

CHAPTER II
DEFINITIONS

CHAPTER II. DEFINITIONS

ARTICLE 2.1. DEFINITIONS

SECTION 2.1.100. General Definitions.

For the purposes of this Ordinance, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined.

SECTION 2.1.200. Specific Definitions.

ACCESSORY USE: A use, building or structure that is (1) customarily incidental and subordinate to the principal use, main building or structure, and (2) subordinate in extent, area and purpose to the principal use. A use that constitutes, in effect, conversion to a use not permitted in the district is not an accessory use.

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

ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling, fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

AGGREGATE EXPLORATION: The act of searching for aggregate resources.

AGGREGATE MINING: The process of removing aggregate resources from the earth.

AGGREGATE PROCESSING: The act of processing an aggregate resource into a refined product.

AGGREGATE RESOURCES: Any of several hard inert materials (such as sand, gravel, quarry rock or slag).

AGRICULTURE: Farm use, as defined by ORS 215.203(2)(a), except that in non-EFU areas, agriculture does not have to be for the primary purpose of obtaining a profit in money. Generally, agriculture includes the raising of livestock and harvesting crops using acceptable farming practices and structures and facilities relating to these uses.

AGRICULTURAL BUILDING, as provided in ORS 455.315, means a structure customarily provided in conjunction with farm use or forest use for:

- a. Storage, maintenance or repair of farm or forestry machinery and equipment;
- b. The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by means of marketing or otherwise, of farm produce or forest products.

AGRICULTURAL BUILDING does not include:

- a. A dwelling or use accessory to a residential use;
- b. A structure where 10 or more persons are present at any one time except for the purpose of growing plants;
- c. A structure regulated by the State Fire Marshal per ORS chapter 476;
- d. A structure for public use; or
- e. A structure located within the floodplain and subject to Floodplain restrictions.

Note: Mechanical, plumbing and electrical permits may still be required for a Building-permit exempt Agricultural Building.

AGRICULTURAL LANDS: Those lands designated in the Coos County Comprehensive Plan (Volume 1 "Balance of County") for inclusion in Exclusive Farm Use (EFU) Zones. These lands include Soil Capability class I, II, III, and IV lands as defined by the United States Soil Conservation Service in their Soil Capability Classification system and other lands suitable for farm use.

AIRPORT/HELIPORT, AERIAL-RELATED OFFICES: Offices that are related to airborne operations.

AIRPORT/HELIPORT, AERO CLUBS: Aviation clubs.

AIRPORT/HELIPORT, AERO SALES, REPAIR AND STORAGE: Commercial uses directly related to aviation.

AIRPORT/HELIPORT, AERO SCHOOLS: Aviation schools.

AIRPORT/HELIPORT, AIR OPERATIONS FACILITIES: A facility or structures necessary or incidental to the operation of the landing and take-off of aircraft and receiving and discharging passengers and cargo, including but not limited to: navigational aids, runways, control towers, wind monitors, hangars, tie-downs, aircraft storage and repair, and refueling facilities.

AIRPORT/HELIPORT, COMMERCIAL USE: An airport/heliport that functions as an air transportation facility for commercial freight and passengers.

AIRPORT/HELIPORT, PERSONAL USE: An air strip restricted except for aircraft emergencies, to the use by the owner(s), and on infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations.

AIRPORTS: Terminal stations for aircraft, passenger, and cargo operations, including runways, towers, and associated structures.

ALTERATION: An alteration includes but is not limited to a change in construction or a change in occupancy. When the term is used in connection with a change of occupancy it is intended to apply to changes from one trade or use to another, or from one division of a trade or use to another. Structural alterations include any change or repair which would tend to prolong the life of the supporting members of the building or structure, such as alterations of bearing walls, foundations, columns, beams or girders. Any change in the external dimension of a building shall be considered a structural alteration.

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: Raising, feeding, planting, and harvesting fish and shellfish, and associated facilities necessary for such use.

AQUATIC: Of or pertaining to water.

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

AREA OF SHALLOWING FLOODING: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year designated with the letters "A" or "V" on the implemented maps.

ARGUMENT: Assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. Argument does not include facts.

AVERAGE DAILY TRAFFIC: A computation of the daily vehicular trips.

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.

AUXILIARY: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

BASE FLOOD (ONE-HUNDRED YEAR FLOOD): The flood having a 1% chance of being equaled or exceeded in any given year designated with the letters “A” or “V” on the implemented maps.

BASEMENT: means any area of the building having its floor subgrade (below ground level) on all sides.

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.

BED AND BREAKFAST: Consistent with OAR 333-170-0000(2) a Bed and Breakfast is any establishment located in a structure designed for a single family residence and structures accessory thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, which:

- (a) Has three or more rooms for rent on a daily basis to the public;
- (b) Offers a breakfast meal as part of the cost of the room;
- (c) Serves one breakfast meal a day to guests, staff, and owners, only.

BELOW-GRADE CRAWL SPACE: means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawl space to the top of the crawl space foundation, does not exceed 4 feet at any point.

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

BOARD OF COMMISSIONERS: The Coos County Board of Commissioners.

BOARDING OF HORSES (FOR PROFIT): A building, structure or premises where lodging, or meals and lodging, are offered for compensation for the purpose of caring for horses.

BOARDING OF HORSES (RIDING STABLE): A building, structure or premises where horses are rented or leased to persons other than the owner of the horse.

BREAKAWAY WALL: A wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BREAKFAST MEAL: Consistent with OAR 333-170-0000(3) a breakfast meal is the meal served to guests during the a.m. or morning hours each day.

BRIDGE: A structure carrying a pathway or roadway over a depression or obstacle.

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, pilings, and similar structures necessary to support a bridge span including fill for causeways or approaches. Pillars, bulkheads and similar structures used in bridge construction.

BULKHEAD: A retaining wall along a waterfront that separates uplands from aquatic areas.

BURDEN OF PROOF: Except as otherwise provided, the applicant shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake in adoption of the plan designation or development regulations or subsequent change in the affected area is relevant considerations. Unless specifically identified as jurisdictional, failure to comply with a provision of the Coos County Zoning and Land Development Ordinance shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

CAMPGROUND: A lot, tract or parcel of land under single ownership where two or more campsites are located which provide facilities for living in other than a permanent dwelling or recreational vehicle.

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.

CEMETERY: Land dedicated, used or intended to be used for the burial of the dead, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHANGE: Any alteration, expansion, restoration, construction, remodeling or renovation of a structure or use.

CHANGE IN USE. A change in tenant or activity occupying a parcel of land, a premise or structure, which creates a change in vehicular trip generation activities, changes the parking classification as set forth in Article 7.5 Parking Standards.

CHANNELIZE: To straighten the bed or banks of a stream or river or to line them with concrete or other materials.

CITIZEN: Any individual who resides or owns property, 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: A seven (7) person body made-up of Coos County Citizens that are broadly representative of the County's geographic area, diverse professional

backgrounds and public interests related to land use. Committee Members are appointed by the Board of Commissioners. (OR-01-01-001PL 8/1/01)

COASTAL HEADLANDS: see "Headlands" definition.

COASTAL HIGH HAZARD AREA: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along the open ocean and any other area subject to high velocity wave action from storm or seismic sources. This area is designated on the FIRM as Zone V1-V30, VE or V.

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

COASTAL SHORELAND: Those areas immediately by oceans, and land next to estuaries.

COASTAL SHORELAND AREA: The lands lying between the Coastal Shorelands Boundary set forth elsewhere in this Plan and the line of nonaquatic vegetation, which is also known as the Section 404 Line.

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).

COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: Commercial activities including sales, repair, and storage when in conjunction with a farm use.

COMMERCIAL - ADULT ENTERTAINMENT BUSINESS: A business or establishment which has an area or place in which or upon which because of ORS 167.060 to 167.100, minors may not be permitted to enter or remain except when accompanied by a parent or lawful guardian.

