: An individual or two or more persons living together in a dwelling unit.

HUMMOCK, ACTIVE: Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.

HYDRAULIC: Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

HYDRAULIC PROCESSES: Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).

HYDROGRAPHY: The study, description and mapping of oceans, estuaries, rivers and lakes.

HYDROLOGIC: Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.

IMPACT: The consequences of a course of action; effect of a goal, guideline, plan or decision.

INSURE: Guarantee; make sure or certain something will happen.

INTEGRITY: The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

INTERDUNE AREA: Low-lying areas between higher sand landforms and which are generally under water during part of the year. (See also Deflation Plain.)

INTERTIDAL: Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

KENNEL: A lot or building in which four or more dogs or cats, four months of age or older, are kept commercially for board, propagation, or sale.

KEY FACILITIES: Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.

LCDC: The Land Conservation and Development Commission of the State of Oregon. The members appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.

LIVESTOCK: Cows, horses, goats, sheep, pigs, ducks, geese, llamas, alpacas, and other similar animals. Livestock does not include domestic cats, dogs, small birds, rodents, insects, serpents, or other smaller animals normally kept in a dwelling. **Backyard chickens are not considered livestock provided they are kept consistent with the standards defined by resolution of the Gold Beach City Council. (amended Ordinance No. 641, October 2012)**

LITTORAL DRIFT: The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.

LOT: A parcel or tract of land.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot abutting on two intersecting streets neither of which is an angle greater than 135 degrees.

LOT, DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT: In the case of an interior lot, the lot lines separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line(s).

LOT LINE, SIDE: Any lot line not a front or rear lot line.

LOT WIDTH: The average horizontal distance between the side lot lines, excluding appendages of less than 30 feet in width.

MAINTAIN: Support, keep, and continue in an existing state or condition without decline.

MANAGEMENT UNIT: A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

MANUFACTURED HOME: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. ORS 446.003(24)(a)

MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. (*Amended Ordinance 661, December 2016*)

MARIJUANA FACILITY: A Medical Marijuana Grow Site, a Medical Marijuana Processing Site, a Medical Marijuana Dispensary, a Recreational Marijuana Producer, a Recreational Marijuana Processor, a Recreational Marijuana Wholesaler or a Recreational Marijuana Retailer.

MEDICAL MARIJUANA DISPENSARY: A medical marijuana dispensary registered with the Oregon Health Authority pursuant to ORS 475B.450.

MEDICAL MARIJUANA GROW SITE: A medical marijuana grow site registered with the Oregon Health Authority pursuant to ORS 475B.420.

MEDICAL MARIJUANA PROCESSING SITE: A medical marijuana processing site registered with the Oregon Health Authority pursuant ORS 475B.435.

RECREATIONAL MARIJUANA PROCESSOR: A recreational marijuana processor licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.090.

RECREATIONAL MARIJUANA PRODUCER: A recreational marijuana producer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.070.

RECREATIONAL MARIJUANA RETAILER: A recreational marijuana retailer licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.110.

RECREATIONAL MARIJUANA WHOLESALER: A recreational marijuana wholesaler licensed by the Oregon Liquor Control Commission pursuant to ORS 475B.100.

MINOR NAVIGATIONAL IMPROVEMENTS: Alterations 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 wave barriers.

MITIGATION: The creation, restoration, or enhancement of an estuarine area to maintain the function characteristics and processes of the estuary, such as its natural biological productivity, habitats, species diversity, unique features and water quality; and for riparian vegetation shall mean taking one or more of the following actions listed in order of priority:

- a) Avoiding the impact altogether by not taking certain development action or parts of that action;
- b) Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
- c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures;
- e) Compensating for the impact by placing or providing comparable substitute resources or environments.

MOBILE HOME: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; that was constructed between January 1, 1962, and June 15, 1976, and met construction requirements of Oregon mobile home law in effect at the time of construction. The removal of the wheels does not alter this definition. ORS 446.003(29)

MOBILE HOME OFFICE: A mobile home that has been modified for office use that complies with City of Gold Beach Building Codes.

MOBILE OR MANUFACTURED HOME PARK: A place where four or more mobile homes or manufactured homes 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. "Mobile or manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile/manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190. ORS 446.003(23)(30)

MULTIPLE FAMILY DWELLING: A building of conventional construction containing three or more dwelling units or three or more dwelling units in two or more buildings.

NATURAL AREAS: Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.

NATURAL RESOURCES: Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man.

NONCONFORMING USE OR STRUCTURE: Otherwise known as “Grandfathering.” A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, that does not conform to the requirements of the zone in which it is located.

OCEAN FLOODING: The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

OVERLAY ZONE: Overlay zones impose and/or relax requirements of an underlying land use district, or base zone, where characteristics of the land or neighborhood, or the types of development planned for an area require special regulations.

PARKING SPACE: A rectangle, not less than 18 feet long and 9 feet wide which is available for the placement of operable motor vehicles of residents, customers, patrons, visitors, employees and all other persons entering a premise.

PARKING SPACE, HANDICAP: A special parking space identified suitably for the handicapped by appropriate signage that is a minimum of 18 feet long and 17 feet wide to be used in conjunction with public and government buildings subject to the state building code. The space shall meet the requirements for size and signage pursuant to ORS Chapter 447. The width requirement may include a sidewalk.

PLANNED UNIT DEVELOPMENT: A single development in which a combination of uses compatible with the comprehensive plan in terms of land use and density of development is permissible subject to the procedural requirements of the zoning and subdivision ordinances. Planned Unit Developments include condominiums, planned communities, and any other development which may include common ownership of structures or land.

PLANNING AREA: The air, land and water resources within the jurisdiction of a governmental agency.

PLANNING DIRECTOR: The person acting as Planning Director for the City of Gold Beach or his or her designee.

POLLUTION: The violation or threatened violation of applicable state or federal environmental quality statutes, rules and standards.

PRESERVE: To save from change or loss and reserve for a special purpose.

PROGRAM: Proposed or desired plan or course of proceedings and action.

PROTECT: Save or shield from loss, destruction, or injury or for future intended use.

PROVIDE: Prepare, plan for, and supply what is needed.

PUBLIC FACILITIES AND SERVICES: Projects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare.

PUBLIC GAIN: The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

RECREATION: Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction. Coastal Recreation occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.

Low-Intensity Recreation does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.

High-Intensity Recreation uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

RECREATIONAL VEHICLE: Means a unit, with or without motive power, which is designated for human occupancy, is used temporarily for recreational or emergency purposes. Recreational vehicles include:

(a) "Camping Trailer" means a vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;

(b) "Motor Home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;

(c) "Park Trailer" means a vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode;

(d) "Travel Trailer" means a vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;

(e) "Truck Camper" means a portable unit which has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

RECREATIONAL VEHICLE PARK: A commercially developed area devoted to overnight temporary use for vacation or recreational purposes. Accessory uses within a park shall be limited to those uses that are allowed by the zoning designation in which the park is located. One dwelling for a manager shall be allowed on the park site.

RESIDENTIAL FACILITY: Means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL HOME: Means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

RESTORE: Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For the purposes of Goal 16 estuarine restoration means to revitalize or reestablish 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 an 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.

Active Restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

Passive Restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RIPARIAN: Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

RIPARIAN AREA: The area adjacent to a river, lake, stream or wetland consisting of the area of transition from aquatic ecosystem to a terrestrial ecosystem.

RIPRAP: A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.

ROADSIDE STAND: A temporary structure designed for the purpose of retail sales.

SEDENTARY: Attached firmly to the bottom, generally incapable of movement.

SETBACK: The distance from the right of way or easement boundary of a public or private road or other easement or from a lot line, to any point of a building.

SHORELINE: The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

SIGN: A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid or other type of advertising. This includes the surface upon which the representation is displayed.

SIGNIFICANT HABITAT AREAS: A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

SINGLE FAMILY DWELLING: A detached building containing one dwelling unit.

SOCIAL CONSEQUENCES: The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

STREET: The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including, but not limited to, "roads," "highways," "lanes," "places," "avenues" and "alleys".

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundation, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof.

STRUCTURE: Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

SUBSTANTIAL CONSTRUCTION: Obtaining all necessary permits to commence construction or to commence the principal activity approved by a conditional use permit.

SUBSTRATE: The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.

SUBTIDAL: Below the level of mean lower low tide (MLLT).

TEMPORARY ALTERATION: Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.

TERRITORIAL SEA: The ocean and seafloor area from mean low water seaward three nautical miles.

TIDAL MARSH: Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.

TINY HOUSE (*Amended Ordinance No. 660, December 2016*) means a single-family dwelling of conventional or modular construction which is 200'-600' square feet which are independently habitable and provide the basic requirements of shelter, heating, cooking, water and sanitary sewer utilities. Tiny Houses are subject to the following siting standards:

- 1) Must be sited on a legally created parcel and are subject to the setback requirements of the underlying zone.
- 2) Must be connected to an approved domestic water source and connected to city sewer service or, if outside a city served sewer area, a DEQ approved and installed septic system.
- 3) If the structure is of modular construction the siting standards of Section 3.045 (2, 3, & 4) shall apply to the placement of the dwelling.

TOP OF BANK: Shall have the same meaning as "bankfull stage" defined in OAR 141-085-0010 (2). Meaning the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two year-recurrence interval flood elevation may be used to approximate the bankfull stage.

TOWNHOUSE: A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open spaces on at least two sides. (2008 Oregon Structural Specialty Code)

URBAN LAND: Land inside an urban growth boundary.

URBANIZABLE LAND: Urban land that, due to the present unavailability of urban facilities and services, or for other reasons, either:

- (a) Retains the zone designations assigned prior to inclusion in the boundary, or

(b) Is subject to interim zone designations intended to maintain the land's potential for planned urban development until appropriate public facilities and services are available or planned.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

VACATION RENTAL DWELLING: A dwelling unit which is rented, or is available for rent on a daily or weekly basis or is advertised, or listed with an agent as a vacation rental.

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.

WATER ORIENTED: A use whose attraction to the public is enhanced by a view of or access to coastal waters.

WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide 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 public loss of quality in the goods or services offered. 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.

WETLANDS: Land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands.

YARD: The area defined by setbacks (*i.e.*, between the setback line and nearest property line).

YARD: An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, FRONT: A yard between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of any building.

Yard, rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of any building.

YARD, SIDE: An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of any building.

ZONING REQUIREMENT: Means any standard, criteria, condition, review procedure, permit requirement or other requirement adopted by a city or county under the authority of ORS chapter 215 or 227 that applies to the approval or siting of a residential facility or residential home. A zoning requirement does not include a state or local health, safety, building, occupancy or fire code requirement.

Section 1.040. Compliance with Ordinance Provisions.

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.

Section 1.050. Classification of Zones.

For the purpose of this ordinance, the city or portion thereof is divided into zones designated as follows:

<u>Zones</u>	<u>Abbreviated Designation</u>
Residential 1	1-R
Residential 2	2-R
Residential 3	3-R
Commercial	4-C
Industrial	5-I
Marine Activity	6-MA
Public Facilities	7-PF
Conservation	8-CN
<u>Overlay Designations</u>	
Estuary	9-ER
Shoreland	10-SO
Significant Natural Resources	11-SNR
Airport Approach	12-AA
Natural Hazards	13-NH

Section 1.060. Location of Zones.

The boundaries for the zones listed in this ordinance are indicated on the city zoning map which is hereby adopted and made a part of this ordinance by this reference. The boundaries may be modified in accordance with zoning map amendments which may be adopted by reference.

Section 1.070. Zoning Map.

A zoning map amendment adopted by section 1.060 of this ordinance or by an amendment thereto shall be prepared by authority of the Planning Commission or be a modification by the City Council of

a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

ARTICLE II. Use Zones

Residential Zone (1-R)

Section 2.010. Purpose of Classification.

The 1-R zone is designated to be applied to residential areas where housing is typically single-family and duplex residences.

Section 2.020. Uses Permitted Outright.

In a 1-R zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling, manufactured home or TINY HOUSE which complies with the requirements set forth in Section 3.045 (*Amended Ordinance 660, December 2016*)
2. Duplex
3. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
4. Non-commercial farming where the parcel is one (1) acre or more, but not including livestock. (*Amended Ordinance 660, December 2016*)
5. Home Occupations subject to the general standards listed in Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. Registered or certified family child care home pursuant to ORS 657A.440.
8. Accessory Dwelling Unit (ADU) subject to the specific standards listed in Section 3.040. (*Amended Ordinance 660, December 2016*)
9. Bees. (*Amended by Ordinance No. 655, May 2015*) The keeping or maintaining of bees, bee colonies, bee hives, combs, or containers of any kind or character wherein bees are hived is subject to the following:
 - a) Registration with the city is required to keep beehives within the city limits and the City Administrator shall provide a beekeeping registration process.
 - b) No more than three (3) bee colonies shall be kept or maintained on properties of less than one acre.
 - c) No more than five (5) bee colonies shall be kept or maintained on properties of one acre or greater.
 - d) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

- e) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.
- f) In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
- g) A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.
- h) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.
- i) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 60 days from the date acquired. If the beekeeper is not at hive capacity shall be permitted to keep the hive permanently.
- j) Africanized bees are prohibited.
- k) The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted provided the property owner meets the general Home Occupation standards in Section 3.050.

Section 2.030. Conditional Uses Permitted.

In a 1-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall or community building.
2. Public use facility or public utility, including but not limited to fire stations and parks.(1)
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
6. Planned Unit Development in compliance with Article V.

7. Wind generators (1).
8. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
9. Use of an existing dwelling unit as a vacation rental dwelling. (4) (and Section 6.050 & 6.051).

Section 2.040. Lot size.

Except as provided in Sections 4.040 and 4.050 in a 1-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the state and county requirements for water supply and sewage disposal.
2. The minimum lot area shall be five thousand (5,000) square feet when both a public water and sewage system are available.
3. Smaller minimum lot area down to three thousand (3000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses. (*Amended Ordinance 660, December 2016*)
4. The minimum average lot width shall be fifty (50) feet.

Section 2.050. Set-Back Requirements.

Except as provided in Section 4.010 and 4.030 in a 1-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

Section 2.060. Height of Buildings.

Except as provided in Section 4.020 in a 1-R zone, no building shall exceed twenty-five (25) feet in height.

Residential Zone (2-R)

Section 2.110. Purpose of Classification.

The 2-R zone is designed to be applied to residential areas and recognizes the trend toward homes of other than conventional construction.

Section 2.120. Uses Permitted Outright.

In a 2-R zone, the following uses and their accessory uses shall be permitted outright:

1. Single-family dwelling, manufactured or mobile home or TINY HOUSE which complies with the requirements set forth in Section 3.045. (Amended Ordinance 660, December 2016)
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Duplex
4. Home Occupations meeting the general standards of Section 3.050.
5. A Residential Home as defined in ORS 197.660(2).
6. Registered or certified family child care home pursuant to ORS 657A.440.
7. Accessory Dwelling Unit (ADU) subject to the specific standards listed in Section 3.040. (Amended Ordinance 660, December 2016)
8. Bees. (Amended by Ordinance No. 655, May 2015) The keeping or maintaining of bees, bee colonies, bee hives, combs, or containers of any kind or character wherein bees are hived is subject to the following:
 - a) Registration with the city is required to keep beehives within the city limits and the City Administrator shall provide a beekeeping registration process.
 - b) No more than three (3) bee colonies shall be kept or maintained on properties of less than one acre.
 - c) No more than five (5) bee colonies shall be kept or maintained on properties of one acre or greater.
 - d) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
 - e) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.
 - f) In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the

property line for a minimum of ten (10) feet in either direction from the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.

- g) A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.
- h) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.
- i) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 60 days from the date acquired. If the beekeeper is not at hive capacity shall be permitted to keep the hive permanently.
- j) Africanized bees are prohibited.
- k) The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted provided the property owner meets the general Home Occupation standards in Section 3.050.

Section 2.130. Conditional Uses Permitted.

In a 2-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Mobile or manufactured home park subject to compliance with local building code requirements. (2)
2. Place of worship, school, grange hall, or community building.
3. Public use facility such as a fire station or park.
4. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
5. Utility facility, including substation or pumping station or private generator. (1)
6. Communications transmitter, receiver, antenna or tower. (1)
7. Planned Unit Development on a lot not less than one (1) acre, in compliance with Article V.
8. Wind generators (1).

