

**CHAPTER 15.03
SUPPLEMENTAL PROVISIONS**

Section:

15.03.010	Maintenance of Minimum Dimensional Requirements
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15.03.050	Fences and Hedges
15.03.060	Historic Structure Preservation
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15.03.080	Bed and Breakfast Facilities Development Standards
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15.03.010 – Maintenance of Minimum Dimensional Requirements. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard, setback or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

15.03.020 – Access and Frontage Requirements. Every lot shall abut a dedicated public street, other than an alley, for at least 25 feet. Every lot shall have legal access to a public right-of-way.

15.03.030 – Maximum Lot Coverage.

A. Lot Coverage: The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than 150 square feet, or with two stories or more); and (3) parking pads, driveways, and other impervious surfaces such as sport courts etc.; by (b) the gross area of the that lot.

B. **Maximum Allowable Coverage:** Maximum lot coverage applies to any new development or expansion of existing development in the “R-5”, “R-10”, and “C” zones. New development and expansions to existing development must comply with maximum lot coverage standards in Table 15.03-A, except as provided below:

1. When a detached garage is provided in the rear yard, of a residential dwelling the maximum lot coverage may be increased as shown in the table below.
2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least 60 square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.
3. When a storm water management plan, prepared by a qualified professional, is provided documenting that all storm water resulting from new development or expansion of existing development can be sufficiently accommodated on site, the lot coverage can be exceeded within the limits of setback requirements.

TABLE 15.03-A
Maximum Allowable Residential and Commercial Zone Lot Coverage

ZONE:	R-5	R-10	C-1
Max Lot Coverage	40%	45%	65%
Max Lot Coverage w/ front porch	43%	48%	-na-
Max Lot Coverage w/ rear garage	45%	50%	-na-
Max Lot Coverage w/front porch AND rear garage	48%	53%	-na-

4. Existing main and accessory structures that are not in conformance with these coverage requirements on September 1, 2006, are permitted to be rebuilt within the building footprint as it existed on September 1, 2006, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.
5. Multi-family dwellings, subject to Site Plan Review, are exempt from the lot coverage requirements and are required to demonstrate adequate capacity to accommodate storm water, on site circulation etc. through the Site Plan Review process.

15.03.040 – General Provisions Regarding Accessory Uses. An accessory use shall be subject to, and comply with, the same requirements that apply to the principal use. Accessory uses must be secondary to the primary use in terms of how the entire property is used, and must augment or facilitate use of the property for the primary use. Accessory

uses shall be limited to the same lot as the primary use or must be on an adjacent property under the same ownership as the property where the primary use is situated.

15.03.050 – Fences and Hedges. A fence or hedge within a front yard or a street side yard shall not exceed 6 feet in height for a distance of at least 3 feet from the front lot line. Fences and hedges farther from the front lot line than 3 feet shall not exceed a height of 10 feet.

15.03.060 - Historic Structure Preservation. An Historic Alteration/Demolition Permit is required for a major exterior alteration to, or the demolition of, a designated historic structure or a structure within a designated historic district, as designated by the Comprehensive Plan. The City Council shall process any application for an Historic Alteration/Demolition Permit according to a Type III procedure as provided in Chapter 15.07 *Administration and Procedures*. The City Council shall review and decide the application according to the Historic Preservation factors of this section.

A. Demolition Procedure: The following factors shall be evaluated in determining whether to all, deny or allow with conditions the demolition of any historical structure, or a structure within an historic district:

1. State of repair of the building
2. The reasonableness of the cost of restoration or repair
3. The purpose of preserving such designated historical building and sites
4. The character of the neighborhood
5. Any other factors the City Council determines are appropriate.

Following the City Council review, the City Council may approve or deny the permit for Land Use action or delay action for 60 days to allow the owner and affected agencies to explore alternatives. If the City Council finds that no suitable alternatives are available, the permit may be issued. The City Council, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional 30 days.