COMMERCIAL USES: Privately-owned or operated facility or place of business open to the public for sale of goods or services.

COMMITTED AREAS: A measure of the density of residential development, as defined by the criteria outlined in Coos County Comprehensive Plan.

COMMON BOUNDARY ADJUSTMENT: The adjustment or relocation of a boundary line between two or more lots, parcels or tracts, where an additional lot, parcel or tract is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by this Ordinance.

COMMON OPEN SPACE: Land and facilities which are shared by all the individual owners in a planned unit development or recreational planned unit development and managed generally by a home owners' association. Common property may include undeveloped land, parks, tennis courts, pools, community buildings, and other amenities for the convenience and enjoyment of the residents.

COMMUNITY CENTER, GRANGE OR LODGE HALL: A building or group of buildings for a community's education, recreational, or fraternal activities.

COMMUNITY SEWER SYSTEM: A sewage disposal system which has service connection to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated communities.

COMMUNITY WATER SYSTEM: A system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.

COMPREHENSIVE PLAN: The Coos County Comprehensive Plan.

COMPATIBILITY: Means that the proposed use is capable of existing together with the surrounding uses without discord or disharmony. The test is where the proposed use is compatible with the existing surrounding uses, and not potential or future uses in the surround area. The surrounding area consists of the notification area for the project as set out in § 5.0.900.

CONDITIONAL USE: The term applied to a use which may be permitted by the issuance of a conditional use permit.

CONFLICTING USE: is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.

CONSERVATION: The act of conserving the environment.

CONSERVATION AQUATIC AREA (CA): An aquatic management unit (See Volume II, Part 1, Section 3.5)

CONSERVATION MANAGEMENT UNIT: In all estuaries, except those in the overall Oregon Estuary Classification which are classed for preservation, areas shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and

benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in the "Natural" management unit, and recreational or commercial oyster and clam beds not included in the "Natural" management unit. Areas that are partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units may also be included in this classification.

CONSERVATION SHORELAND AREA(CS): A shoreland management unit(See Volume II,Part1,Section 3.5)

CONSERVATION USE: To keep in a safe or sound state to avoid wasteful or destructive use of natural resources.

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

CONSISTENT: As defined by Black's Law Dictionary: "having agreement with itself or something else; accordant; harmonious; congruous; compatible; compliant; not contradictory". Further, "consistent with" means "in harmony with".

CONSTRUCTION PLANS: Detailed engineering drawings of a proposed development.

CONTAMINATED SOIL LAND FARMING: An activity regulated by the Oregon Department of Environmental Quality that entails the treatment for reuse of oil contaminated soil generated from any tract, parcel or lot other than the site on which the treatment activity is to occur. [OR 93-02-033PL 3/30/93]

CONTIGUOUS: Adjoining with a common boundary of two or more points (see Section 3.3.800). Properties shall not be considered contiguous if divided by: a) a public dedicated road, public dedicated alleyway, County road, State or Federal highway; or, b) a water body, when the underlying fee ownership is claimed by the State; or, c) an intervening ownership.

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.

CONVENIENCE STORE: A retail establishment that provides prepackaged and prepared food products and frequently or recurrently needed small personal items that fulfill the day to day needs of residents or users of the immediate service area.

CORRECTIONAL INSTITUTION, JAIL, PENAL FARM: A building or area for the confinement of persons held in lawful custody.

COTTAGE INDUSTRY & HOME OCCUPATIONS: Cottage Industries and Home Occupations are “in-home” businesses that are operated as an Accessory Use to the Primary residential use by the resident of the lawfully established Dwelling.

A Cottage Industry is a Home Occupation that may occupy a portion of an existing residential Accessory Structure (garage/shop) but the primary portion of the business shall be conducted in the dwelling. A Home Occupation operates within a dwelling, which has characteristics that are indistinguishable from the residential use of a dwelling.

This use is further defined and regulated by Oregon Administrative Rule for Farm and Forest Zones.

CRITICAL FACILITY: means a facility for which even a slight change of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

DAMS: A barrier built across a watercourse for impounding water.

DATE OF CREATION AND EXISTENCE (FARM & FOREST LOT OF RECORD): When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of, which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

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

DENSITY:-The intensity of residential land uses per acre, stated as the number of dwelling units per gross acre. There shall be one dwelling per lawfully created parcel unless otherwise allowed by the Coos County Zoning and Land Development Ordinance or Comprehensive Plan.

DETENTION: Temporary storage of water. Typically, low areas that store floodwater.

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 AQUATIC AREA (DA): An aquatic management unit (See Volume II, Part 1, Section 3.5)

DEVELOPMENT MANAGEMENT UNIT: In estuaries classified in the overall Oregon Estuary Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent

uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alterations of the estuary not included in "Natural and Conservation" management units.

DEVELOPMENT SHORELAND AREA (D):A shoreland management unit (See Volume II, Part 1, Section 3.5)

DEVELOPMENT USE: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials located within the area of special flood hazard.

DIKES: Structures designed and built to prevent inundation of a parcel of land by water. A dike is considered new when placed on an area which:(1) has previously never been diked, or (2) has previously been diked, but all or a substantial part of the area is subject to tidal inundation and tidal marsh has been re-established. Maintenance and repair refer to: (a) existing serviceable dikes (including those that allow some seasonal inundation), and (b) those that have been damaged by flooding, tidegate failure, etc., but where reversion to tidal marsh has not yet occurred, except in drainage ways.

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

DRAINAGE (including TIDEGATING): The construction and maintenance of drainage channels including the disposal of resulting dredged material, construction and maintenance of tidegates, tideboxes, pumphouses, and associated structures.

DREDGED MATERIAL DISPOSAL: The deposition of dredged material in aquatic or upland areas. Methods of disposal include, in-water disposal, beach and land disposal, and ocean disposal: (1) In-water Disposal is the deposition of dredged materials in a body of water; (2) Ocean Disposal is the deposition of dredged materials in the ocean; (3) Beach Disposal is the deposition of dredged materials in beachfront areas west of the foredunes; (4) Land disposal is the deposition of dredged materials landward of the line of non-aquatic vegetation, in "upland" areas.

DREDGING: The removal of sediment or other material from a stream, river, estuary or other aquatic area: (1) Maintenance Dredging refers to dredging necessary to maintain functional depths in maintained channels, or adjacent to existing docks and related facilities; (2) New Dredging refers to deepening either an existing authorized navigation channel or deepening a natural channel, or to create a marina or other dock facilities, or to obtain fill for the North Bend Airport runway extension project; (3) Dredging to Maintain Dikes and Tidegates refers to dredging necessary to provide material for existing dikes and tidegates; (4) Minor dredging refers to small amounts of removal as necessary, for instance, for a boat ramp. Minor dredging may exceed 50 cubic yards, and therefore require a permit.

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

DRIVEWAY: A private vehicular travel surface accessing a single residence.

DRYLAND MOORAGE: Boat moorage space provided on dry land, such that boats are mechanically lowered to and raised from the water.

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 face of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.

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

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

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

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, unvegetative 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.

DUNE, STABILIZATION MEASURES: The use of vegetative materials, structure or other means, to prevent movement of unstable dune forms.

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

DWELLING: Any building that contains one or more 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. A dwelling shall consist of a kitchen, bathroom(s) and living space. Dwellings do not including a RV, tent, teepee, yurt, hotels, motels, vacation rentals or boarding houses.