9. Home occupations not meeting the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)
11. One manufactured home or mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. (5)
12. Private horse stable where the lot or parcel is one acre or more in size but not including the renting or boarding of horses for profit.
13. Where the lot is one acre or more in size, NON-COMMERCIAL farming, including the keeping of livestock for noncommercial use. *(Amended Ordinance 660, December 2016)*

Section 2.140. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 2-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by a public water or sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water and sewage system are available:
 - (a) For uses other than a mobile home park, the minimum lot area shall be five-thousand (5,000) square feet.
 - (b) For mobile or manufactured home park, the minimum shall be eight thousand (8,000) square feet or two thousand (2,000) square feet per home space whichever is greater.
3. Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses. *(Amended Ordinance 660, December 2016)*
4. The minimum average width shall be fifty (50) feet.

Section 2.150. Set-back Requirements.

Except as provided in Section 4.010 and 4.030 in a 2-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

Section 2.160. Height of Buildings.

Except as provided in Section 4.020 in a 2-R zone, no buildings shall exceed twenty-five (25) feet in height.

Residential Zone (3-R)

Section 2.210. Purpose of Classification.

The 3-R zone is designed to be applied to residential areas where housing demands may justify a higher density.

Section 2.220. Uses Permitted Outright.

In a 3-R zone, the following uses and their accessory uses are permitted outright:

1. Detached single-family dwelling, attached single-family dwellings (townhouses), duplex, or multi-family dwelling, or TINY HOUSE which complies with the requirements set forth in Section 3.045. *(Amended Ordinance 660, December 2016)*
2. The temporary use of a recreational vehicle by the lot owner, family of the lot owner or nonpaying guests of the lot owner. The use is deemed to be temporary if the recreational vehicle is occupied for fewer than 15 consecutive days in any 30 day period.
3. Manufactured home which complies with the requirements set forth in section 3.045.
4. NON-COMMERCIAL farming where the parcel is one (1) acre or more, but not including livestock. *(Amended Ordinance 660, December 2016)*
5. Home Occupations subject to the general standards of Section 3.050.
6. A Residential Home as defined in ORS 197.660(2).
7. A Residential Facility as defined in ORS 197.660(1)
8. Registered or certified family child care home pursuant to ORS 657A.440.
9. Accessory Dwelling Unit (ADU) subject to the specific standards listed in Section 3.040. *(Amended Ordinance 660, December 2016)*
10. Bees. *(Amended by Ordinance No. 655, May 2015)* The keeping or maintaining of bees, bee colonies, bee hives, combs, or containers of any kind or character wherein bees are hived is subject to the following:
 - a) Registration with the city is required to keep beehives within the city limits and the City Administrator shall provide a beekeeping registration process.
 - b) No more than three (3) bee colonies shall be kept or maintained on properties of less than one acre.
 - c) No more than five (5) bee colonies shall be kept or maintained on properties of one acre or greater.

- d) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- e) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.
- f) In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
- g) A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.
- h) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.
- i) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 60 days from the date acquired. If the beekeeper is not at hive capacity shall be permitted to keep the hive permanently.
- j) Africanized bees are prohibited.
- k) The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted provided the property owner meets the general Home Occupation standards in Section 3.050.

Section 2.230. Conditional Uses Permitted.

In a 3-R zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Place of worship, school, grange hall, or community building.
2. Public use facility such as a fire station or park.
3. Recreational vehicle temporarily used during construction of a permitted use for a period not to exceed twelve months.
4. Utility facility, including substation or pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)

6. Planned Unit Development on a lot not less than ~~three (3)~~ one (1) acre in compliance with Article V.
7. Hospital, sanitarium, retirement home, medical or dental clinic.
8. Wind generators (1).
9. Home occupations subject to the general standards of Section 3.050, including bed and breakfast inns, in compliance with Sections 3.050 and 6.010.
10. Use of an existing dwelling unit as a vacation rental dwelling. ~~(3)~~ (4) (and Section 6.050 & 6.051)

Section 2.240. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 3-R zone:

1. Lot sizes suitable for building shall be dependent on the availability of public water and sewage systems. If the lot is not served by both a public water and sewer system, the lot area shall conform to the requirements established by the County Sanitarian to avoid problems of water supply and sewage disposal due to soil structure and water table.
2. When both a public water supply and sewage disposal system are available the minimum lot area shall be four-thousand (4000) square feet.
3. Smaller minimum lot area down to three thousand (3,000) square feet may be permitted specifically for tiny house use subject to review by the Planning Commission pursuant to the procedural standards of Article VI-Conditional Uses. *(Amended Ordinance 660, December 2016)*
4. The average lot width shall be a minimum of fifty (50) feet.

Section 2.250. Set-Back Requirements.

Except as provided in Section 4.010 and 4.030 in a 3-R zone, yards shall be as follows:

1. The front yard shall be a minimum of ten (10) feet.
2. The side yard shall be a minimum of five (5) feet.
3. The rear yard shall be a minimum of five (5) feet.

Section 2.260. Height of Buildings.

Except as provided in Section 4.020 in a 3-R zone no building shall exceed thirty-five (35) feet in height.

Commercial Zone (4-C)

Section 2.310. Purpose of Classification.

The 4-C zone is designed to apply to areas where more complete commercial facilities are necessary for community convenience.

Section 2.320. Uses Permitted Outright.

The 4-C zone is designated to be applied to areas such as community shopping centers and business districts that cater to the needs of nearby residential areas.

1. Hotel, motel, vacation rental, or bed and breakfast inn.
2. Club or lodge hall.
3. Hospital, sanitarium, retirement home, medical or dental clinic.
4. Retail or service establishment.
5. Automobile service station.
6. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
7. Building material storage yard.
8. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
9. Wholesale trucking and storage establishment.
10. Park, playground, fire station, library or museum.
11. Office buildings.
12. Place of worship or school.
13. Recreational vehicle park.
14. Machine shop or cabinet shop.
15. Manufacturing, repairing, compounding, processing, storage, research, assembling, or fabricating activities except: tire retreading or vulcanizing shop, and manufacturing plants-- including lumber and plywood mills
16. Airport related buildings if located within the airport property. See airport overlay section

17. Dwelling unit(s) may be located in a building devoted primarily to a non-residential use.

PERMITTED USES WITHIN EXISTING SINGLE-FAMILY/MULTIFAMILY DWELLINGS or lots with existing residential uses:

18. Home Occupations subject to the general standards of Section 3.050.

19. A Residential Home as defined in ORS 197.660(2).

20. A Residential Facility as defined in ORS 197.660(1)

21. Registered or certified family child care home pursuant to ORS 657A.440.

22. Bees. (*Amended by Ordinance No. 655, May 2015*) The keeping or maintaining of bees, bee colonies, bee hives, combs, or containers of any kind or character wherein bees are hived is subject to the following:

- a) Registration with the city is required to keep beehives within the city limits and the City Administrator shall provide a beekeeping registration process.
- b) No more than three (3) bee colonies shall be kept or maintained on properties of less than one acre.
- c) No more than five (5) bee colonies shall be kept or maintained on properties of one acre or greater.
- d) Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- e) For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same property, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body.
- f) In each instance where a colony is kept less than twenty five (25) feet from a property line, a flyway barrier at least six (6) feet in height shall be maintained parallel to the property line for a minimum of ten (10) feet in either direction from the hive. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that bees will fly over rather than through the material to reach the colony.
- g) A constant supply of fresh water shall be provided for the colonies on site within fifteen (15) feet of each hive.
- h) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the property. Such materials once removed from the site shall be handled and stored in sealed containers or placed within a building or other insect proof container.
- i) If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall be permitted to temporarily house the swarm on the property for no more than 60 days from the date acquired. If the beekeeper is not at hive capacity shall be permitted to keep the hive permanently.
- j) Africanized bees are prohibited.

- k) The sale of surplus honey or bee's wax produced on site shall be permitted on the property where the keeping of bees is permitted provided the property owner meets the general Home Occupation standards in Section 3.050.

Section 2.330. Conditional Uses Permitted.

In a 4-C zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Single family dwelling or TINY HOUSE which complies with the requirements set forth in Section 3.045. *(Amended Ordinance 660, December 2016)*
2. Multiple family dwelling.
3. Planned Unit Development on a lot of at least one (1) acre in area and in compliance with Article V.
4. Utility facility; including substation, pumping station or private generator. (1)
5. Communications transmitter, receiver, antenna or tower. (1)
5. Wind generator (1).
6. Mobile or portable office.
7. Trailer, camping or recreational vehicle temporarily used as a residence during construction of a permitted use or to temporarily provide watchman security for material that cannot be reasonably stored in an established commercial storage facility.
8. Accessory Dwelling Unit (ADU) subject to the specific standards listed in Section 3.040. *(Amended Ordinance 660, December 2016)*
9. Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*
10. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*
11. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*

Section 2.340. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 4-C zone:

The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.350. Height of Buildings.

Except as provided in Section 4.020 in a 4-C zone, no building shall exceed thirty-five (35) feet in height.

Industrial Zone (5-I)

Section 2.410. Purpose of Classification.

The industrial zone is generally intended to provide for limited or light industrial uses. Conditional uses in this zone are designed for heavier industrial uses.

Section 2.420. Uses Permitted Outright.

In a 5-I zone, the following uses and their accessory uses are permitted outright:

1. Retail or service establishment.
2. Automobile service station.
3. Machinery, farm equipment, marine, or automotive sales, service, storage, or repair.
4. Building material storage yard.
5. Plumbing, electrical, or paint contractor's storage, repair or sales shop.
6. Tire retreading or vulcanizing shop.
7. Wholesale trucking and storage establishment.
8. Machine shop or cabinet shop.
9. Manufacturing, repairing, compounding, processing, storage, research, assembling or fabricating activities except those specifically listed in Section 2.430.
10. Utility facility, including substation or pumping station.
11. Communications transmitter, receiver, antenna or tower.

Section 2.430. Conditional Uses Permitted.

In a 5-I zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. Manufacturing plant, including lumber and plywood mills.
2. Airport or heliport.

3. Place of worship or school.
4. Park, playground, fire station, library or museum.
5. Planned Unit Development on a lot of at least three (3) acres in area and in compliance with Article V.
6. Wind generators (1).
7. Recreational vehicle park or campground
8. Mobile or portable office.
9. Medical Marijuana Dispensary (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*)
10. Recreational Marijuana Wholesaler or Retailer (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*)
11. Medical or Recreational Marijuana producer (grower) provided the entire growing operation and accessory uses are conducted within a legally constructed building. No outside growing or storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*)
12. Medical or Recreational Marijuana processor (distilling & extracts) provided the entire processing operation and accessory uses are conducted within a legally constructed building. No outside storage is permitted. (subject to the specific conditional use standards of Section 6.042 (10) *(Amended Ordinance 661, December 2016)*)

Section 2.440. Lot Size.

Except as provided in Sections 4.040 and 4.050 in a 5-I zone, the minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and a public sewage disposal system are available, there shall be no minimum lot area; however, compliance with the off-street parking ordinance shall be required. ~~must be conformed with.~~

Section 2.450. Height of Building.

Except as provided in Section 4.020 in a 5-I zone, no building shall exceed thirty-five (35) feet in height; however, buildings up to fifty (50) feet in height may be allowed as a conditional use.

Marine Activity Zone (6-MA)

Section 2.510. Purpose of Classification.

The Marine Activity Zone is applied to areas which are for water dependent uses.

Section 2.520. Uses Permitted Outright.

1. Boat launching or moorage facilities, shoreline facilities related to marinas, or boat charter services.
2. Marine fuel storage and sales.
3. Seafood processing, storage and sales including restaurants, incidental and subordinate to the water dependant use.
4. Boat, marine equipment and marine products, sales, service, storage, rental, repair or manufacturing.
5. Fishing supply, storage, and sales.
6. Dredging and fill maintenance.
7. Offices which are incident and subordinate to marine activity.
8. Experimental laboratory for research of marine coastal productions or resources.
9. Aquaculture and accessory facilities.
10. Open public recreation areas, including public waterfront access.
11. Aids to navigation.
12. Storage of products and materials transported by means of estuarine waters such as logs or gravel.

Section 2.530. Conditional Uses Permitted.

In a 6-MA zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. In the 6-MA zone conditional uses must also meet the specific standards of Section 6.042(6).

1. Government structure and use of land or public utilities which are accessory to or necessary for a permitted use.

2. A temporary or mobile office as allowed by the Uniform Building Code for the term of a water dependent use project.
3. Single family dwelling or manufactured home incidental and subordinate to a permitted use.
4. Flood and erosion prevention structures.
5. Nondependent uses which are temporary and do not preclude the timely use of the site for water dependent uses when the need arises; for example, parking and open storage.
6. Transportation facilities essential to service water dependent uses.
7. Uses not listed as permitted but shown to be water dependent.
8. Television, microwave, and radio communication facilities and transmission antenna towers.
9. Trailer, camping or recreational vehicle used as a residence during construction of a permitted use or to provide watchman security for material that cannot be reasonably stored in an established commercial storage facility during the period of a water dependent use project.

Section 2.540. Lot Size.

Except as provided in section 4.040 and 4.050 in a 6-MA zone:

The minimum lot size shall be as large as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking requirements must be met.

Section 2.550. Height of Buildings.

Except as provided in Section 4.020 in a 6-MA zone, buildings shall not exceed thirty-five (35) feet in height; however buildings up to fifty (50) feet may be allowed as a conditional use.

Public Facilities Zone (7-PF)

Section 2.610. Purpose of Classification.

The 7-PF zone is designed to identify and reserve publicly and privately owned areas for the development of needed public facilities and service.

Section 2.620. Uses Permitted Outright.

In a 7-PF zone, the following uses and their accessory uses are permitted outright:

1. Areas designated for public or semi-public use:
 - a) Schools, including nursery or daycare center.
 - b) Public utilities and services, including structures related to such uses.
 - c) Parks or recreation facilities.
 - d) Public parking lots.
 - e) Government owned or operated structures, offices or uses.
 - f) Community and Event Centers.
 - g) Cemetery.
 - h) Privately owned structures or uses which are related to the governmental use of the property.
 - (i) Disposal of dredge spoils on sites described in permits issued by Federal and/or State Governmental agencies.

2. Areas designated for Airport Activity
 - a) Public utilities and services, including structures related to airport uses.
 - b) Government owned or operated structures.
 - c) Privately owned structures related to airport uses, including aircraft hangers and commercial buildings which must be located adjacent to the airport runway.

Section 2.630. Conditional Uses.

In a 7-PF zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050, and when it is found that the site is not needed

for, or is inappropriate for a permitted use, the proposed use is an interim use, or the use is to be conducted in conjunction with a permitted use. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042 that must be met in addition to the general standards in order to approve that particular use.

1. A non-governmental business or professional office conducted in a public building.
2. A single-family dwelling, manufactured home, or mobile home in accordance with Section 3.040 and in conjunction with a permitted use.
3. Mobile home office.
4. Temporary gravel screening not to exceed four months.
5. Wind Generator (1)
6. Recreational Vehicle Parks/Campgrounds as an ancillary use to Community and Event Centers.

Section 2.640. Lot Size.

Except as provided in Section 4.040 and 4.050 in a 7-PF zone:

1. The minimum lot size shall be determined by the County Sanitarian as necessary for proper installation and operation of water supply and sewage disposal systems. If both a public water supply and public sewage disposal system are available, there shall be no minimum lot area; however, the off-street parking ordinance must be conformed with.

Section 2.650. Height of Buildings.

Except as provided in Section 4.020 in a 7-PF zone, no building shall exceed thirty-five (35) feet in height.

Section 2.660. Reversion of Zoning Upon Private Ownership

Land designated in this comprehensive plan and zoning designation is intended for public facilities use by public agencies and not for private owned lands.

When land designated as Public Facilities (7-PF) is transferred to private ownership by a public agency the City shall initiate a zone change for the subject property pursuant to the requirements of Article VIII. The proposed comprehensive plan and zoning designation shall be the plan and zoning designation of the majority of the immediately adjacent land. If the new owner desires a different plan and zoning designation than the surrounding area, a formal application with appropriate fee must be submitted for review.