B. Major Exterior Alteration Procedure: The following factors shall be evaluated in determining whether to all, deny or allow with conditions the exterior alteration of any historical structure, or a structure within an historic district:

1. *Review by Council:* Upon receipt of an application for a major exterior alteration of an historic structure listed in the Comprehensive Plan, the City Council, in public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
2. "*Major exterior alterations*" as used in this section means any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.
3. *Information required for review:* All applications for major exterior alteration shall be accompanied by plans and specifications of the proposed alteration. The City Council may request additional sketches and other information deemed necessary to make an informed decision.

4. *Approval and conditions:* In order to approve the application, the City Council shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the City Council deems it necessary to achieve the above objectives. The City Council shall disapprove the request if the proposal would reduce the resource's value or historic significance.

C. Conditions and Limitations. The City Council may attach conditions to an Historic Alteration/Demolition Permit limited to addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values for which the structure or district were designated. The City Council shall not attach any condition except for the purpose of preventing developments out of character with the historic aspects of the resource.

D. Maintenance and Repairs. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature that the building official certifies is required for public safety because of unsafe conditions and does not involve a change in design, the construction or reconstruction.

15.03.070 – Manufactured Home Siting Standards. Only manufactured homes used as permanent residences and meeting the following criteria are allowed in manufactured home parks or on individual lots in the city's two residential zones:

- A. The manufactured home may be multisectional but shall enclose a space of not less than 1,000 sf.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- C. The manufactured home shall have a pitched roof with a slope minimum of 3 feet in height for each 12 feet in width.
- D. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on, or comparable to, residential dwellings on nearby lots as determined by the city planner.
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of a single family dwellings constructed under the state building code as defined in ORS 455.010.
- F. The Manufactured home shall have a garage or carport built to accommodate at least a single car and constructed of materials similar to the home. A garage may be

required by the city, in lieu of a carport, where the city determines this to be consistent with the predominant construction of immediately surrounding dwellings.

G. If a manufactured home must be sited lengthwise with the narrow (side) end of the structure oriented toward the front yard the manufactured home can be allowed subject to the setbacks in the residential zone and providing that the end of the structure is built or installed to include an unenclosed covered porch across the full extent of the narrow end facing the front property line. Special setbacks allowing for front porches to encroach into the front yards are applicable. (see figure 15.03 A & 15.03 B)

Manufactured home dimensions do not always allow for the home to be situated so that the primary access and front of the structure is oriented toward the front street or front property line. The city wishes to provide for manufactured homes on smaller lots where the manufactured home cannot be oriented to face front due to predetermined unit sizes and configurations and to do so without requiring a variance. Unenclosed covered porches are extremely common and encouraged on the front of all residential structures even though they are built to orient the front of the home toward the street. Special exceptions to front yard setbacks are provided to encourage and accommodate unenclosed covered porches in all residential zones.

Figure 15.03 A Like This - Mobile home with unenclosed covered porch



Figure 15.03 - B Not Like This – Mobile home with side to the front and no porch



15.03.080 – Bed and Breakfast Facilities Development Standards. Bed and breakfast facilities, as defined in this ordinance, are allowed in both of the city’s residential zones with a conditional use permit and compliance with the following additional standards:

- A. The structure shall retain the characteristics and appearance of a single family dwelling.
- B. The number of guest rooms shall be limited to 5, and the number of guests shall be limited to 10.

- C. In addition to the required off-street parking for each residential use, one off-street parking space for each room shall be provided.
- D. Signs conform to standards in Chapter 8.20 *Sign Code*, of MMC.
- E. All exterior lighting conforms to standards in Chapter 8.30 *Outdoor Lighting* of MMC.
- F. The applicant shall submit a site plan that shows how the off-street parking requirements will be met and provides landscaping appropriate to a residential neighborhood.

15.03.090 – Earth Movement, Grading and Removal. A written permit approved by the city shall be required for grading, removal or addition of 50 cubic yards or more of earth material from any lot within a calendar year.

15.03.100 – Archeological Resources. If any archeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease and the State Historic Preservation Office shall be contacted.