DWELLING TYPES: Dwellings are separated into the following categories:

- a. Single family dwelling: a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited.
- b. A multi-family dwelling structure contains three (3) or more dwelling units that share a common floor/ceiling with one (1) or more units. The units may also share common building walls. The land underneath the structure is not divided into separate lots. Multi-dwelling structures include structures commonly known as garden apartments, apartments, and condominiums.
- c. A duplex is a structure that contains two primary dwelling units. The units shall share either a common building wall or a common floor/ceiling. The land underneath the units may or may not be divided into individual lots.
- d. Replacement dwelling: alteration, restoration or replacement of a lawfully established dwelling that: (i) has intact exterior walls and roof structure; (ii) has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (iii) has interior wiring for interior lights; (iv) has a heating system; and (v) in the case of replacement, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.

DWELLING UNIT: Dwelling unit is a single unit providing complete independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation.

EASEMENT: A right given by the owner of land to another party for a specific limited use of that land.

ECOSYSTEM: The living and nonliving 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.

ELEVATED BUILDING: means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

ENCOURAGE: Stimulate; give help to; foster.

ENHANCEMENT: The improvement of conditions in an area which remains under estuarine influence but has experienced past degradation or reduction in productivity due to obstruction of flow, sedimentation, log debris, et cetera.

EROSION HAZARD: Likelihood of soil becoming unstable and subsequently being transported by flooding, surface runoff or channel velocities.

ESEE CONSEQUENCES: are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

ESSENTIAL FACILITY: Essential facility shall mean:

- a. Hospitals and other medical facilities having surgery and emergency treatment areas;
- b. Fire and police stations;
- c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- d. Emergency vehicle shelters and garages;
- e. Structures and equipment in emergency-preparedness centers;
- f. Standby power generating equipment for essential facilities; and
- g. Structures and equipment in government communication centers and other facilities required for emergency response

ESTUARINE ENHANCEMENT: An action, which results in a long-term improvement of existing estuarine functional characteristics and processes that are not the result of a creation or restoration action.

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within which saltwater is usually diluted by freshwater derived from the land. The estuary includes: (1) estuarine water; (2) tidelands; (3) tidal marshes; and (4) submerged lands. Estuaries normally extend upstream to the head of tidewater.

EVIDENCE: Facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

EXCAVATION TO CREATE NEW WATER SURFACE: Excavation of shorelands that create a new water surface directly connected to other tidal or nontidal waters. The most common examples are creation of moorage space, fish ponds or restoration/mitigation from uplands.

EXPRESSLY PROHIBITED USE: An activity which is explicitly prohibited within a zoning district.

FACILITY(IES): (1) Low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines; and (2) High-intensity facilities, which consist of stormwater and treated waste water outfalls (including industrial waste water).

FAMILY: An individual; or a group of two (2) or more persons related by blood, marriage, legal custody or legal adoption; or not more than five (5) handicapped persons and accompanying staff. Family shall also include residential day care facilities in residential and commercial zones providing day care to 13 or fewer children including children of the provider.

FAMILY HARDSHIP DWELLING: A mobile home or recreational vehicle used temporarily during a family hardship condition relating to the aged, infirmed, or persons incapable of maintaining a complete separate residence apart from their families.

FARM/LOGGING/CONTRACTOR EQUIPMENT SALES, REPAIR AND STORAGE: A facility or area used for equipment sales, repair and storage including but not limited to sales, repair and storage of farm implements, logging trucks, and other farm and logging equipment.

FARM USE: Farming practices, as defined by ORS 215.203.

FARM USE - FOR PROFIT: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on the such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. it does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas Trees.

FARM USE - NOT FOR PROFIT: Farming activities not motivated by profit incentives additional to the use of the land for residential or other purposes, including the raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. it does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees.

FARM USE - INTENSIVE: Farm use for profit, as defined herein, occurring on a parcel less than the minimum lot size of a given zoning district, and conducted in such a manner so as to permit the farm operation to contribute in a substantial way to the commercial agricultural enterprise of the area.

FEED LOT: Any structure, pen or corral wherein cattle, sheep, horses, goats, or swine are maintained in close quarters for the purpose of fattening such livestock.

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. Except that "fill" does not include solid waste disposal or site preparation for development of an allowed use which is not otherwise subject to the special wetland, sensitive habitat, archaeological, dune protection, or other special policies set forth in this Plan (solid waste disposal, and site preparation on shorelands, are not considered "fill"). "Minor Fill" is the placement of small amounts of material as necessary, for example, for a boat ramp or development of a similar scale. Minor fill may exceed 50 cubic yards and therefore require a permit.

FINAL PLAT: A plat for the partitioning of land, duly submitted to the Planning Director and conforming in all respects to the requirements of this Ordinance.

FIRE BREAK: A barrier of cleared land intended to check a forest or grass fire.

FIRE STATION: A building or structure housing fire fighting apparatus or firemen.

FLOATING HOME: "Floating home" is a floating structure used primarily as a domicile and not a boat, which is usually moored or secured to a pier or pilings.

FLOATING ZONE: A zone designation which overlays a primary zoning district. A floating zone may restrict the uses of a primary zoning district or may include additional standards required of a use within the primary zoning district.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP: An official map for the County furnished by the Federal Insurance Administration, labeled "A Flood Hazard Boundary Map" and delineating the boundaries of special flood hazard areas.

FLOOD INSURANCE RATE MAP: An official map of the County furnished by the Federal Insurance Administration, labeled "A Flood Insurance Rate Map" and delineating special flood hazard areas and the risk premium zones applicable to the County.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOOD-PRONE AREA: Any land area susceptible to a partial or complete inundation from either the overflow of inland or tidal waters or the usual and rapid accumulation of run-off of surface waters from any source.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate a flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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 combination thereof.

FLOOD TIDE: A rising tide.

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.

FLOODWAY: The channel or a river or other watercourse and the adjacent land areas that may be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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.

FOREST LAND: Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

FOREST OPERATION: Forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash; any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).

FOREST PRIMARY PROCESSING: the initial treatment of forest products to enable their shipment to market. Primary processing includes but shall not be limited to: processing of a raw log, sawmills cutting rough lumbers, cant mills, and chippers. Primary processing would not include such long-range facilities as pulp mills, pressed-wood manufacturing plants, etc.

FORESTRY-PROPAGATION, MANAGEMENT AND HARVESTING: The employment of land, along with the accessory buildings and uses, for the growing, harvesting, and management of forest products.

FORESTRY-STORAGE AND MAINTENANCE: A facility or area for the purpose of storing forestry products and equipment, and the maintenance of forestry harvesting and management equipment.

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

GEOHERMAL EXPLORATION: The act of searching for resources of or relating to the heat of the earth's interior.

GRADE (GROUND LEVEL): The lowest point of elevation of the finished surface of the ground between the exterior wall of a building or the lowest structural component of a free standing tower, and a point 5 feet distant from said wall or free standing tower, or the lower point of elevation of the finished surface of the ground between the exterior wall of a building or a free standing tower and the property line, whichever is nearest to said wall or free standing tower. In case walls or free standing towers are parallel to and within 5 feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

HABITABLE FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

HABITAT: The place or site where a plant or animal naturally lives and grows.

HAZARDOUS FACILITY: Hazardous facility shall mean a structure or structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

HEADLAND: Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. The Coos Head bluff near Charleston, as identified in the inventory document accompanying this Plan.

HEADWATERS: A tributary stream located in the upper watershed.

HEARINGS BODY: A person or persons appointed by the Board of County Commissioners to conduct administrative or quasi-judicial public hearings.

HEIGHT OF WIND ENERGY SYSTEM: Shall be the vertical distance from the grade to the tip of a wind generator blade when the tip is at its highest point.

HIGH-VALUE FARMLAND: "High-value farmland" means land in a tract composed predominantly of soils that are:

- A. Irrigated and classified prime, unique, Class I or Class II; or
- B. Not irrigated and classified prime, unique, Class I or Class II.

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

HISTORIC: Of, relating to, or having the character of history.