ARTICLE II A. Overlay & Special Use Designations

Beaches and Dunes Conservation Zone (8-CN) (*Zone boundary amended Ordinance No. 627, November 2009*)

Section 2.710. Purpose of Classification

The purpose of the 8-CN zone is to recognize and protect the unique natural environment of beaches and coastal dunes and to allow uses that are consistent with these values and the potential natural hazards associated with wave erosion and wind blown sand.

Section 2.720. Uses Permitted Outright

In the 8-CN zone the following uses and their accessory uses are permitted outright.

1. Wildlife and aquatic sanctuaries.
2. Fishing and low intensity recreation not requiring developed facilities.
3. Aids to navigation.
4. Activities in support of the construction, rehabilitation, and maintenance of federally authorized jetties and navigation channels on beaches and foredunes.

Section 2.730. Conditional Uses Permitted.

In the 8-CN zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. Numbers in parenthesis following a use indicate the specific standards described in Section 6.042(7) that must be met in addition to the general standards in order to approve that particular use. Development must also comply with Sections 2.740 & 2.750.

1. Utility facilities necessary for public service (e.g. utility substations, etc.) except commercial facilities for the purpose of generating power for public use by sale. (7)(a)
2. Communications transmitter, receiver, antenna, or tower. (1)
3. Structures for recreational activities. (7)(a)
4. Public or private waysides, day use parks and school study areas. (7)(a)
5. Aquaculture and accessory facilities. (7)(a)
6. Farm/Forest uses.
7. Recreational uses, including recreational vehicle parks, and campgrounds. (7)(a)

8. Beach front protective structures. (7)(b)
9. Single-family dwellings, except on beaches and active foredunes, on other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. (7)(a)

Section 2.740. Breaching of Foredunes

Foredunes shall not be breached except on a temporary basis for emergency situations such as fire control, draining farm lands, flood control, etc., as long as restoration of the breach is carried out after the emergency using sound principals of conservation.

Section 2.750. Beach and Foredune Development

Developmental uses shall not be permitted on beaches and active foredunes except for the minimum facilities necessary to support uses which are permitted outright. Developmental uses in these areas shall be subject to the provisions of this section as follows:

1. The construction of any structure shall be prohibited on beaches or active foredunes or other foredunes which are conditionally stable and subject to ocean undercutting or wave overtopping and on interdune areas subject to ocean flooding.
2. Foredunes shall only be breached on a temporary basis in an emergency and restoration after breaching is required to protect the natural system.
3. Development in stabilized dune areas that are not subject to flooding may be allowed subject to the results of a geologic assessment report.
4. The applicant shall submit a geologic hazard assessment prepared by a qualified professional that addresses the issues described in paragraphs A through D of this section. Qualified professionals include registered geologists, certified engineering geologists, registered geotechnical engineers and other who are trained and experienced in the study of coastal processes, sediment transport and slope stability. The city will use the information and analysis in the assessment to render a decision on the proposed use. The site-specific information and recommendations in the report will also be used to write conditions of approval that address potential erosion, protection against ocean flooding, sand accretion, and groundwater protection and to mitigate potential impacts of the proposed use on neighboring properties. All development within the Beaches and Dunes Conservation zone shall be adequately protected from geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or must be of minimal value and designed to minimize adverse environmental effects.

A. Site Description

1. The history of the site and surrounding areas, such as previous riprap or dune grading permits, erosion events, exposed trees on the beach, or other relevant local knowledge of the site.
2. Topography, including elevations and slopes on the property itself.
3. Vegetation cover.
4. Subsurface materials – the nature of the rocks and soils.
5. Conditions of the seaward front of the property, particularly for sites having a sea cliff.
6. Presence of drift logs or other flotsam on or within the property.
7. Description of streams or other drainage that might influence erosion or locally reduce the level of the beach.
8. Proximity of nearby headlands which might block the longshore movement of beach sediments, thereby affecting the level of the beach in front of the property.
9. Description of any shore protection structures that may exist on the property or on nearby properties.
10. Presence of pathways or stairs from the property to the beach.
11. Existing human impacts on the site, particularly that might alter the resistance to wave attack.

B. Description of the Fronting Beach

1. Average widths of the beach during the summer and winter.
2. Median grain size of beach sediment.
3. Average beach slopes during the summer and winter.
4. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.
5. Presence of rip currents and rip embayments that can locally reduce the elevation of the fronting beach.
6. Presence of rock outcrops and sea stacks, both offshore or within the beach zone.
7. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.

C. Analyses of Erosion and Flooding Potential

1. Analysis of DOGAMI beach monitoring data available for the site.
2. Analysis of human activities affecting shoreline erosion.
3. Analysis of possible mass wasting, including weathering processes, landsliding or slumping.
4. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 1996).
5. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.

6. For dune-backed shoreline, use established geometric model to assess the potential distance of property erosion, and compare the results with direct evidence obtained during site visit, aerial photo analysis, or analysis of DOGAMI beach monitoring data.
 7. For bluff backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and field work, to assess the potential distance of property erosion.
 8. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.
 9. Use analyses adopted by the city that address coastal hazards, including the Nordstrom/Sonnevil 2003 study.
- D. Assessment of Potential Reactions to Erosion Episodes
1. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods).
 2. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.
4. The City will use the content of the geologic assessment report to impose conditions which that will control erosion, protect against flooding, sand accretion, or other hazards, protect the surrounding area from adverse effects of development.
 5. Structures shall be permitted in the zone only under the following provisions:
 - a) Site specific review by all affected agencies and by the Planning Commission to determine that:
 - i) Visual impact is minimized,
 - ii) Waterfront access is not impaired,
 - iii) A negative impact on adjacent property is not created, and
 - iv) A long term recurring cost to the public is not incurred.
 - b) The proposed structure will not negatively impact riparian vegetation that is important for water quality or fish and wildlife habitat.
 6. Development approvals in these areas shall include a requirement to promptly re-establish vegetation within areas disturbed by construction activities pursuant to the

recommendations of the geologist or other qualified professional as referenced in subsection (4) above.

Section 2.760. Lot Size

Except as provided in Section 4.040 and 4.050 in an 8-CN zone the minimum lot size shall be as determined by the appropriate sanitary authority as necessary for proper installation and operation of water supply and sewage disposal systems. Within the Coastal Shoreland Boundary, creation of new lots and parcels is subject to the requirements of the Shoreland Overlay Zone.

Section 2.770. Height of Buildings

Except as provided in Section 4.020 in an 8-CN zone no building shall exceed 35 feet in height.

Estuary Overlay Designation (9-ER)

Section 2.810. Purpose of Classification.

The purpose of the 9-ER overlay is to recognize and protect the unique environmental, economic and social values of each estuary. For the purpose of this ordinance the boundary of the 9-ER zone shall be all estuarine area within the coastal shorelands boundary from the head of tide to the mouth of the estuary, as defined by the comprehensive plan. It is further recognized that all uses permitted outright or conditionally are tied directly to the management unit designations contained within the comprehensive plan.

Section 2.820. Uses Permitted Outright.

In the 9-ER zone, the following uses and activities are permitted outright:

Natural Management Designation (9-ER-1)

1. Undeveloped, low intensity, water dependent recreation.
2. Navigation aids, such as beacons, and buoys.
3. Protection of habitat, nutrients, fish and wildlife and aesthetic resources.
4. Passive restoration measures.
5. Research and educational observation.
6. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossings support structures.
7. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.
8. Bridge crossings.

Conservation Management Designation (9-ER-2)

1. Uses allowed in the 9-ER-1 zone above.
2. Aquaculture that does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
3. Communication facilities.
4. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.

5. Boat ramps for public use where no dredging or fill for navigational access is needed.
6. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
7. Installation of tidegates in existing functional dikes.
8. Bridge crossing support structures and dredging necessary for their installation.

Development Management Designation (9-ER-3)

1. Water dependent commercial uses.
2. Water dependent industrial uses.
3. Marinas.
4. Water transport channels where dredging may be necessary.

Section 2.830. Conditional Uses Permitted.

In a 9-ER zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. In addition to the general standards of Section 6.041, the applicable standards of Section 6.042(8) must also be met to approve specific conditional uses.

Natural Management Designation (9-ER-1)

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structure such as stakes or racks.
2. Communication facilities.
3. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.
4. Boat ramps for public use where no dredging or fill for navigational access is needed.
5. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
6. Installation of tidegates in existing functional dikes.
7. Bridge crossing support structures and dredging necessary for their installation.

8. Temporary alterations of estuarine resource conditions for uses allowed in this zoning designation.

Conservation Management Designation (9-ER-2)

1. High intensity water dependent recreation, including boat ramps, marinas, and new dredging for boat ramps and marinas.
2. Mining and mineral extraction, including dredging necessary for mineral extraction.
3. Water dependent uses requiring occupation of the water surface area by means other than filling
4. Aquaculture requiring dredge or fill or alteration of the estuary.
5. Active restoration for purposes other than the protection of habitat, nutrient, fish, wildlife and aesthetic resources.
6. Minor navigational improvements.
7. Temporary alterations of estuarine resource conditions for uses allowed in this zoning designation.

Developmental Management Designation (9-ER-3)

1. Water related and nondependent, nonrelated uses not requiring fill.
2. Mining and mineral extraction including dredging necessary for mineral extraction.
3. Flow-lane disposal of dredged material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation estuarine management units.
4. Dredge or fill as allowed elsewhere in this zoning designation.
5. Water storage areas where needed for products used in or resulting from industry, commerce and recreation.

Section 2.840. Development Standards Generally.

All uses and activities shall be developed or carried out in conformance with applicable permits and rule requirements of :

1. the Port of Gold Beach;
2. the Oregon Department of Environmental Quality (DEQ);

3. the Oregon Division of State Lands (DSL);
4. the US Army Corps of Engineers (USCOE);
5. Federal Emergency Management Agency (FEMA); and
6. all other agencies having interests applicable to the proposed use.

Section 2.850. Dredged Material Disposal in Estuaries.

In-water dredged material disposal within the 9-ER zone is permitted only on sites designated in the comprehensive plan or where such disposal is part of an approved fill plan.

Shoreland Overlay Designation (10-SO)

Section 2.910. Purpose of Classification.

The purpose of the 10-SO overlay is to protect shoreland resources identified in the comprehensive plan and to apply development standards to all uses within the shoreland boundary.

Section 2.920. Uses Permitted Outright.

In the 10-SO zone, the following uses are permitted outright. If there are conditional uses in the underlying zone, they shall be subject to the conditional use standards referenced in Section 2.930 below.

1. Farm uses as provided by Oregon Revised Statute Chapter 215.
2. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.
3. Water dependent recreation developments.
4. Aquaculture.
5. Dredged material disposal, mitigation or restoration on sites designated in the comprehensive plan.

Section 2.930. Conditional Uses Permitted.

In a 10-SO zone, the following uses and their accessory uses are permitted when authorized in accordance with Section 6.010 through Section 6.050. All conditional uses must meet the general standards of Section 6.041. In addition to the general standards of Section 6.041, the applicable standards of Section 6.042(9) must also be met to approve specific conditional uses.

1. Water dependent commercial and industrial uses
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.
2. Water related and other uses
WATER-RELATED. Uses which are not directly dependent upon access to a water body, but which provide 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 public loss of quality in the goods or services offered. 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.

3. Temporary use of dredge material disposal, mitigation or restoration sites.
4. Other uses not listed in Section 2.920 which are permitted in the underlying zone.
5. Shoreline or erosion control structure.

Section 2.940. Additional Coastal Resources.

Except where findings are contained in the comprehensive plan, uses in areas identified as significant wetland, significant wildlife resources, coastal headlands, exceptional coastal landscapes or historic and archeological sites, shall require affirmative findings that the above resource are protected. These resources are identified on the coastal shorelands inventory maps, and the wildlife resources maps of the comprehensive plan.

Section 2.950. Coastal Access.

Existing public ownerships, rights-of-ways, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights-of-ways may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

Section 2.960. Solutions to Erosion and Flooding Problems.

Nonstructural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and allowed, water and erosion control structures such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

Further, where listed as a permitted activity within this zone, riprap shall only be allowed upon findings that:

- a) Land management practices and nonstructural solutions are inadequate; and
- b) Adverse impacts on water currents, erosion and accretion patterns are minimized.

Significant Natural Resources Overlay Designation (11-SN)

Section 2.1010. Purpose of Classification.

The Significant Natural Resources Overlay is intended to provide protection for identified significant natural resources within the City of Gold Beach as designated under Statewide Planning Goal 5 and Goal 17. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors under Goal 5, and Major Marshes and Riparian Vegetation under Goal 17. These resources have been inventoried within the City of Gold Beach according to procedures, standards and definitions established under Goal 5 and Goal 17 and are identified on the Significant Natural Resources Maps as adopted in the Comprehensive Plan.

The Significant Natural Resources Overlay Zone is intended to ensure reasonable economic use of property while protecting valuable natural resources within the City of Gold Beach. This overlay zone establishes clear and objective standards to protect these resources.

Significant wetlands and riparian areas provide valuable fish and wildlife habitat, including habitat for anadromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing stream banks and shorelines; provide hydrologic control of floodwaters; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

Section 2.1020. Definitions for Significant Natural Resources Overlay

Bankfull Stage: Bankfull stage means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage. OAR 141-085-0010(2).

Bioengineering: A method of erosion control and landscape restoration using live plants, such as willows.

Building Envelope: The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

Delineation: Delineation means a determination of wetland presence that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by a professional land survey or similar accurate method. OAR 141-090-0020(7).

Excavation: Removal of organic or inorganic material (e.g.-soil, sand, sediment, muck) by human action.

Fill: Fill means the total of deposits by artificial means equal to or exceeding 50 cubic yards or more of material at one location in any waters of this state. However, in designated Essential Indigenous Anadromous Salmonid Habitat (ESH) areas (OAR 141-102-0000 to 141-102-0045) and in designated

Scenic Waterways (OAR 141-100-0000 to 141-100-0090) the 50 cubic yard threshold does not apply. OAR 141-085-0010(12).

Impervious Surface: Any material (e.g.-rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.

Lawn: Grass or similar materials usually maintained as a ground cover of less than 6 inches in height. For the purposes of this section, lawn is not considered native vegetation regardless of the species used.

Major marsh: A wetland designated as significant under Statewide Planning Goal 17.

Mitigation: Mitigation means the reduction of adverse effects of a proposed project by considering, in the following order: (a) avoiding the impact altogether by not taking a certain action or parts of an action, (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation, (c) rectifying the impact by repairing, rehabilitating or restoring the affected environment, (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures, and (e) compensating for the impact by replacing or providing comparable substitute wetland or water resources. OAR 141-085-0010(24) and OAR 141-085-0110(16).

Native Vegetation: Plants identified as naturally occurring and historically found within Gold Beach.

Natural Resource Enhancement: A modification of a natural resource to improve its quality.

Natural Resource Overlay: Designation given to all Significant Wetlands and Riparian Corridors indicated on the adopted City of Gold Beach Local Wetlands Inventory Map.

Non-conforming: (Also know as “grand-fathered use”) A structure or use that does not conform to the standards of this ordinance but has been in continuous existence prior to the adoption of this ordinance. Non-conforming uses are not considered violations and are generally allowed to continue, although expansion, reconstruction, or substantial improvements are regulated.

Non-significant wetland: A wetland mapped on the City of Gold Beach Local Wetlands Inventory, but which does not meet the primary criteria of the Division of State Lands (DSL) Administrative Rules, OAR Chapter 141, for Identifying Significant Wetlands (July 1996 or as amended.) A non-significant wetland may still be regulated by DSL and/or the US Army Corps of Engineers.

Qualified Professional: An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the wetland delineation approved by DSL.

Review Authority: The City of Gold Beach or its designee.

Riparian Area: The area adjacent to a river, lake, or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. For purposes of this section, riparian corridors are identified on the Local Wetlands Inventory also identified as the Natural Resources Overlay Map.

Riparian Corridor: A Goal 5 Resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary. For purposes of this section, riparian corridors are identified on the Local Wetlands Inventory also identified as the Natural Resources Overlay Map.

Shrubs: Woody vegetation usually greater than 3 feet tall, but less than 20 feet tall, including multi-stemmed, bushy shrubs and small trees and saplings.

Significant Habitat Area: A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

Significant Natural Resource: Significant Wetlands and Riparian Corridors, Major Marshes and Significant Riparian Vegetation within the City of Gold Beach Urban Growth Boundary and designated on the Local Wetlands Inventory also identified as the Natural Resources Overlay Map.