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

HOTEL/MOTEL OR GROUP COTTAGES: A property, however owned and including a condominium under ORS chapter 100, in which rooms or suites of rooms generally are rented as transient lodgings and not as principal residences. This use may consist of a building or group of buildings on the same lot, containing guest units with separate entrances and consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities.

HOUSE OF WORSHIP/CHURCH: A structure together with accessory buildings and uses where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to conduct public worship, and which qualifies for exemption under property tax laws. [OR-92-07-012PL]

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

HUNTING AND FISHING PRESERVE: Areas used exclusively for the hunting of game birds, game animals, or angling for game fish as permitted by State law.

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 INFLUENCE: Related to the movement or pressure of water. Areas having hydraulic influence are those which show the effects of moving water or water pressure.

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 (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.

IMPACT AREA: Is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

IMPERVIOUS SURFACE: A surface that cannot effectively absorb or infiltrate water.

INDUSTRIAL DEVELOPMENT: Any development for the purpose of accommodating an Industrial Use, which also includes accessory uses subordinate to the industrial development, and on-site sewer facilities to serve such an industrial development. Commercial, retail, or residential development is not authorized in an area zoned IND.

INDUSTRIAL USE: The use of land and/or structures for the manufacturing or processing of primary, secondary, or recycled materials into a product, warehousing and associated trucking operations, wholesale trade, and related development.

INDUSTRIAL (USES) AND PORT FACILITIES: Public or private use of land or structures for manufacturing, processing, port development, and energy generating facilities. Industrial and Port Facilities include large commercial and industrial docks.

INSURE (Ensure): 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 inter-relatedness of all parts and the unity of its whole. The integrity of this Plan relates to its faithful execution by local governments and agencies.

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

INTERIM: An intervening time.

INTERMITTENT STREAM: A stream that has interrupted flow or does not flow continuously.

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

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.

KITCHEN: An area used or designated to be used for the storage, preparation, and cooking of food. The following factors shall be considered when determining whether or not an area is a kitchen.

1. The size, location, and arrangement of cabinets and counters.
2. The number and location of electrical outlets.
3. The layout and plumbing will accommodate a full sized sink.
4. The surrounding area is set off so as to create an independent living space.
5. The space is set up for 220 electrical service or for service by natural gas that could support a stove.
6. The area does or does not function as a bathroom.

The Planning Director or designee must consider all 6 factors in determining if there is a kitchen in the structure; however all factors do not have to be present. The more factors that are present, the stronger the case for determining whether or not a kitchen is present.

LAND TRANSPORT FACILITIES: Bridges and associated structures, highways and railroads.

LARGE WOODY DEBRIS: Dead material from trees and shrubs that is large enough to persist more than one season.

LCDC: Land Conservation and Development Commission of the State of Oregon. Seven lay citizens, non-salaried, appointed by the Governor, confirmed by the Oregon Senate; at least one commissioner from each Congressional District; no more than two from Multnomah County.

LIBRARY: An establishment in which literary, musical, artistic, or reference materials are kept for use but not for sale.

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

LOG DUMP/SORT AREA (in-water): An area where logs are transferred to the water from the land or to the land from the water for sorting into groups on the basis of species, size and quality.

LOG STORAGE (in-water): The use of water surface area to store commercial logs prior to or during processing. Water areas used for log dumping or removal are included in this definition.

LOG STORAGE/SORTING YARD (dry land): An area where logs are gathered from surrounding harvest areas and measured, sorted, and/or stored until ready for transfer to water storage areas or to market.

LOT: A unit of land created by a subdivision of land or a planned community. A lot lawfully created shall remain a discrete lot, unless the lot lines are changed or vacated or the lot is further divided as provided by this Ordinance.

LOT, PARCEL, OR TRACT DEPTH: The horizontal distance from the mid-point of the front lot line to the mid-point of the rear lot line.

LOT, PARCEL, OR TRACT FRONT LOT LINE: In the case of an interior lot, parcel, or tract, a line separating the lot, parcel or tract from the street; in the case of a corner lot, parcel or tract, a line separating a lot, parcel or tract from the street on which the improvement or contemplated improvement will face.

LOT, PARCEL OR TRACT SIDE LOT LINE: a lot line which is not a front or rear lot line.

LOT, PARCEL OR TRACT WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 5.2-1(2).

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. Management units are delineated on the Plan map, and provide a framework for policy decisions embodied in Volume II, Part 1, Section 5.2 of this Plan.

~ Aquatic Management Units include:

Natural Aquatic Areas (NA)

Conservation Aquatic (CA)

Development Aquatic (DA)

~ Shoreland Management Units include:

Natural Shoreland Areas (NS)

Conservation Shoreland Areas (CS)

Rural Shoreland Areas (RS)

Urban Development Areas (UD)

Urban Water-dependent Areas (UW)

Development Shorelands (D)

Water-Dependent Development Shorelands (WD)

See Volume II, Part 1, Section 3.5 for detailed explanation of management units.

MANUFACTURED DWELLING (ORS: 446.003)

a. Residential trailer – 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 before January 1, 1962; or

b. Mobile home – 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 between January 1, 1962 and June 15, 1976; or

c. Manufactured home – structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, this 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. [OR 01-02-004PL 6/13/01]

MANUFACTURED DWELLING PARK (ORS 446.003): any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purposes of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one (1) manufactured dwelling per lot if the subdivision was approved by Coos County (ORS 92.010 to 92.190 and 446.003) [OR 01-02-004PL 6/13/01]

MARINAS: Facilities, which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial fishing and charter fishing vessels. Moorage facilities with 5 or less berths are excluded from this category.

MARSH, MAJOR: A tract of land often periodically inundated and treeless and usually characterized by grasses, cattails, or other swamp like characteristics.

MEDICAL - CLINIC: The medical or dental facility for diagnosis and treatment of out-patients.

MEDICAL - HOSPITAL: A facility where the sick or injured are given medical or surgical care.

MEDICAL - SANITARIUM/REST HOME/CONVALESCENT HOME: An establishment that provides housing and general care for the aged or the convalescent; an establishment that provides therapy combined with treatment for rehabilitation; an establishment for rest and recuperation; or an establishment for the treatment of the chronically ill. This use shall also include a residential care facility and residential home.

METEOROLOGICAL TOWERS: Includes the tower, base plate, anchors, guy cables and hardware, anemometers, temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

MINERAL RESOURCES - EXPLORATION: The act for searching for any naturally occurring homogeneous substance such as coal, salt, sulfur, petroleum, water, natural gas, etc. For the purposes of this Ordinance minerals do not include stone, sand, rock or other aggregate.

MINERAL RESOURCES - MINING: The process of gaining access to and removal of minerals. (See the definition of minerals under the definition of Mineral Resources-Exploration.)

MINERAL RESOURCES - PROCESSING: The act of refining, perfecting, or converting a natural mineral into a useful product.

MINING/MINERAL EXTRACTION: The removal for economic use of minerals, petroleum resources, sands, gravels or other naturally occurring materials from the shorelands and/or a bed within an aquatic area.

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, restoring, or enhancing of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality (ORS 196.830).

MITIGATION BANK: The creation, restoration, or under certain circumstances the protection, or an area of functioning wetland in advance of, and to offset anticipated wetland impacts within the same ecoregion.

MOBILE HOME: See definition "Manufactured Dwelling". [OR 01-02-004PL 6/13/01]

MODIFICATION OF HISTORICAL STRUCTURES: The expansion, rehabilitation, alteration, or other change of a significant historical structure as identified by the Coos County Comprehensive Plan.

MOORAGE: See "Docks and Moorage".

MUSEUM: An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

NATURAL: A state of nature untouched by the influences of civilization and society.

NATURAL AQUATIC AREAS (NA): An aquatic management unit (see Volume II, Part 1, Section 3.5).

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 MANAGEMENT UNIT: In all estuaries, areas shall be designated to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Such areas shall include, at a minimum, all major tracts of saltmarsh, tidflats, and seagrass and algae beds.

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

NATURAL SHORELANDS AREAS (NS): A shoreland management unit (see Volume II, Part 1, Section 3.5).

NAVIGATIONAL AIDS: Beacons, buoys and similar floating, anchored structures requiring no alteration of the estuary.

NAVIGATIONAL STRUCTURES: Groins, pile dikes, fills, jetties and breakwaters that are installed to help maintain navigation channels, or protect marinas and harbors by controlling water flow, wave action and sand movement.

NEW CONSTRUCTION: Structures for, which the "start of construction" commenced on or after the effective date of this ordinance.

NOMINAL 40: A lot, parcel or tract of land which contains slightly less than 40 acres but more than 30 acres and which results from a geometric breakdown from a section (i.e., SE ¼, SW ¼). nominal 40's will occur when an original Government survey created the section.

NOXIOUS VEGETATION: A plant arbitrarily defined by law as being especially undesirable, troublesome, and difficult to control.

OCCDC: Oregon Coastal Conservation and Development Commission, created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC.

OCEAN FLOODING: The flooding of lowland areas by saltwater 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.

OIL CONTAMINATED SOIL: Soil that has been made impure and undesirable by becoming mixed with oil or oil products, including but not limited to crude oil, gasoline, fuel oil, diesel oil, lubricating oil, sludge, oil refuse or any other petroleum related product or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute. [OR 93-02-003PL 3/30/93]

OPENED ROAD: A legally created right-of-way including an easement or public dedication, which is under use as access to one or more residences and which exists at the time of the adoption of this Ordinance.

OVERLAY ZONE: Zone designation which overlays a primary zoning district. A floating zone may restrict the uses of a primary zoning district or may include additional standards required of a use within the primary zoning district.

PAPA: is a "post-acknowledgement plan amendment." The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation. The term does not include periodic review actions taken in accordance with ORS 197.628 through 197.650.

PARCEL: A unit of land that is created by a partitioning of land. A parcel lawfully created shall remain a discrete parcel, unless the parcel lines are changed or vacated or the parcel is further divided as provided by this Ordinance.

PARENT PARCEL: The most recent legal lot, parcel or tract of land including all contiguous lots, parcels or tracts of land under the same ownership, prior to or at a given point in time.

PARTITION: Means either an act of partitioning land or an area or tract of land partitioned.

PARTITION LAND: Means to divide land into two or three parcels of land within a calendar year, but does not include: (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with all applicable provisions of this Ordinance. (c) A sale or grant by a person to a public agency or public body for state highway, county road or other right-of-way purposes provided that such road or right-of-way complies with the applicable sections of this ordinance and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r).

However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. [OR 92-07-012PL]

PARTITION PLAT: Includes a final map and other writing containing all the descriptions, locations, dedications, specifications, provisions, and information concerning a partition. [OR 92-07-012PL]

PERENNIAL STREAM: A continuously flowing stream.

PERMITTED USE: A use allowed as of right by and within the primary zoning district.

PHOTOVOLTAIC SYSTEM: Consists of equipment that converts sunlight into electricity and then stores or transfers that electricity. This equipment includes photovoltaic modules and panes, mounting and sun tracking hardware, foundation, inverter, wiring, batteries, or other components used in the system. A photovoltaic system may be a grid-connected or stand alone system. A photovoltaic system does not include a system that utilizes a photovoltaic module or panel that contains a total surface of nine square feet or less.

PILING/DOLPHIN INSTALLATION: The driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, vessels or log rafts or for other purposes. A dolphin is a group of pilings held together by steel cable and used for mooring vessels, log rafts or floating structures.

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

PLANNED COMMUNITY: (ORS 94.550) means any subdivision under ORS 92.010 to 92.170, which results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property in which:

- (a) there is a homeowner's association responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and
- (b) owner of individual lots, by virtue of their ownership, automatically are members of the homeowner's association and assume liability for membership fees. [Note: this definition is synonymous with "Planned Unit Development" PUD]

PLANNING DIRECTOR: The Coos County Planning Director.

PLAT: A plat includes a final map, diagram, drawing and/or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision plat, replat, partition plat or planned community.

PLOT PLAN OR SKETCH PLAN: A detailed drawing delineating the following:

- Owner's name, address, and phone number;
- Assessor's map and tax lot number;
- North arrow;

- Scale (Using standard engineering scale);
- Accurate shape and dimensions of parcel or development site, including the lengths of all property lines;
- Any adjacent public or private roads, all easements and/or driveway locations (Include road names);
- Driveway location and parking areas, including the distance from at least one property line to the intersection of the driveway and the road (apron area);
- All natural features, which may include, but are not limited to creeks, rivers, ponds, lakes, wetlands, ravines, and slopes and their distances to the existing and proposed development;
- Existing and proposed structures;
- Location of existing water source and distance from property lines and development;
- Location and dimension of all proposed and/or existing sewage facilities; and
- Setbacks for current and proposed development.

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

POTENTIAL TREE HEIGHT: The potential height of a mature tree for a particular location. Determined by climate, geology, hydrology, and landscape position.

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

PRINCIPAL OR PRIMARY USE: The primary use and chief purpose of land, buildings, or structures.

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 determined 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.

PUBLIC ROAD: The entire right-of-way of any road over which the public has the right of use or any right-of-way held by the state or a political subdivision of the state for road purposes that is not open for public use.

QUALITY: The degree of excellence or relative goodness.

RECREATION: Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction:

- (1) 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;
- (2) 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;
- (3) 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.

RECREATION - CIRCUS/CARNIVAL: An arena which may be covered by a tent, and used for variety shows usually including feats of physical skill and daring, wild animal acts, and performances by jugglers and clowns. An enterprise offering amusements in the form of entertainment or exhibition.

RECREATION - GOLF COURSE: An area of land laid out for the game of golf with a series of golf links each including a tee, fairway, and putting green and often one or more natural or artificial hazards.

RECREATION - OFF ROAD VEHICLE RENTAL: An establishment which provides vehicles such as snow mobiles, dune buggies, motorcycles, etc. for rent.

RECREATION - PARK/OPEN SPACE: An open or enclosed lot parcel or tract of land set apart and devoted for the purposes of pleasure, recreation, ornamentation, or light and air.

RECREATIONAL PLANNED COMMUNITY: A planned community providing a combination of: owner's primary dwelling units, recreational dwelling unit, and required open space. A recreational planned community may also contain retail and service establishments not necessarily limited in scope to meet the needs of the recreational planned community users, and accessory structures and uses to the extent necessary and normal to uses permitted within a recreational planned community. Recreational planned communities shall contain a minimum of 80 contiguous acres in single ownership. NOTE: this definition is synonymous with "Recreational Planned Unit Department" (R-PUD).

RECREATIONAL PLANNED UNIT DEVELOPMENT: A planned unit development providing a combination of: owner's primary dwelling units, recreational dwelling units, and required open space. A recreational planned unit development may also contain retail and service establishments not necessarily limited in scope to meet the needs of the recreational planned unit development users, and accessory structures and uses to the extent necessary and

normal to uses permitted within a recreational planned unit development. Recreational planned unit developments shall contain a minimum of 80 contiguous acres in single ownership.

RECREATIONAL VEHICLE (OAR 918-650-0005): A vehicle which is a) built on a single chassis; b) 400 square feet or less when measure at the largest horizontal projection; c) designed to be self propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use. The basic entities are:

- i. travel trailer – vehicular unit which has a roof, floor and sides and is mounted on wheels, but it 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;
- ii. camping trailer – 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;
- iii. truck camper – portable unit which has a roof, floor and sides and is designed to be loaded on an 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;
- iv. motor home – 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;
- v. park trailer – vehicle built-on single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities or 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.