State and Federal Natural Resource Agency: Any state or federal agency that has jurisdiction over natural resources, these agencies include but may not be limited to: State of Oregon-Division of State Lands, Department of Fish and Wildlife, Department of Environmental Quality; Federal-US Army Corps of Engineers, Department of Agriculture, Soil and Water Conservation, Fish and Wildlife Service, and Environmental Protection Agency.

Stream: A channel such as a river or creek that carries flowing surface water including perennial streams and intermittent streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. (OAR 660-023-0090(e)). For purposes of this section, riparian corridors are identified on the Local Wetlands Inventory also identified as the Natural Resources Overlay Map.

Structure: A building or other major improvement that is built, constructed or installed, not including minor improvements such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning ordinances.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a) before the improvement or repair started, or
- b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not however include either:
 - i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

- ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Top of Bank: A distinct break in slope between the stream bottom and the surrounding terrain, which corresponds with the bankfull stage of the stream.

Trees: A woody plant 5 inches or greater in diameter at breast height and usually at least 20 feet tall.

Variance: A grant of relief from the requirements of this section, which permits activity in a manner that would otherwise be prohibited by this section.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For purposes of this section wetlands are identified on the Local Wetlands Inventory also identified as the Natural Resources Overlay Map.

Section 2.1030. Applicability

Section 2.1031. Affected Property

The procedures and requirements of the Significant Natural Resources (SNR) Overlay Zone:

- a) apply to any parcel designated as having a Significant Natural Resource as mapped in the comprehensive plan;
- b) apply in addition to the standards of the property's underlying zone;
- c) supersede the property's underlying zone where the underlying zone does not provide the level of Significant Natural Resource protection afforded by the SNR Overlay Zone.

Section 2.1032. Activities Subject to Review

Activities subject to the review shall include all development on properties outlined in 2A.131 and not specifically exempted from review as outlined in Section 2A.133, including:

1. Partitioning and subdividing of land.
2. New structural development.
3. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.
4. Site modifications including grading, excavation or fill, installation of new above or below ground utilities, construction of roads, driveways, or paths.

5. Removal of trees or the cutting or clearing of native vegetation within the Significant Natural Resource beyond that required to maintain landscaping on individual lots existing on the effective date of this ordinance, and removal of diseased or damaged trees that, pose a hazard to life or property.

Section 2.1033. Exemptions

Activities exempt from this ordinance include:

1. The sale of property.
2. Temporary emergency procedures necessary for the safety or protection of property.
3. Commercial forest practices regulated by the Oregon Forest Practices Act.
4. All water-related and water-dependant uses.

Section 2.1034. Agency Review

Decisions made by the City of Gold Beach under this ordinance do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the applicant to ensure that all necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependant uses may still be required.

Section 2.1040. General Development Standards

- A. The permanent alteration of the Significant Natural Resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:
 1. Streets, roads, paths, and driveways;
 - a) Public or private streets, driveways, or paths may be placed within a Significant Natural Resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:
 - i) Demonstrate to the reviewing authority that no other practicable access to the buildable area exists or access from an off-site location through the use of easements is not possible:
 - ii) Design roads, driveways, and paths to be the minimum width necessary and for the minimum intrusion into the Significant Natural Resource while also allowing for safe passage of vehicles and/or pedestrians:

- iii) Use bridges, arched culverts, or box culverts with a natural bottom for crossing of a Significant Natural Resource if the crossing is found unavoidable. The lower lip of any culvert must meet the channel bed at or below grade. The number of channel crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots:
 - iv) Consider the need for future extensions of shared access, access easements, or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the Significant Natural Resource;
 - v) During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource;
 - vi) Erosion control measures, such as slit fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering the Significant Natural Resource.
 - vii) Permanent alteration of the Significant Natural Resource by the placement of public or private streets, driveways, or paths is subject to the mitigation requirements of Section 2A.170.
2. Utilities and drainage facilities;
- a) Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a Significant Natural Resource the following standards shall apply:
 - b) Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;
 - c) The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into the Significant Natural Resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be used to restore the vegetative character of the construction corridor.
 - d) During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource.
3. Replacement of existing structures with structures in the same location that do not disturb additional surface area;
4. Structures or other non-conforming alterations existing fully or partially within the Significant Natural Resource may be expanded provided the expansion occurs outside

of the Significant Natural Resource. Substantial improvement of a non-conforming structure in the Significant Natural Resource shall require compliance with the standards of this ordinance.

5. Existing lawn within the Significant Natural Resource may be maintained, but not expanded within the limits of the Significant Natural Resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.
6. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Planning Department and appropriate state or federal natural resource agency. Such alteration of Significant Natural Resources shall be approved only if less-invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.

B. Removal of vegetation from the Significant Natural Resource is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.
2. Removal of vegetation necessary for the development of approved water-related or water-dependents use or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.
3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the City Planner. If no hazard will be created, the department may require these trees, once felled, to be left in place in the Significant Natural Resource.
4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide is the only type of herbicide that can be used in a Significant Natural Resource area. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used. Herbicide applications is preferred to be made early in the morning or during windless periods and at least 4 hours before probable rainfall.

Section 2.1050. Natural Resource Enhancement

Enhancement of natural resources, such as riparian enhancement, in-channel habitat improvements, non-native plant control, and similar projects which propose to improve or maintain the quality of a Significant Natural Resource is encouraged, however, no enhancement activity requiring the excavation or filling of material in a wetland shall be allowed unless all applicable State and Federal wetland permits have been granted.

Section 2.1060. Variance Procedure

A variance to the provisions of Section 2A.130 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this Section.

A variance shall only apply to:

1. Lots on which the location of a Significant Natural Resource results in a building area depth for a single-family dwelling of 25 feet or less or a building envelope of 1200 square feet or less;
2. Lots where strict adherence to the standards and conditions of Section 2A.140 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

Permanent alteration of the Significant Natural Resource by an action requiring a variance is subject to the procedures and criteria of Article VII and the mitigating requirements of Section 2.170.

Section 2.1070. Mitigating Standards

When approved impacts to any identified Significant Natural Resource occurs, mitigation will be required. For impacts to Significant Wetlands or Major Marshes, the standards and criteria of Section A shall apply. For impacts to Riparian Corridors or Riparian Vegetation, the standards and criteria of Section B shall apply.

1. When mitigation for impacts to a Significant Wetland or a Major Marsh is proposed, the mitigating plan shall comply with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations. The City may approve a development but shall not issue a building permit until all applicable State and Federal wetland permit approvals have been granted and copies of those approvals have been submitted to the City.
2. When mitigating for impacts to a non-wetland riparian area is proposed, a mitigation plan prepared by a qualified professional shall be submitted to the review authority. The mitigation plan shall meet the following criteria:
 - a) Mitigation for impacts to a non-wetland riparian area shall require a minimum mitigation area ratio of 1:1;
 - b) The mitigation plan shall document the location of the impact, the existing conditions of the resource prior to impact, the location of the proposed mitigation area, a detailed planting plan of the proposed mitigating area with species and density, and a narrative describing how the resource will be replaced;

- c) All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity;
- d) Trees shall be planted at a density of not less than 5 per 1000 square feet. Shrubs shall be planted at a density of not less than 10 per 1000 square feet.

Section 2.1080. Plan Amendment Option

Any owner of property affected by the SNR Overlay Zone within the Goal 5 planning area, as designated in the comprehensive plan, may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the SNR Overlay Zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Gold Beach Comprehensive Plan, and the Gold Beach Significant Natural Resources Map shall be amended to remove the site from the inventory.

The ESEE analysis shall adhere to the following requirements:

1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Gold Beach City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource. The City should confer with the Department of Land Conservation and Development prior to making their ultimate decision;
2. The ESEE analysis must demonstrate why the use cannot be located on buildable land outside of the Significant Natural Resource and that no other sites within the City of Gold Beach can meet the specific needs of the proposed use;
3. The ESEE analysis shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCDC.

Airport Approach Overlay Designation (12-AA)

Section 2.1110. Purpose of Classification.

Airport Approach Overlay & Runway Protection Zone.

This section has been revised to comply with changes adopted by the state to OAR 660 Division 13. This zoning district is intended to be an overlay zone applied to properties that lie within the air approaches to the Gold Beach Airport. Further, this zoning district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the residents of the City of Gold Beach. In addition to the requirements of this ordinance, any development proposed in the Airport Approach Overlay Zone must comply with Federal Aviation Administration requirements and Oregon State Aviation Department requirements.

Section 2.1120. Definitions

Aircraft: means helicopters and airplanes, but not hot air balloons or ultralights.

Airport: means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Approach: shall be the primary and secondary safety zones as defined in the Gold Beach Airport Master Plan 1980-2000.

Airport Approach Safety Zone: The land that underlies the approach surface, excluding the Runway Protection Zone (RPZ).

Airport Hazard: is any structure, tree or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.

Airport Imaginary Surfaces: Those imaginary surfaces in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction

Airport Uses: means those uses described in OAR 660-013-0100.

Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of:

- i) 1250 feet at the end of a utility runway having only visual approaches;
- ii) 1500 feet at the end of a runway other than a utility runway having only visual approaches;
- iii) 2000 feet for a utility runway having a non-precision instrument approach;

- iv) 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
- v) 4,000 feet for a non-precision instrument runway having visibility minimums as low as three-fourths statute mile; and
- vi) 16,000 feet for precision instrument runways.

The Approach Surface extends for a distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (24:1) for all non-precision instrument runways other than utility; 10,000 feet at a slope of 34 feet outward for each foot upward (34:1) for all non-precision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

Aviation Easement: is an easement granted by the land owner, that holds the City of Gold Beach, City of Gold Beach and the State of Oregon harmless from any nuisance and/or personal and/or property damage as a result of an aviation activity and/or accident and an agreement to build structures that will not create an airport hazard.

Conical Surface: Extends 20 feet outward for each foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of a visual and utility runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above an airport elevation) and upward extending to a height of 350 feet above the airport elevation.

Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines of tangent to those arcs.

Non Towered Airport: means an airport without an existing or approved control tower on June 5, 1995.

Primary Safety Zone: is an area that extends 1300 feet beyond the end of the future runway extension of runway 30 and is 1500 feet wide at the end of said runway and extends outward at the same width to the end of the zone.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the Primary Surface ends at each end of that runway. The width of the primary surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having non-precision instrument approaches, 500 feet for other than utility runways having only visual approaches or non-precision instrument approaches with visibility minimums greater than three-fourths of a mile and

1,000 feet for non-precision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.

Public Assembly Uses: means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities, excluding airshows. Public Assembly Uses does not include places where people congregate for short periods of time such as parking lots and bus stops or uses approved by the FAA in an adopted airport master plan.

Runway Protection Zone (RPZ): An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet beyond the end of the area usable for takeoff or landing. The RPZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.

Secondary Safety Zone: is an area that extends an additional 3900 feet beyond the primary safety zone having the same 1500 feet in width.

Sponsor: means the owner, manager, other person, or entity designated to represent the interests of an airport.

Transitional Surface: Extends seven feet outward for each foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

Section 2.1130. Uses Prohibited Within the Airport Approach Overlay & Runway Protection Zone

In the Airport Approach Overlay and Runway Protection zones, the following uses are prohibited:

1. New residential development.
2. Public assembly uses.
3. The siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors.
4. New, or expansion of existing, outdoor lighting for industrial, commercial or recreational uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridor.

Section 2.1140. Uses Permitted Within the Airport Approach Overlay

In the Airport Approach Overlay the following uses are permitted:

1. Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110.
2. Emergency Medical Flight Services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. "Emergency Medical Flight Services" does not include hospitals, medical offices, medical labs, medical equipment sales, and similar uses.
3. Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
4. Flight Instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. "Flight Instruction" does not include schools for flight attendants, ticket agents, or similar personnel.
5. Aircraft Service, Maintenance and Training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills, maintain, service and repair aircraft and aircraft components, but not including activities, structures, and facilities for the manufacturing of aircraft for sale to the public or the manufacturing of aircraft related products for sale to the public. "Aircraft Service, Maintenance and Training" includes the construction of aircraft and aircraft components for personal use. The assembly of aircraft and aircraft components is allowed as part of servicing, maintaining, or repairing aircraft and aircraft components.
6. Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.
7. Aircraft Sales and the sale of aeronautic equipment and supplies, including activities, facilities, and accessory structures for the storage, display, demonstration and sale of aircraft and aeronautic equipment and supplies to the public.

8. Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting Activities on airport property shall be subject to approval of the airport sponsor. Aeronautic recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.
9. Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.

Natural Hazards Overlay Designation (13-NH)

Section 2.1210. Purpose of Classification.

The purpose of the NH zone is to provide for appropriate uses and protect people, lands and development in areas that have been identified in the Comprehensive Plan as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards. For the purposes of these provisions, areas subject to geologic hazards are known as “geologic hazard areas”. Geologic hazard areas are shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the City of Gold Beach Comprehensive Plan. The maps include the Oregon Department of Geology and Mining Industries Bulletin 90 Land Use Geology of Western City of Gold Beach, Oregon the DOGAMI maps known variously as the “Provisional Maps of Rapidly Moving Landslides” and the “Further Review Areas” maps. Geologic hazard areas may also be identified by site specific characteristics such as, but not limited to, earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage or soil distribution; steep slope mass movement areas subject to localized debris slides, debris flows, rock falls or rock slides, and other areas that may be identified by an engineer or geologist conducting the technical assessments required by the City of Gold Beach Zoning Ordinance.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides.

Section 2.1220. Flood Plain.

Portions of zones may be subject to flooding. Restrictions, conditions and regulations for the construction of buildings and uses of land lying in the flood plain zone are subject to the Flood Damage Prevention ordinance of City of Gold Beach. The flood plain zones, as indicated on Flood Plain Maps, are an official part of the County Zoning Maps. Flood Hazard Development Permits under the Flood Damage Prevention Ordinance are subject to administrative approval by the Director.

Section 2.1230. Development in Areas of Geologic Hazards.

Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the Director.

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant’s expense that identifies site specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and downslope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:

- a. A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property or to adjacent properties resulting from the proposed development activity.
 - b. A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Section 2.1210.
2. If the assessment provides a certification pursuant to Section 2.1230 (1)(a), the development activity may proceed without further requirements of this Section.
 3. If the assessment provides a statement pursuant to Section 2.1230 (1)(b), the applicant must apply for and receive an Administrative Decision prior to any disturbance of the soils or construction.
 4. Applications, which require an Administrative Decision pursuant to Section 2.1230 (3), shall provide the following information prior to the Planning Director's determination that the application is complete.
 - a) A geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information:
 - i) Drawings at scales that allow for clear depiction of the following:
 1. an index map showing the location of the development activity within City of Gold Beach;
 2. A topographic site plan that shall include
 - a. all adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from or posing a risk to the development activity;
 - b. the degree of slope on the subject and adjacent properties;
 - c. all features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall specifically include any landslide, bluff failure or shoreline erosion that could migrate upslope into the subject or adjacent properties;
 - d. the location of all identified geomorphic features and micro-topographic features related to the identified geologic hazards, and

- e. all features or conditions, which gave, rise to the statement pursuant to Section 2.1230 (1)(b) not otherwise required to be included.
 - 3. A map that depicts features and conditions associated with any building site or construction site associated with the development activity.
- ii) A technical analysis and narrative describing the following:
 - 1. The geologic features or conditions of the property as well as those features or conditions which gave rise to the statement pursuant to Section 2.1230 (1)(b);
 - 2. All features related to earth movement or geologic instability on, above and below the site;
 - a. The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;
 - b. Whether the proposed development activity can be safely sited on the subject property or at the site in view of the geological hazards and risks that have been identified in the geologic hazard assessment;
 - c. All features related to earth movement or geologic instability on, adjacent to, upslope or downslope from the subject property;
 - d. A clear statement of all requirements or conditions on the development activity that the geologist has determined are necessary to mitigate the geologic hazards that require mitigation;
 - e. A qualitative assessment of the likelihood that the proposed development activity will cause damage or contribute to damage to adjacent properties resulting from geologic hazards disclosed in the geologic hazard assessment or during the course of the preparation of the geologic hazard mitigation report.
 - f. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations
- b) In the event that the Director determines that the geologic hazard mitigation report fails to include the required information, fails to analyze or take into account

documented hazards associated with the subject property or the proposed development activity, fails to consider new information made available to the Director or has other identified significant deficiencies, the Director shall:

- i) Notify the applicant in writing to identify the deficiencies. Thereafter the applicant shall:
 1. provide a revised geologic hazard mitigation report or, in the applicant's discretion, request the Director to submit the geologic hazard mitigation report for peer professional review at the applicant's expense.
 2. In the event of peer review, the Director shall provide the applicant with a list of three qualified professionals from which the applicant shall choose one to conduct the peer review.
5. Upon the Director's satisfaction with the geologic hazard mitigation report, the Director shall approve it in writing and may thereafter proceed with the determination of whether to grant the application.
6. If the geologic hazard mitigation report discloses that the entire subject property is subject to geologic hazards that cannot be mitigated or that the subject property does not contain sufficient area that can be mitigated to allow the development activity as proposed, or that the development activity presents a significant risk of damage to or destabilizing adjacent property that cannot be mitigated in the course of the development activity itself, the development activity shall not be allowed, and the application shall be denied.
7. Prior to approval of the development activity, the applicant shall provide a mitigation plan prepared by an engineer or geologist specific to the development activity and based on the approved geologic hazard mitigation report.
 - a. The mitigation plan must adequately address all issues identified in the geologic hazard mitigation report and protect the subject property and surrounding lands.
 - b. In the event that the development activity is a division of land, the mitigation plan shall specify mitigation measures or improvements that must be implemented on each parcel to assure the protection of the subject property and of other properties from the hazards identified in the geologic hazard mitigation report.
 - c. The mitigation plan shall specify which if any measures and improvements must be installed or constructed under the direction of a supervising engineer.
 - d. The applicant shall, prior to the issuance of any development permits, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.
 - e. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.

8. The Director shall provide notice as required for a Conditional Use Permit to all affected parties regarding the proposed development in a natural hazard area. The Director shall consider the applicant's reports, proposed mitigation plan and any response from affected parties in making his decision. The Director's review of technical reports, plans and recommendations shall give greater consideration to the comments of engineers or geologists qualified to assess the contents of such reports, plans and recommendations.
9. Appeals of a decision which challenge an assessment, report or plan prepared or approved under Section 2.1230 (1), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an assessment, the Director may submit the matter for recommendation by an engineer or geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.
10. If a possible new geological hazard that has not been mapped is brought to the attention of city officials, the city shall then require that a geologist be hired by the city to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.
11. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the engineer that they include the mitigation measures contained in the approved mitigation plan. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of an engineer.
12. Upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising engineer shall certify that the measures and improvements in the approved mitigation plan have been properly installed. In the case of mitigation plans that do not require a supervising engineer, such certification shall be made in the form of a sworn affidavit by the applicant. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the engineer or geologist who prepared the mitigation plan.

ARTICLE III. Supplementary Provisions

Section 3.010. Maintenance of Minimum Ordinance Requirements.

No lot area, existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimum required by this ordinance, nor shall any lot area, yard or other open space which is required by this ordinance be used as the lot area, yard, or other open space requirement for any other use.

Section 3.020. Zone Boundaries.

Unless otherwise specified, zone boundaries are property lines, the center line of streets, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.

Section 3.025. Zero Side Yard Dwelling Units.

Where permitted as a special use, zero side yard dwelling units shall meet the following use and development standards:

1. Permitted development. When developed as required in this section, not more than three dwelling units, each on a separate platted lot may be attached in the Residential zones without regard to the side yard requirements otherwise applicable under this zoning ordinance.
2. Yards adjacent to a street. The requirements of this zoning ordinance for yards adjacent to a street are not relieved by this section, and shall be met.
3. Interior side yards. Any exterior wall or portion thereof which faces but is not contiguous to a side lot line shall meet all applicable interior side yard requirements under this zoning ordinance; otherwise, the interior side yard requirements of this zoning code shall not apply.
4. Building separation. Buildings on adjacent properties but not attached to each other shall be separated by a distance as specified in the development standards of the underlying zone.
5. Maintenance easement. As a condition of issuance of a building permit for any building having a wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to the wall providing for reasonable ingress, egress and use of such adjacent property for the purpose of maintaining, repairing and replacing the premises. Such easement shall be approved

as to form by the city attorney, and shall be recorded with the county clerk prior to issuance of the permit.

6. Adjustment of property line. Notwithstanding any provision of the Gold Beach Land Division Ordinance to the contrary, the owner or owners of adjacent lots either of which has thereon a zero side yard dwelling unit, may, by appropriate instrument, adjust the common side lot line by no more than 18 inches to make the wall intended to be contiguous with the common lot line actually contiguous. Such adjustment shall move the line as a whole; and may, without the necessity of an adjustment or variance and without making the premises nonconforming, reduce the required area or frontage of the lot, increase the allowable lot coverage, or any combination thereof necessary to make the side lot line and building contiguous within the limits of this subsection. The instrument accomplishing such adjustment, and a survey by a registered land surveyor evidencing the need for and description of such adjustment, shall be reviewed and approved by the administrator prior to recording the instrument; otherwise the exemption granted by this subsection shall not apply.
7. Accessory buildings. The provisions of this section apply to accessory as well as main buildings.

Section 3.030. Off-Street Parking.

This section shall apply to all uses in all zones of this ordinance as set forth in Sections 3.031 to 3.037.

Section 3.031. General Provisions.

At any time any structure is hereafter built, an existing structure is enlarged or there is a change of use of an existing structure to a use that would require additional parking as defined by this ordinance, then the requirements of this ordinance shall be met unless greater requirements are otherwise established by another authority. This section is subject to the procedures for variance and the ordinance requirements as discussed in Section 3.036 of this ordinance.

1. The provision of required off-street parking, loading facilities and access is a continuing obligation of the owner of the real property upon which the subject premises is situated. Sets of plans and a plat map drawn to suitable scale showing the location of permanent parking, loading facilities, location of buildings, city streets, highways, parking spaces and access points will be provided to the City.
2. The off-street parking plot plan shall meet the requirements discussed herein.
3. The off-street parking plot plan shall be submitted to the Planning Director. The Planning Director shall review the plan and determine whether to approve or deny it or refer it to the Planning Commission for determination. The review shall determine compliance of the plot plan with Section 3.030 through Section 3.035 of this code. If the Planning Director makes a decision on the matter, he shall notify the applicant of the decision. The applicant may appeal this decision by requesting review by the Planning Commission within fifteen (15) days of the date of the notice of the decision of the Planning Director.

The Planning Director may request that the Planning Commission determine whether the off-street parking plan fulfills the requirements of the Code. In that case, the Planning Director shall set the matter for hearing at the next regularly scheduled Planning Commission meeting after submission. The Planning Commission shall then determine whether the plot plan fulfills the requirements of the Code and shall grant or deny approval of the parking plan accordingly and notify the applicant of its decision.

4. An applicant who is proposing a change of use in an existing structure to a use that would require additional parking as defined by this ordinance shall not be issued a City business license, utility hookup or permit or any other approval from the City Recorder's office if the City Recorder determines, after review of this ordinance and the proposed change in use, that additional off street parking may be required. The City Recorder shall refer the matter to the Planning Director and the Planning Director shall set the matter for the next regularly scheduled Planning Commission meeting.
5. A plot plan shall be submitted by the applicant which contains the design of the proposed parking lot and loading berths, if any, including width of lanes, direction of travel, location of public streets and access points, the boundaries of the properties, the outlines of any

buildings on the property, the building's proposed use or uses, the square footages for each and the building's occupancy capacity as set by any other governmental unit. The plan must be drafted in ink, be of reasonable scale, contain a north arrow point, be dated and have the name, address and telephone number of the applicant or his agent. It must identify all public streets and alleys or thoroughfares contiguous or within 300 feet laterally from any boundary of the proposed parking lot. Design of the proposed off-street parking plot plan shall be the responsibility of the applicant in conformance with the contents of this ordinance.

6. The Planning Director and/or Planning Commission may require any additional information from the applicant which is deemed desirable and necessary in making a determination of whether an applicant meets the requirements of this ordinance as to that particular premises and use.
7. Any requirements for a building or a use not specifically listed in this ordinance shall be determined by the Planning Commission based upon requirements or similar uses listed within this ordinance.
8. Owners of two or more structures or parcels of contiguous land may agree to jointly utilize the same parking and loading spaces in a cooperative effort where the times of operation of their respective uses do not overlap. The Planning Commission shall review any such proposals and may require a plot plan or any other necessary information to determine whether such a proposal will be in compliance with this ordinance. If such a proposal is approved, the applicant shall provide a deed, lease or contract executed by both parties, which is in a form satisfactory to the City Attorney, establishing the joint use for parking on the parcel so used for a period of time that each separate ownership use parcel will rely on the parking parcel to meet the requirements of this ordinance. The policy of the City will be that should the joint use cease, that each parcel will have to provide alternate parking for their independent uses or face termination of the use of their properties as described hereunder. Said document, after review by the City Attorney and execution by the parties shall be recorded at the cost of the applicant with the County Clerk's office.
9. All off-street parking spaces for dwelling units shall be located on the same parcel of property as the dwelling unit. Non-dwelling required parking spaces shall be located within a radius of 300 feet from the building or use they are to serve.
10. When the enlargement or increasing floor space of a building requires two new parking spaces or less, no additional facilities shall be required. However, the effects of the changes, additions or enlargement shall be cumulative so that when the net effect of several changes generates a need for more than two spaces, they shall be provided. Where an existing use is being enlarged as described above, or new uses are added to the same parcel of property as described in this ordinance, then any existing use at the time of said expansion or additional use shall be required to meet the standards of this ordinance from and after the expansion or addition of other uses on that parcel of property.

11. In the event several uses occupy a single structure or parcel of land, total requirements shall be the sum of the several uses computed separately.
12. Any parking space established under the authority of this ordinance shall not be used at any time for the storage of any material goods, merchandise or other substances, nor shall it be used for the storage of refuse dumpsters, recycling containers, or other similar receptacles, and any vehicle that is used in conducting of business on the premises or to be used for the sale, repair or service of any motor vehicle. Single family dwellings may use said parking spaces for the storage of motor vehicles but no other items.
13. Building structures which receive and distribute material and merchandise by truck or other large vehicle shall provide and maintain loading berths in sufficient number and size to adequately handle the needs of the particular use. The areas used for such loading berths and the access points to those loading berths shall not be used for parking spaces or storage of any type.
14. Any applicant who, in the design of his off street parking plot plan, shows a need for creating a new access point on to any state highway or city street must present with his application written approval from the appropriate authorized body granting approval for such access.

Section 3.032. Off-Street Parking Space Requirements.

The following off-street parking space requirements are minimum requirements under this ordinance. A plot plan shall be submitted by an applicant which contains all necessary information required by this ordinance. The Planning Commission may request the City Engineer to review any such plot plan and map and an applicant shall meet any requirements of the Planning Commission or City Engineer regarding not only improvements on the applicant's property but also requirements of the City regarding sidewalks, curbs or street improvements or usages. An applicant shall further provide any information requested by the Planning Director, Planning Commission or City Engineer.

The outside dimensions of the building shall determine floor area for the above uses. Said dimensions or other information which is the basis for number of parking spaces shall be supplied on the plot plan. Requirements for off-street parking as outlined above shall be in the appropriate areas directly tied to the building capacities as set by the appropriate government officials and those parking requirements shall be the minimum required for such buildings as outlined above.

All applicants with industrial development uses shall submit a proposed plot plan of off-street parking to the Planning Director for submission to the Planning Commission. Said applicants shall meet the requirements of this ordinance with regard to specifications but the number of parking spaces shall be determined by the Planning Commission based upon information, expertise and suggestions supplied by the applicant with the Planning Commission making the final determination as to off-street parking. Design of said parking is the responsibility of the applicant.

OFF STREET PARKING SPACE REQUIREMENTS CHART:

USE	TYPE	NUMBER OF SPACES
RESIDENTIAL USES & DEVELOPMENT	Single family dwelling, Multi-family dwelling, Mobile Home Park, Residential Condominiums	2 SPACES PER DWELLING UNIT
	Planned Unit Development-PUD In addition to the residential requirements described above, any commercial activity within the PUD shall meet commercial requirements outlined below. An enclosed garage or open carport shall be counted as a parking space dependent upon the amount of square footage in either type of structure as related to the definition of a parking space contained herein.	
COMMERCIAL DEVELOPMENT-SEE ALSO SECTION 3.034	Medical, Dental Office, Restaurant, Alcohol Service Establishment, Skating Rink, Bowling Alley	1 SPACE /100 SQUARE FEET
	General Retail Store, General Office, Professional Office, Bank, Barber Shop, Beauty Shop, Auto Body and Fender Repair Shop, Vehicle Repair, Rental or Service Shop	1 SPACE/300 SQUARE FEET
	Furniture Store, Appliance Store, Automotive, Motor Home, RV or Boat Sales Store	1 SPACE/500 SQUARE FEET
	Hotel, Motel, or RV Park	1 SPACE PER GUEST ACCOMODATION PLUS 2 SPACES FOR EMPLOYEES
	Theater, Gym, Stadium, Places of worship, Convention Center, Auditorium	1 SPACE/3 SEATS
	Home Occupation-see also Section 3.050	2 SPACES PER DWELLING UNIT
INSTITUTIONAL, PUBLIC OR QUASI-PUBLIC DEVELOPMENT	Schools, including child care	1SPACE PER STAFF PLUS 1 PER 10 STUDENTS OF DRIVABLE AGE PLUS ADDITIONAL REQUIREMENTS FOR GYMS OR AUDITORIUMS AS OUTLINED ABOVE
	Libraries	1 SPACE PER 300 SQUARE FEET
	Hospital, Convalescent & Nursing Home	1 SPACE PER EACH STAFF MEMBER EMPLOYED PER SHIFT WITH MOST EMPLOYEES PLUS 1 SPACE PER BED
	Other Public & Government Buildings	PARKING SPACES TO BE DETERMINED BY SIMILAR USES IN COMMERCIAL OR PUBLIC BUILDINGS DESCRIBED ABOVE
INDUSTRIAL DEVELOPMENT		SEE ABOVE **

Section 3.033. Standards for Off-Street Parking Facilities.

1. Service entries and drives shall be constructed to facilitate a safe and efficient flow of traffic.
2. No plantings, fences or other visual obstructions more than 30 inches tall or tree limbs maintained lower than 8 feet from the ground shall be permitted within the triangular area formed by the intersection of the driveway line and street right of way, a straight line adjoining said line through points 20 feet from their intersection.
3. Proposed non-dwelling parking spaces which are not located on the premises shall be within a 300 foot radius from the building or the use they serve. All other conditions of Section 3.031 must be met.
4. Off-street parking spaces, parking lots, entrances and exits to said spaces and lots shall be improved with all weather asphaltic or concrete surfaces. Asphaltic surfaces shall be a minimum of 2 inches in depth and concrete surfaces shall be a minimum of 4 inches in depth. The City Engineer must review any other surface requested by an applicant and the Planning Commission shall review his recommendations in making a determination to the request. All parking spaces on said lots must be delineated with enduring paint of a contrasting color or suitable markings. These requirements do not apply to single family dwellings.
5. Artificial lighting provided for parking spaces shall not create or reflect glare in any other adjacent dwelling, premises or onto a public street. Where there are four or more parking spaces on one lot, there must be artificial lighting provided on said spaces which is approved by the Planning Commission.
6. Any off-street parking premises which requires four or more parking spaces shall include in its plot plan the proposed location of all entrances and exits from and to public streets and such must provide sufficient space so that no backing movements or maneuvering are required within a public street. The Planning Commission shall review and approve said entrances and exits where they find that traffic safety and sufficient traffic flow is maintained.
7. The off-street parking areas required by this ordinance shall be completed and available for use at the time a certificate of occupancy is issued by the Building Official. The Building Official shall not issue a certificate of occupancy of any type unless requirements of this ordinance are met.
8. The off-street parking facilities shall conform to basic traffic safety standards as imposed by any city ordinance or by the City Engineer in regard to the application pending before the Planning Commission.

Section 3.034. Standards for Off-Street Loading Facilities.