[OR 01-02-004PL 6/13/01]

RECREATIONAL VEHICLE PARK (OAR 918-650-0005): A lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. [OR 01-02-004PL 6/13/01]

RECREATIONAL VEHICLE SITE: A plat of ground within a recreational vehicle park designed to accommodate a recreational vehicle on a temporary basis.

REFERENCE SITE: An undisturbed area that exhibits the potential natural vegetation under a particular set of conditions. Used as a model for restoration or disturbed sites.

REPLAT: The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. [OR 92-07-012PL]

RESEARCH AND EDUCATIONAL OBSERVATION: Activities such as sampling of water and vegetation, surveying, inventorying, trapping or taking of fish, birds or other animals for the purposes of scientific research or education.

RESERVOIRS AND WATER IMPOUNDMENTS: A place where water is collected and stored for use, and may include dam structures, the lakes and ponds behind them, off-stream ponds where water is collected and stored, similar storage areas and including, but not limited to, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related land alterations and activities which are accessory to the construction and maintenance of reservoir and water impoundments and ancillary improvements.

RESIDENTIAL - CONVENTIONAL SINGLE FAMILY DWELLING: A single household unit including on-site construction or modular units (but not including a mobile home). Said dwelling unit shall not share a common wall, floor or ceiling with another single household unit.

RESIDENTIAL - DUPLEX: A building designed exclusively for occupancy by two (2) families living independently of each other in independent dwelling units attached and sharing a common wall, floor or ceiling.

RESIDENTIAL CARE FACILITY: Residential care facility means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which 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 Department of Human Resources 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. [OR 93-12-017PL 2/23/94]

RESIDENTIAL - FLOATING HOME: A moored structure that is secured to a pier or pilings and is used primarily as a residence and not as a boat. [ORS 488.705(2)] A facility, dock or pier owned by one person where four or more floating homes are secured, the primary purpose of which is to rent space or keep space for rent to any person for a fee, shall be reviewed as a mobile home park.

RESIDENTIAL CARE HOME: Residential care home means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which 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 Department of Human Resources 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. [OR 93-12-017PL 2/23/94]

RESIDENTIAL - MANUFACTURED HOME: See definition "Manufactured Dwelling". [OR 01-02-004PL 6/13/01]

RESIDENTIAL - MOBILE HOME: See definition “Manufactured Dwelling”. [OR 01-02-004 PL 6/13/01]

RESIDENTIAL - MOBILE HOME PARK: See definition “Manufactured Dwelling Park”. [OR 01-02-004PL 6/13/01]

RESIDENTIAL - MULTI-FAMILY DWELLING: A building designed exclusively for occupancy by three or more families living independently of each other in independent units. Such building is characterized by living units which share a common wall, floor, or ceiling.

RESIDENTIAL-PLANNED UNIT DEVELOPMENT: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, providing common open space, and a mix of building types and land uses. A PUD permits the planning of a project over the entire development, rather than on an individual lot-by-lot basis, but a Planned Unit Development does not exclude the sale of individual lots, but only after the development is planned as a single unit.

RESIDENTIAL - SECOND FLOOR APARTMENTS: A dwelling unit(s) located above a commercial industrial use located on the ground floor.

RESIDENTIAL USES: Development of land and structures for human occupancy as living quarters. Residential uses include single-family dwellings, mobile homes, duplexes and multiple residential apartments. Density of residential development relates to city and county implementing measures, and location factors such as urban growth boundary and natural hazard considerations.

RESIDENTIAL - WATCHMAN/CARETAKER DWELLING: A dwelling unit accessory to another primary use of the property, providing living quarters for a watchman or a caretaker.

RESORT COMMUNITY: An unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes: and (a) includes residential and commercial uses; and (b) provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

RESOURCE CAPABILITY DETERMINATION: (a) Natural: When either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; (b) Conservation: When either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

RESOURCE LIST: includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the

comprehensive plan or as a land use regulation. A "plan inventory" adopted under OAR 660-016-0000(5)(c) shall be considered to be a resource list.

RESTORATION: Replacing or restoring original attributes or amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. Active restoration involves the use of specific remedial actions such as removing dikes or fills, installing water treatment facilities, or rebuilding or removing deteriorated urban waterfront areas. Passive Restoration is the use of natural processes, sequences or timing to bring about restoration after the removal of reduction of adverse stresses.

REVIEWING AUTHORITY: The person or persons that are reviewing a land use matter. The Reviewing Authority may consist of the Planning Director, Planning Commission, Board of Commissioners, Hearings Officer or Special Hearings Officers.

REZONE: Rezoning can take two forms: (1) a change in the zoning classification of a lot(s), parcel(s), or tract(s) of land from one use district to another; or (2) qualified rezoning with attachment of special conditions to a rezoning.

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

RIPARIAN AREA: An area adjacent to a water resource which affects or is affected by the water resource.

RIPARIAN CORRIDOR: A Goal 5 resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary.

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. Similar use of other hard material, such as concrete rubble, is also riprap.

ROAD: A public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. A road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as the use it serves; (b) a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

Opened: a legally created right-of-way under use as access to one or more residences, and which legally existed at the time of this Ordinance adoption.

Unopened: a legally created right-of-way not under use as access to one or more residences.

RURAL: Outside of city limits and/or urban growth boundaries.

RURAL COMMUNITY: An unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post office) to the community, the surrounding rural area, or to persons traveling through the area.

RURAL LAND: Those which are outside the urban growth boundary and are: (1) non-urban agricultural, forest or open space lands; or (2) other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

RURAL SERVICE CENTER: An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.

RURAL SHORELANDS AREAS (RS): A shoreland management unit (see Volume II, Part 1, Section 3.5).

SCHOOL: Any institution for learning, whether public or private, including:

1. Commercial: a facility where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools privately endowed or supported by taxation.
2. Public: a school under the control of and financed by legally constituted public school districts in the State of Oregon.
3. Private: a school under private control offering instruction equivalent to public schools.

SEASONAL FARM WORKER: Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities> [OR 92-07-012PL]

SEASONAL FARM-WORKER HOUSING: Housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than 9 months a year (OR 92-07-012PL).

SEASONAL PRODUCT SALE: The act of selling a product either:

1. during the climatic season of its maturity, or
2. during a season set by law, or
3. during a customarily recognized season.

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

SETBACK: The required distance between structures and all lot, parcel or tract lines. Structures for the purpose of setbacks do not include uncovered patios, decks, driveways, fences, signs, vegetative screenings, or similar amenities. All setbacks are measured using right angles.

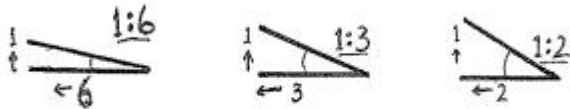
SHORELANDS: Areas located between the Coastal Shoreland Boundary and the line of non-aquatic vegetation fringing the Coos Bay Estuary.

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.

SHORELINE BOUNDARY FOR THE PACIFIC OCEAN: The shoreline of the Pacific Ocean in Coos County is defined by the actual vegetation line, which is the seaward limit of non-aquatic vegetation. This visible line of continuous upland vegetation is the boundary between the beach and the upland. Seasonally, patches of vegetation may progress seaward of the actual vegetation line however, the actual vegetation line is typically visible as a continuous edge of upland vegetation. In certain cases, areas of geologic hazards may require that the shoreline be moved further landward to encompass the unique geologic hazards associated with the Pacific Ocean. For example, the vegetation line may be at the base of a steep hill or cliff that plunges down to the beach. In these cases, the cliff, or geologic hazard should supersede the vegetation line and would therefore be considered the shoreline. A botanist, engineer, or geologist may be needed to clearly define the shoreline of the Pacific Ocean.