Where a structure or use of a structure may require or is designed to incorporate loading and unloading facilities, the applicant shall provide off-street parking and loading facilities conforming to the following standards:

1. No parking shall be allowed in a loading facility area for any motor vehicles other than those which are in the process of actually loading or unloading material.
2. Design of off-street parking spaces, lots and/or adjacent loading facilities shall provide sufficient and separate maneuvering areas from parking areas in such a manner that large vehicles, including trucks can move through the entire area even when all parking spaces are in use.

Section 3.035. Continued Use of Building and Structures Not Conforming to Off-Street Parking Space Requirements.

1. A building or structure existing at the time of adoption of this ordinance that does not conform with the parking space requirements specified herein may continue to operate with existing parking as long as its present utilization and size are not changed. However, if the building is enlarged or if the utilization is changed to one that requires additional parking as defined by Section 3.032, then parking shall be provided that conforms to this ordinance.
2. A structure or premises that suffers damage or destruction by casualty loss may not be required to meet the specifications of providing off-street parking under this ordinance other than the amount of off-street parking existing prior to the casualty if it meets all of the following requirements:
 - a) The nonconforming structure was destroyed or damaged by casualty or natural disaster.
 - b) Replacement of the nonconforming structure commences within one year from the date of the casualty.
 - c) The reconstruction of the nonconforming structure is completed within one year from the start of reconstruction.
 - d) The nonconforming structure is replaced at the same square footage size and same use as prior to the casualty.
 - e) That the nonconforming structure is under the same ownership as at the time of the casualty.

3. A structure or premises that does not meet all of the requirements outlined above shall provide appropriate off-street parking and loading areas as required by this ordinance.

Section 3.036. Variances to Off-Street Parking Requirements.

The Planning Commission may grant variances from the parking provisions of this ordinance where due to topography, type of use, time of use, traffic flow or other special circumstances on a case by case basis, it is impractical, impossible or inequitable to comply with the requirements of off-street parking. An application for variance of the procedure for granting a variance shall follow the provisions of Article VII of this ordinance.

Section 3.037. Penalty and Abatement for Off-Street Parking Violations.

No person shall violate any term, condition or specifications of this ordinance and any premises found in violation of this ordinance upon notification thereof shall immediately undertake to comply with the provisions of this ordinance. The City, upon finding that a person or premises fails to comply with any provision of this ordinance, may exercise any of the following remedies:

1. To seek civil infraction for an immediate restraining order, temporary injunction or other civil remedy to prevent the continuation of the violation of this ordinance, including requesting any legal order for termination of use of the premises hereunder.
2. The City may terminate utility service to the premises pursuant to the Water and Sewer Codes of the City of Gold Beach. Said services shall not be reinstated until the Planning Commission approves either a proposal for abatement of the nonconforming premises or the premises is brought into conformance with this ordinance.
3. The City may, through its Building Official, terminate and cancel any occupancy permit issued under the Uniform Building Code and order the premises to be vacated until the provisions of this ordinance are met and until the Planning Commission approves a proposal for abatement of the nonconforming premises.
4. Any person not complying with this ordinance may be subject to prosecution within the Municipal Court and upon conviction, a fine not to exceed \$300 shall be imposed. Each day the premises is in nonconformance with this ordinance shall be deemed a separate violation.

Section 3.040 Accessory Dwelling Unit (ADU) Standards *(Amended Ordinance 660, December 2016)*

Purpose. Accessory Dwelling Units (ADU) shall be permitted to provide the following:

- a) Create new housing units while respecting the look, scale, and feel of the single-family and multi-family dwelling development patterns;
- b) Offer housing choices with less average space per person;
- c) Offer housing options to provide for changing family needs, smaller or larger households, multigenerational housing, or reduction in overall housing costs;
- d) Offer additional housing options for seniors, persons with disabilities, veterans, or financially disadvantaged individuals.

Specific ADU siting standards

- 1) ADUs shall be accessory to an existing single-family, duplex, or multi-family dwelling; and
- 2) ADUs shall meet the setback requirements of the underlying zone; and
- 3) ADUs shall be 200'-600' square feet in size; and
- 4) ADUs shall not be used for vacation rental dwellings or rentals of less than 30 day increments and may not be advertised as such.

Section 3.045. Manufactured Homes in Residential Zones.

A manufactured home placed on an individual lot in a Residential zone shall comply with the following provisions:

1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. This standard does not apply to "tiny houses" or accessory dwelling units (ADUs). Manufactured structures commonly known as "Park Models" are permitted as "tiny houses" or ADUs provided they are sited according to standards 2, 3, and 4 below. *(Amended Ordinance 660, December 2016)*
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed by a perimeter wall of concrete or grouted and filled concrete blocks such that no more than 16 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the 16 inch limitation shall not apply. However if these requirements conflict with the City of Gold Beach Flood Damage Prevention Ordinance (Ordinance 422) the requirements of Ordinance 422 shall apply.
3. The manufactured home shall have a pitched roof, with a nominal slope of three feet in height for each 12 feet in width.
4. The manufactured home shall have exterior siding and roofing which is comparable to the predominant materials used on surrounding dwellings.

Section 3.050. Home Occupations.

Definition: Home occupation means any business or professional activity engaged in for the production of income by a resident of a dwelling or dwelling unit as a subordinate use of the building and its premises, and in conformance with the standards listed below. Such term does not include the lease or rental of a dwelling unit or the rental of guest rooms on the same premises.

Standards for Home Occupations.

Each home occupation shall be conducted in full compliance with each of the following conditions:

- a) The premises upon which the home occupation is conducted shall be the residence of a person conducting the home occupation.
- b) Not more than one volunteer and/or nonresident employee, partner, or other person engaging in the conduct of the home occupation for pay or profit shall work on the subject property.
- c) The home occupation shall be continuously conducted in such a manner as not to create any nuisance, public or private, known at law or equity; including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference.
- d) The home occupation shall not be used for the assembly of nonresident employees or volunteers.
- e) No more than one sign up to 10 square feet, not illuminated, is permitted and must comply with the City of Gold Beach Sign Ordinance.
- f) No accessory building used for or in connection with a home occupation shall cover more than 5 percent of the total lot area.
- g) The total floor area of buildings on the premises, including accessory buildings, devoted to the home occupation shall not exceed 25 percent of the habitable space of the dwelling prior to establishment of the home occupation.
- h) No structural alterations shall be made to the dwelling which would be inconsistent with future use of the building exclusively as a dwelling.
- i) No alteration to or use of the premises shall be made such as to reduce the number of on-site parking spaces required for dwellings.
- j) Parking of customer or client vehicles shall create no hazard or unusual congestion. If the home occupation requires any parking for an employee, then parking shall be provided as required under Section 3.030 Off-Street Parking.

- k) Delivery and pick-up of materials or commodities in conjunction with the home occupation to and from the premises shall be made by commercial vehicles not exceeding two (2) axles in size.
- l) There shall be no outside storage or display of materials, equipment, or merchandise used in or produced in connection with the home occupation.
- m) The home occupation shall not involve the sale of commodities and shall be limited to occupations providing services including, but not limited to dressmaking, lawyer, public accountant, artist, caterer, writer, teacher, musician, home office of a physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft.

Section 3.060. Dredge Disposal Sites.

Identified dredge disposal sites shall be protected for future disposal of dredged material. Uses in or near identified spoil sites shall be compatible with dredge spoil disposal and removal.

Section 3.070. Historical Sites and Structures.

Those historical sites and structures identified in the City of Gold Beach Comprehensive Plan shall be subject to the provisions of this section. The Planning Commission may authorize the alteration, moving, renovation or change of use of any site, structure, or object so identified subject to the provisions of Section 3.071.

Section 3.071. Circumstances for Granting a Change in a Historical Site or Structure.

Whenever application shall be made for the alteration, moving, renovation, demolition or change of use of any historical site, and before any permit shall be issued the following procedures shall be taken;

1. The applicant for a permit shall present to the City of Gold Beach Planning Director information concerning the proposed action, and the Planning Director shall make findings and recommendations to the City Planning Commission which shall include the following:
 - a) Whether the site, structure or object has maintained the required characteristics for historic significance.
 - b) Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare.
 - c) Whether historical significance will be substantially affected by the proposed change.
 - d) Whether the financial or other hardship to the owner in preserving the historic significance is outweighed by the public interest in preserving historic values.
 - e) Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out.
 - f) Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences and the affect of such consequences on the public and private interests involved.
 - g) Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the commission.
2. After receiving a report from the Planning Director, the City Planning Commission shall hold a hearing after not less than 20 days written notice mailed or delivered to the owner and 20

days notice of hearing published in a newspaper of general circulation in the City of Gold Beach.

3. The City Planning Commission shall receive evidence concerning the issuance of the permit and it shall make a determination of the matter that may include determination that historic significance no longer exists, or that historic values can be preserved by issuing the permit either with or without conditions.

ARTICLE IV. Exceptions

Section 4.010. Projections from Buildings.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and similar architectural features may project into a required set back not more than two feet.

Section 4.020. General Exception to Building Height Limitations.

The following type of structure or structural parts are not subject to the building height limitations of this ordinance; chimney, tank, place of worship spire, belfry, monument, fire and hose towers, observation tower, mast, aerial, cooling tower, elevator shaft, transmission tower, smokestack, flagpole, radio or television tower, wind generator and other similar projections.

Section 4.030. General Exception to Yard Requirements.

Roadside stands, fences, hedges, walls and signs may be located within a required setback but shall not obstruct vision clearance on a corner lot or parcel.

Section 4.040. General Exception to Lot Size Requirements.

If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the minimum lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single family residence.

Section 4.050. Waiver of Minimum Lot Size.

The minimum lot size of any zone may be waived in granting a conditional use permit for utility facilities or communication facilities, and wind generators, when in the opinion of the Planning Commission, such a waiver would not be inconsistent with the intent of the zone or the purpose of this ordinance.

Section 4.060. Continuation of Nonconforming Use or Structure.

A nonconforming structure or use may be continued and maintained in reasonable repair; however, the expansion of a nonconforming use shall be at the discretion of the Planning Commission who may impose such conditions as it finds necessary to carry out the intent of the particular zone and this ordinance. Applications for such expansion of a nonconforming use shall be made in the same manner as for a conditional use set forth in Article VI.

1. If a nonconforming structure or a structure containing a nonconforming use is destroyed or damaged by any cause to an extent requiring the discontinuance of the use while effecting repairs, a future structure or use on the lot, shall conform to the

provisions of this ordinance unless reinstatement or resumption of the original use or reconstruction of the original structure is specifically approved by the ~~City Council~~ Planning Commission, except as provided in Section 4.070.

Section 4.070. Discontinuance of a Nonconforming Use.

If a nonconforming use is discontinued for a period of one (1) year further use of the property shall be limited to a conforming use.

Section 4.080. Authorization to Grant or Deny Reinstatement of a Discontinued Nonconforming Use.

Subject to the following limitations, the Planning Commission may authorize the reinstatement or resumption of a discontinued nonconforming use

1. If a nonconforming use is discontinued it shall not be reinstated or resumed unless specifically approved by the Planning Commission.
2. If a nonconforming use is changed, it shall be to a use conforming with the zoning regulations once altered, it shall not be changed back again to the original nonconforming use.

Section 4.090. Completion of Structure.

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a building for which construction work has commenced prior to the adoption of this ordinance.

Section 4.100. Unoccupied Buildings.

If a building is unoccupied on the effective date of this ordinance then the last use of evidence shall be considered to be its use of record and the period of discontinuance allowed by Section 4.080 shall commence on the effective date of this ordinance.

ARTICLE V. Planned Unit Development

Section 5.010. Planned Unit Development Standards and Requirements.

The following standards and requirements shall govern the application for a Planned Unit Development in a zone in which it is permitted. In addition, Article IV of the Gold Beach Land Division Ordinance, spells out specific requirements for preparation of plans and plats for a planned unit development after a conditional use permit has been granted.

Section 5.020. Consideration of a Conditional Use Permit for a Planned Unit Development.

1. The following shall be addressed when considering granting a conditional use permit for a Planned Unit Development:
 - a) The proposed land uses, building locations and housing unit densities.
 - b) The proposed traffic circulation pattern indicating the status of street ownership and maintenance.
 - c) The proposed open space uses.
 - d) The proposed grading and drainage pattern.
 - e) The proposed method of water supply and sewage disposal.
 - f) The relation of the proposed development to the surrounding area and to the comprehensive plan.
 - g) The economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.
 - h) The effect of the proposed development on streets adjacent to the planned unit development.
2. In addition to the requirements of this section, the Planning Commission shall follow the procedure for considering a conditional use as required in Article VI.
3. If the Planning Commission finds that the foregoing provisions are satisfied, and the conditional use permit is granted; the proposal shall be processed in accordance with the procedure used for establishing a planned unit development. This procedure is contained in the City of Gold Beach Subdivision Ordinance. If the Planning Commission finds to the contrary, they may recommend the application be denied or returned to the applicant for revision.

4. Permits for the construction in a planned unit development shall be issued only on the basis of the approved plan.
5. An approved planned unit development shall be designated as such on the zoning map.

ARTICLE VI. Conditional Uses

Section 6.010. Authorization to Grant or Deny Conditional Use.

Uses designated in this ordinance as conditional uses may be permitted, enlarged or altered in accordance with the requirements of Sections 6.020 through 6.060.

In permitting a conditional use the City may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the city as a whole. These conditions may include, but are not limited to, increasing the lot size or setbacks, controlling the location or number of vehicular access points, increasing the street width, limiting the height of buildings to protect the light and air of adjacent properties, increasing the amount of off-street parking or loading, or other provisions necessary to minimize any conflict between the proposed conditional use and the use of adjacent properties.

Section 6.020. Application for Conditional Use.

General Concept: A conditional use may be permitted but review is necessary to determine what, if any, conditions should be imposed. A conditional use is an activity which is basically similar to other uses permitted in the zone but because of the manner in which such a use is conducted, or the manner in which land and buildings might be developed to accommodate such a use, a public hearing and review of the specific proposed use and the imposition of certain conditions, if necessary, will appropriately adapt the use to its location and neighborhood. Approval of a conditional use is not a variance, waiver or relaxation of any of the provisions of this ordinance.

A request for a conditional use, modification of an existing conditional use or a reinstatement of a discontinued nonconforming use may be initiated by the property owner or his authorized agent by filing an application with the Planning Commission or its designated agent. The application shall include plans of the proposed use, or modification of an existing use, or reinstatement of a discontinued nonconforming use. A request for a conditional use permit to authorize a home occupation shall be an Administrative Decision reviewed by the Planning Director. The application shall be accompanied by a fee as established by resolution of the City Council.

Section 6.030. Public Hearing on a Conditional Use.

Before acting on a conditional use, it shall be considered by the Planning Commission at a public hearing. The Planning Commission or its designated agent shall give notice of the hearing by sending notices by mail not less than twenty (20) days prior to the day of the hearing to the property owners within two-hundred fifty (250) feet of the exterior boundaries of the property involved and by posting on the official bulletin board at the city hall a notice not less than five (5) days prior to the hearing. The names for this purpose shall be obtained by the Planning Director from the records of the County Assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a conditional use. The Commission may continue a public hearing in order to obtain more information or to serve further notice to persons it decides are affected by the proposed conditional use. The city shall notify the applicant for a conditional use of the action of the Planning Commission within five (5) days after a decision has been rendered.

Section 6.035. Notification of Public Agencies.

For conditional uses within the 6-MA, 8-CN, 9-ER and 10-SO zones, the following agencies shall be notified by mail, not less than twenty (20) days prior to the date of the public hearing:

(1) State Agencies

- a) Division of State Lands
- b) Department of Fish & Wildlife
- c) Department of Environmental Quality
- d) Department of Forestry

(2) Federal Agencies

- a) U.S. Army corps of Engineers
- b) National Marine Fisheries Service
- c) U.S. Fish & Wildlife Service

(3) Other Notification

- a) Oregon Water Resources Department (Uses which include the appropriation of water)
- b) Oregon Department of Geology & Mineral Industries (Uses which include mining and mineral extraction)
- c) Oregon Department of Energy (Uses which include facilities for the generation or transmission of energy)
- d) Oregon Department of Economic Development (Uses which include the development of marinas, port facilities, etc.)