SHORELINE STABILIZATION: The protection of the banks of tidal or non-tidal streams, rivers or estuarine waters by nonstructural (vegetative) or structural (riprap, bulk heading, etc.) means. See also definitions for "Riprap" and "Bulkhead".

SLOPE: means the ratio of vertical distance to horizontal distance on a surface, where a ratio of one vertical foot in change to two horizontal feet in change equals a 1:2 ratio. Example



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. (Land or water areas designated as Significant Habitat Areas on resource maps which are part of the inventory document which accompanies this Plan.)

SITE VISITS: Site visits to a subject property may be performed by any decision maker for informational purposes in order to reach a decision, provided any of the information obtained during the site visit is disclosed and an opportunity to rebut is provided.

SMALL WIND ENERGY SYSTEM: means a wind energy conversion system consisting of a wind turbine, a support structure, and associated control or conversion electronics that has a rated capacity of not more than 10 kilowatts and that is intended to reduce on-site consumption of utility power.

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.

SOLID WASTE: All useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste. The term does not include:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or
- (c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040.

SOLID WASTE DISPOSAL: Storage or disposal of industrial solid waste such as a co-generation facility.

SOLID WASTE LANDFILL: A site operated by means of compacting and covering waste or solid waste at specifically designated intervals but not necessarily each operating day.

SPECIAL CONSIDERATIONS MAP: A map, or series of maps, or map overlays identifying areas in Coos County which may have an impact on development. The phenomena identified on the Special Considerations Map which may have an impact include: mineral resources, water resources, archaeological and historical resources, dunes and non-estuarine coastal shorelands, significant wildlife habitat and natural hazards.

SPECIAL OCCUPANCY STRUCTURE: Special occupancy structure shall mean:

- a. Covered structures whose primary occupancy is for public assembly with a capacity greater than 300 persons;
- b. Every public, private, or parochial school building including child care center;
- c. Buildings for colleges or adult education schools with a capacity greater than 500 persons;
- d. Medical facilities with 50 or more residents or patients;
- e. Jails and detention facilities; and
- f. All structures and occupancies with a capacity greater than 5,000 persons.

START OF CONSTRUCTION:

- (a) For a structure other than a mobile home, START OF CONSTRUCTION means the first placement of permanent material for the construction of the primary use on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the START OF CONSTRUCTION means the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundation.
- (b) For mobile homes not within a mobile home park or subdivision, START OF CONSTRUCTION means securing the mobile home at its permanent location by means of tiedowns or, in the case of a double-wide mobile home, its placement upon piers.

STREET: A public or private way that is created or intended to provide ingress or egress to persons to one or more lots, parcels, areas or tracts of land. A street does not include

- a. a driveway located exclusively on the same lot, parcel or tract of lands as the use it serves;
- b. a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

STRUCTURE: Walled and roofed building including a gas or liquid storage tank that is principally above ground.

STRUCTURE (BUILDING) HEIGHT: The vertical distance measured from the average building grade to the highest point of the roof surface, parapet, or other architectural structural feature.

STRUCTURE OR FACILITY THAT PROVIDES WATER-DEPENDENT ACCESS: means anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water-dependent uses with physical access to the adjacent coastal water body (examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids).

SUBDIVIDE LAND: To divide a lot, parcel, area or tract of land into four or more lots within a calendar year except, for the purpose of this definition, "lot, parcel, area or tract of land" shall be interpreted as not necessarily having to include all contiguous ownership in the subdivision plat. A portion of a large contiguous ownership may be subdivided, provided the residual parcel (that portion of the contiguous ownership proposed to be excluded from the plat) meets the following criteria:

- a. the residual parcel conforms to all other development standards of this Ordinance; and
- b. the residual parcel shall not be rendered "landlocked"; and

- c. the residual parcel shall not be bisected by the creation of a subdivision access road;
and
- d. the residual parcel must either be:
 - i. zoned as resource land, or
 - ii. must have an area greater than or equal to ten (10) acres.

SUBDIVISION: Either an act of subdividing land or an area, lot, parcel or tract of land subdivided as defined in these definitions.

SUBDIVISION PLAT: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

SUBORDINATE: Placed in a lower order, class, or rank; occupying a lower position in a regular descending series; inferior in order, nature, dignity, power, importance, or the like: belonging to an inferior order in classification, and having a lower position in a recognized scale; secondary, minor. (As pertaining to "subordination of use/activity plan provisions to plan policies", the term "subordinate" is used as defined by Black's Law Dictionary.)

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of an existing structure, the total cost of which exceeds 50 percent of the real market value of the structure. When applying this definition, the cumulative impact of all development work completed within the previous five (5) year period shall be considered.

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).

TECHNICAL REVIEW COMMITTEE: A committee established to act in a technical review capacity for the Board of Commissioners, which has the responsibility to examine all major partition plats, subdivision plats, planned community plats, and at the discretion of the Planning Director, minor partition plats and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications.

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 (3) 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.

TEMPORARY OCCUPANT: any person that occupies any room or rooms for habitation for a continuous period not exceeding 30 days. This excludes any person who pays for lodging on a monthly basis.

TEMPORARY RESIDENCE: Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Use not to exceed one (1) year, subject to renewal by authorization of the Planning Director or designee.

TEMPORARY USE: A use that is not lasting or permanent, but is in effect for a certain amount of time only. Temporary uses include but are not limited to medical hardship dwellings or dwellings that are allowed while building a new home. Once these temporary uses are no longer needed, they must be removed from the property.

TENTATIVE MAP: A map setting forth the proposed plan of partitioning, subdivision or planned community in conformance with the provisions of this Ordinance and subject to review and modification. [OR 92-07-012PL]

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

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

TIDELANDS: Land overflowed during flood tide.

TIMBER FARMING/HARVESTING: Planting, growing, thinning, harvesting, etc., of trees for commercial purposes. Logging road construction is also included in this category.

TOP OF BANK: Topographical break at the top of the streambank; point at which flood water leaves the channel.

TRACT: A unit of land that has not been partitioned or subdivided that is listed on the same deed of record or multiple contiguous (touching by more than one point) units of land within the same ownership.

Examples as follows:

OWNERS OF PROPERTY "A"	OWNERS OF CONTIGUOUS PROPERTY "B"	DOES A SEPARATE TRACT, LOT OR PARCEL EXIST	
John Adam Doe	John Doe		No
J. Adam Doe	John A. Doe	No	
John & Mary Doe	J.A. & M.S. Doe		No
John A. Doe	Mary S. Doe	Yes	
John & Mary Doe	M.S. Doe		Yes

TRANSPORTATION AGENCY: A unit of government involved with planning and constructing land, water or airway transportation facilities or improvements, and which has the authority to exercise the power of eminent domain. [OR 92-07-012PL]

TSUNAMI INUNDATION MAPS: Tsunami inundation maps shall mean the map, or maps, in the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Map (TIM) Series, adopted by the DOGAMI on [date], which covers the area within Coos County.

UNINCORPORATED COMMUNITY: a settlement with all of the following characteristics: (a) it is made up primarily of lands subject to an exception to Statewide Planning goal 3, goal 4 or both; (b) it was either identified in a county's acknowledged comprehensive plan as a "rural community", "service center", "rural center", "resort community", or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997 "Survey of Oregon's Unincorporated Communities"; (c) it lies outside the urban growth boundary of any city; (d) it is not incorporated as a city; and (e) it met the definition of one of the four types of unincorporated communities in Sections (6) through (9) of OAR 660-022-0010, and includes the uses described in those definitions, prior to the adoption of OAR 660-022 (October 28, 1994).

UNIT: A piece of apparatus serving to perform one particular function.

URBAN DEVELOPMENT AREAS (UD): A shoreland management unit (see Volume II, Part 1, Section 3.5).