Section 6.040. Standards Governing Conditional Uses

In addition to the standards of the zone in which the conditional use is located and the other standards in this ordinance, all conditional uses shall:

- a) Conform to all applicable goals and policies of the comprehensive plan;
- b) Minimizes potential adverse impacts of the proposed use and development to the immediate neighborhood, and meet the following specific standards as identified in each use zone:

All conditional use applications are subject to the standards listed in Section 6.041, below, in addition to specific standards as identified in each use zone and listed in Section 6.042.

Section 6.041 **Conditional Uses Generally.**

- a) The City may require property line set-backs, building height restrictions, or additional conditions other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land use.
- b) The City may require access to the property, off-street parking, additional lot area, or buffering requirements other than those specified in Article III & IV in order to render the proposed conditional use compatible with surrounding land uses.
- c) The City may require that the development be constructed to standards more restrictive than the local Building Code or the other general codes in order to comply with the specific standards established and conditions imposed in granting the conditional use permit for the proposed use.
- d) If the proposed conditional use involves development that will use utility services; the applicant shall provide statements from the affected utilities that they have reviewed the applicants' proposed plans. These statements shall explicitly set forth the utilities' requirements, terms and conditions for providing or expanding service to the proposed development and shall be adopted by the Commission or Director as part of the conditional use permit.

Section 6.042 **Specific Conditional Use Standards**

1. **Communications transmitter, receiver, antenna or tower, utility station or substation, or wind generator.**

- (a) In any residential zone, all equipment storage on the site shall be within an enclosed building.
- (b) The use shall be fenced and provided with landscaping.
- (c) All support structures, antennas and associated equipment, including any equipment enclosures and all exterior mechanical equipment, shall be colored or surfaced so as to blend with the surrounding environment. Colors shall be natural earth or leaf tones. Surfaces shall be nonreflective.
- (d) All freestanding structures shall be surrounded and screened by a 6 feet high sight obscuring fence, wall, or hedge with a minimum 10 feet landscaped bufferyard along the outside perimeter of the site obscuring fence, wall, or hedge.
- (e) The minimum lot size for a public utility facility may be waived on a finding by the Planning Commission that the waiver will not result in noise or other detrimental effect to adjacent property.

- (f) Transmission towers, poles, overhead wires, pumping stations, and similar facilities shall be so located, designed, and installed as to minimize their conflict with adjacent uses.

2. Mobile home or manufactured dwelling park.

A mobile home or manufactured dwelling park may be permitted as a conditional use subject to compliance with local building code requirements. In addition, the following minimum standards shall apply:

- a) Parking space requirement shall comply with Section 3.032.
- b) All roadways shall have a paved surface and shall be properly drained as determined by the City Engineer.

3. Bed & Breakfast Establishments.

Where permitted as a conditional use, bed and breakfast establishments, defined as dwellings where travelers are lodged for sleeping purposes with a morning meal provided for compensation, shall meet the following development standards.

- a) Bed and breakfast establishments shall be owner occupied residences.
- b) The length of stay for any guest shall not exceed 15 consecutive nights.
- c) Bed and Breakfast shall also comply with the standards for Vacation Rental dwellings a) through f).

4. Vacation Rental Dwelling.

The procedure to apply for approval of a vacation rental dwelling is set forth in Section 6.050. The following standards are required for issuance of a conditional use permit for a vacation rental dwelling:

- a) No offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.
- b) The use shall not adversely affect the residential character of the neighborhood.
- c) There shall not be an excessive generation of traffic created by the vacation rental dwelling.
- d) One off-street parking space will be provided for each bedroom in the unit, but in no event shall less than two spaces be provided.

- e) The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
- f) The permittee must agree to comply with the requirements of the Transient Room Tax Ordinance (See Ordinance 369) and the Business License Fee Ordinance (See Ordinance No. 442).
- g) The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.
- h) When the owner of the dwelling is a non-permanent resident of City of Gold Beach, or is absent during the rental period, the Planning Commission shall require proof of a local property agent that has the authority to act on behalf of the owner for issues related to the rental process.

5. Hardship Dwelling.

The following criteria and conditions shall be applied to the use of a hardship dwelling on a lot or parcel where there is an existing dwelling:

- a) the hardship dwelling shall be a manufactured or mobile home that can be removed from the site once the hardship need has ended;
- b) the hardship dwelling shall use the same on-site sewage disposal system as the existing dwelling if public sewage disposal service is not available;
- c) the need for the hardship dwelling shall be verified by a medical doctor by a written certification explaining the reasons why the resident of the hardship dwelling has to be located in close proximity to the existing dwelling;
- d) the applicant shall provide the city a new written certification from a doctor as to the continuing need for the hardship dwelling every year after the initial approval of the conditional use permit;
- e) the city will provide notice as per Section 2.070 each time renewal of the hardship is requested and public comment received will be considered in the decision regarding the renewal of the permit; and
- f) the applicant shall sign an agreement to remove the hardship dwelling once the resident of the hardship dwelling no longer has the need to reside in close proximity to the existing dwelling.

6. Marine Activity.

The following criteria and conditions are applied to specific uses and activities in the Marine Activity (6-MA) zone:

- a) Uses not listed as permissible may be allowed upon a demonstrated by the applicant that the uses are in fact water dependent consistent with the criteria set forth in the definitions;
- b) Storage of materials or products shall be permitted if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing use or activity;
- c) Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, all applicable permit and rule requirements of:
 - i) Any applicable port district;
 - ii) The Department of Environmental Quality;
 - iii) The Division of State Lands;
 - iv) The U.S. Army Corps of Engineers; and
 - v) All other agencies having an interest applicable to the proposed use. If a statement of intent to comply is submitted, the approving authority shall condition its approval upon such compliance.
- d) Dwellings for caretakers and attached single family dwellings may be allowed in urban water dependent shorelands is such uses are an integral part of a water dependent use and do not interfere with the location and operation of other water dependent uses.
- e) For temporary uses, a date of permit expiration shall be established as a condition of approval.
- f) Flood and erosion control structures must be consistent with the provisions of the adjacent estuarine management unit.

7. Beaches and Dunes.

The following criteria and conditions are applied to specific uses and activities in the Beaches and Dunes Conservation (8-CN) zone.

The applicant shall submit a geologic hazard assessment prepared by a qualified professional that addresses the issues described in paragraphs A through D of this section. Qualified professionals include registered geologists, certified engineering geologists, registered geotechnical engineers and other who are trained and experienced in the study of coastal processes, sediment transport and slope stability. The city will use the information and analysis in the assessment to render a decision on the proposed use. The site-specific information and recommendations in the report will also be used to write conditions of approval that address potential erosion, protection against ocean flooding, sand accretion, and groundwater protection and to mitigate potential impacts of the proposed use on neighboring properties. All development within the Beaches and Dunes Conservation zone shall be adequately protected from geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or must be of minimal value and designed to minimize adverse environmental effects.

A. Site Description

1. The history of the site and surrounding areas, such as previous riprap or dune grading permits, erosion events, exposed trees on the beach, or other relevant local knowledge of the site.
 2. Topography, including elevations and slopes on the property itself.
 3. Vegetation cover.
 4. Subsurface materials – the nature of the rocks and soils.
 5. Conditions of the seaward front of the property, particularly for sites having a sea cliff.
 6. Presence of drift logs or other flotsam on or within the property.
 7. Description of streams or other drainage that might influence erosion or locally reduce the level of the beach.
 8. Proximity of nearby headlands which might block the longshore movement of beach sediments, thereby affecting the level of the beach in front of the property.
 9. Description of any shore protection structures that may exist on the property or on nearby properties.
 10. Presence of pathways or stairs from the property to the beach.
 11. Existing human impacts on the site, particularly that might alter the resistance to wave attack.
- B. Description of the Fronting Beach
1. Average widths of the beach during the summer and winter.
 2. Median grain size of beach sediment.
 3. Average beach slopes during the summer and winter.
 4. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.
 5. Presence of rip currents and rip embayments that can locally reduce the elevation of the fronting beach.
 6. Presence of rock outcrops and sea stacks, both offshore or within the beach zone.
 7. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.
- C. Analyses of Erosion and Flooding Potential
1. Analysis of DOGAMI beach monitoring data available for the site.
 2. Analysis of human activities affecting shoreline erosion.
 3. Analysis of possible mass wasting, including weathering processes, landsliding or slumping.
 4. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 1996).
 5. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.
 6. For dune-backed shoreline, use established geometric model to assess the potential distance of property erosion, and compare the results with direct

evidence obtained during site visit, aerial photo analysis, or analysis of DOGAMI beach monitoring data.

7. For bluff backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and field work, to assess the potential distance of property erosion.
8. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.

D. Assessment of Potential Reactions to Erosion Episodes

1. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods).
2. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.

The city will use the content of the geological report to impose conditions which will control erosion, protect against ocean flooding, sand accretion, or other hazards, protect groundwater supply and quality, and protect the surrounding area from adverse effects of development.

- b) Beach front protective structures shall be permitted only under the provisions of ORS 390.605, 390.770 for uses existing prior to January 1, 1977. Protective structures to protect property meeting the statutory timeline shall be required to receive review by all affected agencies and local review by the Planning Commission. The applicant shall be required to submit a geological report containing the following data:

A. Project Need

1. Analysis of the types of hazards affecting the property
2. Estimated rate of erosion based on visual observations, aerial photo analysis, published reports, such as DOGAMI hazard risk zone studies, and DOGAMI beach monitoring data.
3. Description of the type of property, improvements, or structures that are threatened, and describe the nature of the threat.

B. Evaluation of Alternatives for Wave Attack

1. Description of preferred alternative.
2. Evaluation of hazard avoidance options (siting or relocation).
3. Evaluation of soft stabilization methods (foredune enhancement, beach nourishment, cobble berms).
4. Evaluation of hard stabilization (riprap, seawalls).
5. Evaluation of bio-engineered structures (clay burritos and vegetated terraces).

6. Description of alternatives that have been attempted prior to designation of the preferred alternative.
- C. Evaluation of Alternatives for Mass Wasting
1. Vegetation management.
 2. Drainage controls.
 3. Slope regrading.
 4. Reinforcing building structures.
- D. Analysis of Impacts from Preferred Alternative
1. Potential for flank scour.
 2. Potential toe scour.
 3. Shoreline alignment impacts to adjoining properties and non-armored neighbors, including impacts to properties not eligible for shoreline protective structures.
 4. Potential for the preferred alternative to cause rip embayments or prolong existing embayment patterns.
 5. Reduction in sand supply caused by preferred alternative.
 6. Quantify Narrowing or loss of beach area.
 7. Impacts from expected maintenance of the project over the lifetime of the structure (include history of maintenance of similar projects nearby if possible and analysis of local sea level rise, and trends in littoral sand movement. Describe the expected maintenance methods that could occur.
 8. Impacts to existing public beach access routes, and provisions to keep access route in a useable condition.
 9. Impacts to sites of geologic interest, such as fossil beds or ancient forest remnants

8. Estuarine Resources.

The following criteria and conditions are applied to specific uses and activities in the Estuarine Resource (9-ER) zone.

- a) Resource capability test. Certain uses in estuarine areas require findings of consistency with the resource capabilities of the area.
 - i) A determination of consistency with resource capability shall be based on:
 - a) Identification of all resources existing at the site and factors relating to the resource capabilities of the area.
 - b) Evaluation of impacts on those resources by the proposed use.
 - c) Determination of whether any or all of the identified resources can continue to achieve the purpose of the management unit if the use is approved.
 - ii) In determining consistency of a proposed use or activity with the resource capabilities of the area, the city shall utilize information from federal or state

resource agencies regarding any regulated activities in estuarine areas. Findings showing that the proposed use is consistent with resource capabilities must be made by those agencies before such permits are approved. The city may submit proposed findings to the permit issuing agency as a part of the local review and comment process.

- b) Dredge, fill or other significant reductions or degradations. Uses or activities which involve dredge, fill or other reduction or degradation of natural values shall be approved only if:
 - i) The activity is required for navigation or other water dependent use; or in the case of fills for nonwater dependent uses, is needed for public use and would satisfy a public need that outweighs harm to navigation, fishing and recreation, as per ORS 541.625 (4), and an exception has been taken in this plan to allow such fill; or
 - ii) An estuarine location is required;
 - iii) The public need and gain are demonstrated;
 - iv) No alternative upland location exists;
 - v) Adverse impacts are identified and minimized as much as feasible; and
 - vi) The activity is consistent with the objectives of the Estuarine Resources Goal (Statewide Planning Goal 16) and with other requirements of state and federal law, specifically the conditions in ORS 541.615 and Section 404 of the Federal Water Pollution Control Act (P.L. 92-500).

- c) Impact assessment. The information listed below is required to make findings for subsections (a) and (b) above. An impact assessment should not be lengthy or complex, but it should provide a clear understanding of the impacts to be expected. It should include information on:
 - i) The type and extent of the alterations expected;
 - ii) The type of resource(s) affected;
 - iii) The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation, and other existing and potential uses of the estuary; and
 - iv) The methods which could be employed to avoid or minimize adverse impacts.

- d) Fill in “conservation” and “natural” estuarine management units. Fill activities in conservation management units shall be allowed only if listed as an allowable use within a respective segment, and then only as part of the following uses or activities:
 - i) Maintenance and protection of man made structures existing as of October 7, 1977.
 - ii) Active restoration if a public need is demonstrated.
 - iii) Low water bridges if:

- a) An estuarine location is required;
 - b) Within the estuary there are no alternative locations such as in a development management unit;
 - c) Adverse impacts are minimized as much as feasible.
- iv) Bridge crossing support structures, if:
- a) The findings of (iii) above are made; and
 - b) Consistent with the resource capabilities of the area and purposes of the management unit.
- v) Aquaculture, high intensity water dependent recreation and minor navigational improvements, if:
- a) The findings of (iv) above are made; and
 - b) No alternative upland locations exist for the portion of the use requiring fill.
- vi) Flood and erosion control structures, if:
- a) Required to protect a water dependent use as otherwise allowed in (v) above; and
 - b) Land use management practices and nonstructural solutions are inadequate to protect the use.

Fill activities in natural management units shall be allowed only when necessary for the maintenance and protection of man made structures existing as of October 7, 1977.

- e) Estuarine mitigation requirements.

Mitigation shall be required when estuarine dredge or fill activities are permitted in intertidal or tidal marsh areas as required by ORS 541.626. However, mitigation shall not be required for projects which the Division of State Lands has determined meet the criteria in ORS 541.626 (4).

- f) Solutions to erosion and flooding problems.

Nonstructural solution to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and allowed, water and erosion control structures such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

Further, where listed as a permitted activity within respective management designations, riprap shall only be allowed upon findings that:

- a) Land use management practices and nonstructural solutions are inadequate; and
- b) Adverse impacts on water currents, erosion and accretion patterns are minimized; and
- c) Riprap is consistent with the resource capabilities of the area and the purposes of maintaining conservation management units.

Further, where listed as a permitted activity within respective management segments, riprap shall only be allowed in natural management unit designations upon findings that:

- a) There is a need to protect from erosion; uses existing as of October 7, 1977, unique natural resources and historic or archeological values, or public facilities;
- b) Land use management practices and nonstructural solutions are inadequate;
- c) It is consistent with the natural management unit as set forth in the comprehensive plan and as required by the Estuarine Resources Goal (Statewide Planning Goal 16); and
- d) Adverse impacts on water currents, erosion and accretions patterns and estuarine organisms and their habitat are minimized.

- g) Proliferation of single-purpose docks and piers.

The proliferation of individual single-purpose docks and piers shall be restricted to those found to be consistent with the respective management units identified in the comprehensive plan.

This requirement shall be implemented by:

1. The preparation of findings by local government in response to a "Request for Comment" by the Division of State Lands (which shall seek local government's determination regarding the appropriateness of a permit to allow the proposed dock or pier) which document that:
 - a) The size and shape of the proposed dock or pier shall be limited to that required for the intended use; and
 - b) Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps have been investigated and considered.
2. Encouraging community facilities common to several uses and interests by:
 - a) Satisfying community needs for docks and moorage facilities identified in the comprehensive plan; and
 - b) Encouraging easements to facilitate multi-ownership.

- h) Limiting dredge and fill as estuarine restoration.

Estuarine dredge or fill actions shall be permitted as estuarine restoration only upon findings which demonstrate the following:

1. A factual assessment of the nature and extent of the estuarine resource believed to have existed at the proposed restoration site at some time in the past; and
2. A factual assessment of how the estuarine resource at the site was lost; and
3. A comparison of the resource enhancement expected to result from the proposed restoration project, together with a determination that the proposed project will, in fact, probably restore all or some of the resource value lost at the site.