URBAN GROWTH AREA: Includes those lands lying outside an incorporated city, but within an adopted Urban Growth Boundary.

URBAN GROWTH BOUNDARY: Established areas to identify and separate urbanizable land from rural land.

URBAN LAND: Urban areas are those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

1. have concentrations of persons who generally reside and work in the area;
2. have supporting public facilities and services.

URBAN UNINCORPORATED COMMUNITY: An unincorporated community which has the following characteristics: (a) include at least 150 permanent residential dwellings units; (b) contains a mixture of land uses, including three or more public, commercial or industrial land uses; (c) includes areas served by a community sewer system; and (d) includes areas served by a community water system.

URBAN WATER-DEPENDENT AREAS (UW): A shoreland management unit (see Volume II, Part 1, Section 3.5).

URBANIZABLE LAND: Those lands within the urban growth boundary and which are identified and:

1. determined to be necessary and suitable for future urban uses;
2. can be served by urban services and facilities;
3. are needed for the expansion of an urban area.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

USED FOR THE PURPOSES OF LAND DIVISION: When a road or street is used to provide access to a parcel in a partition, or a lot in a subdivision or planned community.

UTILITIES: Public service structures which fall into two categories:

1. low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines, and
2. high-intensity facilities, which consist of storm water and treated waste water outfalls (including industrial waste water).

Note: in shoreland units this category also includes sewage treatment plants, electrical substations and similar public service structures. However, these structures are defined as "fill for non-water-dependent/related uses" in aquatic areas.

UTILITY FACILITY-AIR AND WATER NAVIGATION AIDS: A facility or aid to determine position, course, distance traveled, or other facility to help navigate aircraft or waterborne vehicles.

UTILITY FACILITY - COMMUNICATIONS: A facility for the reception, broadcast or distribution of audio and visual images, including but not limited to radio, television, and other communications.

UTILITY FACILITY - INCLUDING POWER FOR PUBLIC SALE: A facility for the generation and distribution of a public or private service including but not limited to electricity,

telephone, natural gas, water, sewage service, and other services providing for energy or communication needs; and may include the generation and distribution of power for public sale.

UTILITY FACILITY - NOT INCLUDING POWER FOR PUBLIC SALE: A facility for the generation and distribution of a public or private service including but not limited to electricity, telephone, natural gas, water, sewage services, and other services providing for energy or communication needs; this use does not include the generation or distribution of power for public sale.

UTILITY FACILITY - SERVICE LINES: A distribution line for supplying a utility service including but not limited to telephone, power, water, sewer, etc.

UTILITY FACILITY - SEWER PLANT/PUMP STATION: A facility engaged in a process to which sewage is subjected in order to remove or alter its objectionable constituents so as to render it less dangerous or offensive. the facilities may include but are not limited to reservoirs, mains, laterals, trunk lines, pumping equipment, and treatment facilities.

UTILITY FACILITY - WATER PLANT/PUMP STATION: A facility which may include a system of reservoirs, channels, mains, and pumping and purification equipment by which a water supply is obtained and distributed.

VACATION RENTALS: A furnished apartment or house rented out on a temporary basis to tourists or guests as an alternative to a hotel/motel or group cottage. The definition includes dwelling(s) or dwelling unit(s) for the purpose of being rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis and are predominately rented out less than 30 days.

VARIANCE: A device which may grant a property owner relief from certain provisions of this Ordinance when because of the particular physical surroundings, shape or topographical conditions of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

VEGETATION LAYER: Canopy, midstory and groundcover levels of vegetation, commonly represented by trees, shrubs and herbaceous plant species. Determined by height of vegetation.

VETERINARY CLINIC/KENNEL: A facility or building or portion thereof designed or used for the care, observation or treatment of domestic animals.

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.

A. The following definitions also apply:

1. access: means physical contact with or use of the water;

2. energy production: means uses which need quantities of water to produce energy directly (e.g., hydroelectric facilities, ocean thermal energy conversion);
3. recreational: e.g., recreational marinas, boat ramps and support;
4. require: means the use either by its intrinsic nature (e.g., fishing, navigation, boat moorage) or at the current level of technology cannot exist without water access;
5. source of water: means facilities for the appropriation of quantities of water for cooling processing or other integral functions;
6. water-borne transportation: means uses of water access:
 - i. which are themselves transportation (e.g., navigation);
 - ii. which require the receipt of shipment of goods by water; or
 - iii. which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, etc. terminal and transfer facilities).

B. Typical examples of water-dependent uses include the following:

1. aquaculture;
2. certain scientific and educational activities which, by their nature, require access to coastal waters: estuarine research activities and equipment mooring and support;
3. commercial: e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies;
4. industrial: e.g., manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or other integral functions.
5. recreation: means water access for fishing, swimming, boating, etc. Recreational uses are water-dependent only if use of the water is an integral part of the activity;

WATER-DEPENDENT DEVELOPMENT SHORELANDS (WD): A shoreland management unit (see Volume II, Part 1, Section 3.5).

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, residencies, 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.

WATER RESOURCE: Rivers, streams, lakes, and ponds, and adjacent wetlands.

WETLANDS: Areas that are inundated or saturated by surface water 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 conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

WETLANDS BOUNDARY: The 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 and in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands.

WIND ENERGY SYSTEM: consists of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries, or other component used in the system. A wind energy system may be grid-connected or a standalone system.

WIND TOWER: is the monopole, freestanding, or guyed structure that supports a wind generator.

WINERY, COMMERCIAL (Rural Residential zones): A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room. A winery in rural residential must be strictly and customarily incidental to the primary purpose of acreage homesites outside of urban growth boundaries. A winery may only be allowed in conjunction with an existing permitted dwelling.

Pursuant to OR 04-1-002PL (6-30-04) for the purposes of a commercial winery only within the rural residential zoning districts the following definitions apply:

- a. Fruit-processing facility is a facility that handles produce only of which 25% must be grown on the site or adjacent to that site. Vineyards, orchards, and berry farms use fruit processing facilities to process grapes grown on the site, but are not allowed to introduce yeast into any juice pressed from that fruit unless it has a Federal and State license to do so. A facility producing grape or fruit juice may not be called a winery unless it is licensed to add yeast to the grape or fruit juice.
- b. Tasting room is a room at a winery where customers may taste various wines, usually free of charge. State laws defines taste as 1.5 ounces of wine. Many wineries have tasting rooms, so do many wine stores. Many vineyards do not produce wine and therefore are not wineries, but have tasting rooms. An example is Melrose Vineyards in Sutherlin. The wine

they sell is under special license and must be produced from the grapes grown in that specific vineyard.

- c. Vineyard is farm land devoted to the production of grapes only.
- d. Winery is a Federal and State licensed facility that produces wine from various fruits, including grapes. A winery may not have a vineyard, choosing instead to purchase various fruit in the open market. An example is the Old Bridge Winery in Remote.
- e. Wholesale winery is a Federal and State licensed facility that produces wine that does not have retail sales, a tasting room, or public access.

WRECKING YARD: Any property used as a site for breaking up, dismantling, sorting, storing, distributing, trading, bartering, buying, or selling of any scrap, waste, or disposed material. This use includes automobile graveyards and scrap metal facilities. This use shall not include storage, repair, or dismantling of implements for husbandry.

YARD: An open space which lies between a lot, parcel or tract line and a building line.

- a. Front yard: a yard extending across the full width of the lot, parcel or tract between the front lot, parcel or tract line and the building line.
- b. Rear yard: a yard extending the full width of the lot, parcel or tract between the rear lot, parcel or tract line and the rear building line.
- c. Side yard: the yard extending from the front yard to the rear yard except in the case of a corner lot, parcel or tract when the side yard on the flanking street shall extend to the rear property line.

YURT: is a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. Yurts may only be used in approved campgrounds.

ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed. * OR 91-05-006PL 7-10-91