- i) Limiting to water dependent use.

The proposed use must provide for navigation and other identified needs for public, commercial or industrial water dependent uses or must be accessory to and necessary to the proper functioning of such a use.

9. Shoreland Overlay.

The following criteria and conditions are applied to specific uses and activities in the Shoreland Overlay (10-SO) zone.

- a) Except where findings are contained in the comprehensive plan, water dependent commercial and industrial uses and water related uses shall require affirmative findings that the proposed use satisfies a need that cannot be satisfied in an urban or urbanizable area.
- b) Except where findings are contained in the comprehensive plan; subdivisions, partitions and other uses in rural shoreland areas shall require affirmative findings that the proposed use satisfies a need that cannot be met in other upland locations or urbanizable area, built and committed exceptions.
- c) Dredged material disposal (DMD), restoration (R) or mitigation (M) sites are protected for the use designated in the comprehensive plan. Temporary uses within a designated DMD, R or M site shall be permitted only upon satisfying all of the following criteria:
 - i) The proposed use must not entail substantial structural or capital improvements, permanent buildings, or non-temporary water and sewer connections;

- ii) The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable area or volume of the site, such as extensive site grading/excavation or elevation from fill; and
- iii) For restoration or mitigation sites, the proposed use must not require site changes that would prevent the expeditious conversion to the site to estuarine habitat.

10. Medical or Recreational Marijuana Uses (*Amended Ordinance 661 & 665, May 2018*)

- a) The facility shall not be permitted within 1000' of a school as defined in the state medical and recreational marijuana regulations. Additionally, the facility shall not be permitted within 1000' of another property with a licensed medical or recreational marijuana facility.
- b) The facility shall be registered and licensed through the State of Oregon and shall comply with all state regulations regarding medical or recreational marijuana facilities, depending on its type of state registration. This includes, but is not limited to: siting standards, proximity to schools or other marijuana or OLCC regulated facilities, hours of operation, security measures, etc.
- c) The facility must be located entirely within a permanent building and may not be located in a trailer, cargo container, motor or recreational vehicle.
- d) Outside storage of merchandise, raw materials, or other materials associated with the facility is prohibited.
- e) Drive-up or walk-up window use or similar exchange of goods through a portal to the exterior of the retail establishment is prohibited.
- f) The facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers. Burning of remnants or by-products is prohibited within the City limits.
- g) Production of oil-based products or distilling of oil shall only be permitted within the Industrial (5-I) zone. Review and inspection of the facility and proposed uses by the Fire Chief shall be required prior to the commencement of business.

Section 6.050 Vacation Rental Use Process.

In lieu of the procedure set forth in Section 6.020, an applicant for a conditional use permit, which would permit the use of an existing dwelling as a vacation rental dwelling, shall proceed as follows:

The applicant shall file the application with the Planning Director.

The Planning Director shall give notice of the application to those persons to whom notice is required under Section 6.030 of this Ordinance.

If the Planning Director determines, after considering any information submitted within 10 days after the date notice was given, that the standards required by the Section 6.040 (4) and Section 6.051, of this Ordinance have been met, he or she shall issue the conditional use permit.

If the Planning Director has a question as to whether the standards required by Section 6.040 (4) and Section 6.051 of this Ordinance have been met or determines that the standards have not been met, he or she shall submit the application to the Planning Commission for decision according to the procedure prescribed by Section 6.030 of this Ordinance.

Section 6.051 Standards Governing Vacation Rental Use

Vacation Rental Dwelling. The following standards are required for issuance of a conditional use permit for a vacation rental dwelling:

- a) No offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling.
- b) The use shall not adversely affect the residential character of the neighborhood.
- c) There shall not be an excessive generation of traffic created by the vacation rental dwelling.
- d) One off-street parking space will be provided for each bedroom in the unit, but in no event shall less than two spaces be provided.
- e) The dwelling must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
- f) The permittee must agree to comply with the requirements of the Transient Room Tax Ordinance (See Ordinance 369) and the Business License Fee Ordinance (See Ordinance No. 442).
- g) The permittee must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.
- h) When the owner of the dwelling is a non-permanent resident of City of Gold Beach, or is absent during the rental period, the Planning Commission shall require proof of a local property agent that has the authority to act on behalf of the owner for issues related to the rental process.

Section 6.060. Time Limit on Permit for Conditional Use.

1. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. Substantial construction, in this case, means obtaining all necessary permits required by governmental agencies to commence construction of any structures or to commence the principal activity permitted by the conditional use permit.
2. Once the construction of the structure or facility specified in the conditional use permit is completed the conditional use permit is considered to be issued on a permanent basis.
3. The Planning Commission may at its discretion issue conditional use permits which must be periodically reviewed to ascertain that the conditions of the permit are being complied with on a continuing basis.
4. The Planning Commission may grant an extension if:
 - a) An applicant makes a written request for an extension of the development approval period;
 - b) The request is submitted to the Planning Commission prior to the expiration of the approval period;
 - c) The applicant states reasons that prevented the applicant from beginning development within the approval period; and
 - d) The Planning Commission determines that the applicant was unable to begin development during the approval period for reasons for which the applicant was not responsible.

The Planning Commission may extend authorization for an additional period not to exceed one year, upon written application to the Planning Commission.

ARTICLE VII. Variances

Section 7.010. Intent and Purpose.

Each area of land is, to some degree, unique as to its suitability for and constraints on development. Development standards imposed under this zoning ordinance cannot foresee all conceivable situations peculiar to the development of every property at every moment, but are designed as general standards applicable to most situations. It is the intent of this chapter to provide flexibility, adaptability, and reasonableness in the application and administration of this ordinance where special conditions exist. Although a process for deviation from those general standards is necessary, where the extent of deviation is more than minimal it is necessary that the deviation be carefully reviewed in a public hearing process to insure that certain minimum criteria justifying the deviation are met, and that the extent and impact of deviation will be that degree which is reasonably necessary to meet the special conditions. No variance purporting to authorize a use not otherwise permitted for the subject property shall be granted.

Section 7.020 Authorization to Grant or Deny Variances.

The Planning Commission may grant variances from the provisions of this ordinance and the City of Gold Beach Land Division Ordinance where it has been shown that owing to unusual topographic conditions, unusual conditions as to the shape of property or the location of a building on property, or other condition over which the applicant has no control, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting the variance the Planning Commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this ordinance.

Section 7.030 Application for a Variance.

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the Planning Commission or its designated agent. The Planning Commission or its designated agent shall give notice of the hearing by sending notices by mail not less than twenty (20) days prior to the day of the hearing to the property owners within two-hundred fifty (250) feet of the exterior boundaries of the property involved and by posting on the official bulletin board at the city hall a notice not less than five (5) days prior to the hearing. The names for this purpose shall be obtained by the Planning Director from the records of the County Assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a variance. The Commission may continue a public hearing in order to obtain more information or to serve further notice to persons it decides are affected by the proposed variance.

Section 7.040 Standards for Granting a Variance.

A variance may be granted only in the event that the applicant can show that all of the following standards have been met:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess. Nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic interests of the applicant.
3. The variance would not be materially detrimental to the purposes of this Ordinance, or the City of Gold Beach Land Division Ordinance or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
4. The variance requested is the minimum variance which would alleviate the hardship.

Section 7.050 Notice to Applicant.

The City or its designated agent shall notify the applicant for a variance of the action of the Planning Commission within five (5) days after a decision has been rendered.

ARTICLE VIII. Amendments to the Zoning Ordinance

Section 8.010. Authorization to Initiate Amendments.

An amendment to this ordinance in the text or the map may be initiated by the City Council, the Planning Commission, or by application of a property owner or his authorized agent.

Section 8.020. Application for a Zone Change.

An application for an amendment by a property owner or his authorized agent shall be filed with the Planning Commission or its designated agent. The application shall be filed at least sixty (60) days prior to the hearing on the request in order to provide statutory notice to the Department of Land Conservation and Development Department. The application shall be accompanied by a fee established by resolution of the City Council.

Section 8.030. Public Hearing on Zoning Amendment.

Public hearings shall be held by the Planning Commission on any amendments to the zoning ordinance and the Planning Commission shall submit a recommendation to the City Council regarding the proposed change in the ordinance text or map.

1. Notice of the public hearing before the Planning Commission shall be given in the following manner:
 - a. If an amendment to the text of the ordinance is proposed, the notice shall be by two consecutive publications in a newspaper of general circulation in the city. The second notice shall be published not more than ten (10) days prior to the date of the hearing.
 - b. If an amendment to the zoning map is proposed, the notice shall be by one publication in a newspaper of general circulation in the city not less than ten (10) days prior to the date of hearing and by mailing notice not less than twenty (20) days prior to the date of hearing to owners of property within two-hundred-fifty (250) feet of the exterior boundaries of the property involved. The names for this purpose shall be obtained from the records of the County Assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a change in zone. The Planning Commission may continue a public hearing in order to obtain more information or to give further notice to persons it decides are affected by the proposed change in zone.
 - c. If an amendment to the zoning map is proposed which would change a zone of property which includes all or part of a mobile home park, a written notice shall be sent by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The Planning Director shall be responsible for obtaining a verified list of mailing addresses for the tenants as part of the application. The failure of a tenant to receive a notice which was mailed shall not invalidate any zone change.

Section 8.040. Criteria and Burden of Proof for an Amendment to the Zoning Map.

An amendment to the zoning map shall meet the following criteria:

1. The applicant for any quasi-judicial land use action under this zoning code shall have the burden of proving justification for the proposal. The greater the impact of the proposal in an area, the greater is the burden on the proponent.
2. The proposal must be supported by proof that it conforms to all applicable criteria imposed in this zoning code; that it conforms to all standards imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and that it conforms with all applicable land use standards imposed by state law or administrative regulation. The burden rests ultimately on the proponent to bring forward testimony or other evidence sufficient to prove compliance with these standards. At a minimum, the proponent's case should identify and evaluate the proposal in the context of all applicable standards.
3. In addition to the proof under (a) and (b) above, the following factors should be evaluated by the proponent of a zone change and shall, where relevant, be addressed by the administrative body in its final decision:
 - a) The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning ordinance or the comprehensive plan;
 - b) A change in the social, economic, or demographic patterns of the neighborhood or of the community;
 - c) A change of conditions in the character of the neighborhood in which the use or development is proposed;
 - d) The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services;
 - e) All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant.
4. The extent of the consideration given to the various factors set forth in subsection (3) of this section will depend on the nature and circumstances of each individual case. Unless any of the factors is deemed irrelevant, something more than an unsupported conclusion will be required, but the degree of detail in the treatment of relevant factors will depend on the degree of proposed change or deviation, and the scale and intensity of the proposed use or development. The requisite degree of consideration is directly related to the provision of subsection (a) of this section that the greater the impact of a proposal in an area, the greater is the burden on the proponent.
5. The provisions of this section do not apply to legislative proceedings.

Section 8.050**Zone Changes with Conditions.**

The planning commission and council shall have the authority to grant zone changes subject to certain conditions and may impose conditions as to any of the following matters:

1. Uses permitted;
2. Size, height, and location of buildings and accessory structures;
3. Landscaping when necessary to provide screening from incompatible adjacent uses or from public right-of-way;
4. Protection and preservation of existing trees, vegetation, water resources, wildlife habitat, and other significant natural resources;
5. Size, location, screening, drainage, and surfacing of driveways, parking and loading areas, and street access;
6. Size, height, location, and illumination of signs;
7. Size, height, location, and materials for the construction of fences to screen the subject property from incompatible adjacent uses or from public right-of-way;
8. Location and intensity of outdoor lighting;
9. Hours of operation or conduct of particular activities;
10. Abatement, mitigation, or prevention of nuisances;
11. Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm drainage, water, and mass transportation; provided, however that no condition imposed under this paragraph shall obligate the applicant to construct or fund, in whole or in part, public improvements in public right-of-way or easements not on or abutting the subject property. Conditions under this paragraph may, however, require that all or part of the development or use be deferred until the happening of certain events such as the availability to the subject property of a certain level of urban service.
 - a) If the dedication of right-of-way or public improvements is required as a condition under this section, such dedication or improvements shall be the obligation of the applicant but shall be deferred until the property owner applies for a building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the planning administrator may allow further deferral of all or a portion of public improvements required as a condition under this section, beyond building permit or certificate of occupancy until a stated time or until required by council, whichever is

earlier. An applicant seeking deferral under this section shall sign an improvement deferral agreement which specifies the terms of deferral. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of the appropriate county.

Such conditions shall be stated with at least the same specificity and narrowness as would be required of a regulatory ordinance enacted in the exercise of the city's police power; shall be reasonably related to the public health, safety, and welfare; and shall be designed to reasonably effectuate their intended purpose.

The planning commission or city council shall not impose any permanent condition which would have the effect of limiting use of the subject property to one particular owner, tenant, or business. Such permanent conditions may limit the subject property as to use, but shall not be so restrictive that they may not reasonably be complied with by other occupants who might devote the property to the same or a substantially similar use.

The conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of the subject property. Modification of use conditions shall be by the zone change application and review procedure under this chapter. Variances from all other conditions, including full or partial release there from, may be applied for and granted as provided for variances.

ARTICLE IX. Administration

Section 9.010. Zoning of Annexed Areas.

Where an area is zoned by City of Gold Beach at the time of annexation to the city, the Planning Commission shall make a zoning recommendation to the City Council. The City Council shall have the authority to enact any zoning they deem appropriate for the annexed area.

Section 9.020. Enforcement.

The City or its designated agent shall have the power and duty to enforce the provisions of this ordinance.

Section 9.030. Authorization of Similar Uses.

The City may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Section 9.040. Appeal.

An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Council within fifteen (15) days after the Planning Commission has rendered its decision, or may be designated for hearing by the City Council. Written notice of an appeal shall be filed with the Planning Director. If an appeal is not filed within the fifteen day period, and if the City Council does not designate the action or ruling for hearing, the decision of the Planning Commission shall be final. If an appeal is filed, or the City Council elects to hear the matter, the City Council shall receive a report from the Planning Commission and shall hold a public hearing on the subject.

Section 9.050. Form of Applications and Appeals.

Petitions, applications, and appeals provided for in this ordinance shall be made on forms provided for the purpose, or as otherwise prescribed by the City in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets.

Section 9.060. Time Limit for City Decision.

The City shall render a final decision regarding all land use applications applicable to this ordinance within 120 days of receipt of a complete application.

Section 9.070. Revocation of Permit.

1. A land use permit provided for by this ordinance may be revoked by the Planning Commission if development or use is not being used for the purpose or in the manner for which the permit was granted or if the development or use is prohibited by law.
2. A notice shall be mailed, at the direction of the Planning Commission, of any proposed revocation of permit to the permit holder and the owners of property within two hundred fifty (250) feet of the exterior boundaries of the property to which the permit applies. The names for this purpose shall be obtained from the records of the County Assessor. Failure to mail notice to the correct persons shall not invalidate the proceeding.
3. The Planning Commission shall hold a hearing not less than twenty (20) days after the date notice is mailed as specified in Subsection (2) above.
4. The City shall notify the holder of the permit of the Planning Commission's decision within five (5) days after the decision is rendered.

ARTICLE X. General Provisions

Section 10.010. Interpretation.

The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other city ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

Section 10.020. Severability.

The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10.030. Abatement and Penalty.

Violations of Zoning Regulations

No person shall locate, construct, maintain, repair, alter, or use a building or other structure; or use or transfer land in violation of any section of this ordinance or any decisions made by the City under this Ordinance.

Remedy for Unlawful Structure or Land Use

In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used; or any land is or is proposed to be used in violation of any of the parts of this

ordinance, the City Council may, in addition to other remedies, provided by law, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit by the City, any affected person who is not exempt from furnishing bonds or undertaking under ORS 22.010, shall furnish an undertaking as provided in ORS 32.101 to 32.060.

Criminal Penalties

In addition to the civil remedies of the City as outlined above, any violation or failure to comply with any provisions of this Ordinance is punishable, upon conviction by Municipal Court by a fine not to exceed \$300.00. Each act or condition which is a violation of Ordinance shall be treated as a separate offense and may be prosecuted accordingly.