15.03.110 – Vision Clearance Areas. A Vision Clearance Area shall be maintained at the corners of all property at the intersections of two streets or a street and a railroad. All corner lots or parcels shall be provided with and maintain a vision clearance area. The vision clearance area shall provide an area of unobstructed vision from 3½ feet to 8 feet above the top of the curb.

15.03.120 – Home Occupations. Home occupations, as defined in this ordinance, are allowed in both of the city’s residential zones with a conditional use permit and compliance with the following additional standards:

- A. The home occupation shall be contained completely inside the house and be accessory to the primary residential use of the structure.
- B. The home shall retain the appearance and characteristics of a home and not a business.
- C. There shall be no exterior display or sign, except by a non-illuminating sign no larger than 2 sf.
- D. There shall be no more than one employee who does not live on site.
- E. There shall be no increase in noise outside the dwelling unit.
- F. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.

15.03.130 – General Requirements for Parking Lots. A parking lot, whether an accessory or principal use, intended for the parking of 4 or more vehicles shall comply with the following:

- A. Areas used for standing or maneuvering of vehicles shall all-weather surfaces that do not produce dust.
- B. Parking lots shall be designed and constructed to prevent off-site flow of stormwater.
- C. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- D. Service drives to off-street parking areas and access points shall be designed and constructed to facilitate the safe flow of traffic, and shall provide maximum safety for traffic access, pedestrians and vehicular traffic.
- E. Access points for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 15 feet from their intersection. Exceptions may be granted by the building official so long as the access is determined to be safe.
- F. Lighting. Any parking area intended for active use during non-daylight hours shall be properly illuminated to avoid accidents and increase safety. Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property, and shall be of a type and method of construction to shield the light source from direct view from any adjacent property or right-of-way. All parking area lighting shall comply with the standards set forth in Chapter 8.30, *Outdoor Lighting* of MMC.
- G. Landscaping shall be in conformance with the landscape standards in this ordinance.
- H. Parking lots shall be provided and located as follows:
 - 1. For new developments on the south side of Highway 30, parking lots shall be located on the side or rear of buildings.
 - 2. For new developments on the north side of Highway 30, parking lots shall be located in the rear of buildings with provisions for shared parking among multiple businesses.
 - 3. *Shared parking* will be allowed and encouraged for all commercial uses.
 - a. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

- b. Provision of an equivalent number of parking spaces in a shared parking facility or district may be allowed in lieu of provision of on-site parking required in subsection 15.03.130-H.4, below.
4. *Minimum parking spaces:* The following minimum number of parking spaces shall be provided for the following uses, unless otherwise specified in the base zone:
- a. *Business, general retail, personal services.* General - one space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.
 - b. *Churches and places of public assembly,* including fraternal organizations. One space per four fixed seats.
 - c. *Professional Offices.* Medical and Dental Offices or Facilities - one space per 350 square feet of gross floor area; General Offices - one space per 450 square feet of gross floor area.
 - d. *Hotels and motels.* One space for each guest room, plus one space for the manager.
 - e. *Restaurants, bars, ice cream parlors and similar uses.* One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.
 - f. *Residential uses.*
 - Single family detached housing. 2 parking spaces shall be provided for each detached single-family dwelling or manufactured home on an individual lot.
 - Two- and three-family housing. 1.5 spaces per dwelling unit.
 - Multi-family and single family attached housing. 1.5 spaces per dwelling unit.
 - Rooming and boarding houses, dormitories. Two spaces for each three guest rooms, or one per three beds, whichever is more;
 - g. *Light Industrial uses.* One space per two employees on the largest shift or for each 850 square feet of gross floor area, whichever is less, plus one space per company vehicle.
 - h. Public utilities (gas, water, telephone, etc.), not including business offices. One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.
 - i. Day care centers having 13 or more children. One space per two employees; a minimum of two spaces is required.
 - j. Schools. One and one-half space per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.
- I. Parking Design Standards. All parking spaces should be designed and built to the standards illustrated in Table 15.03-B and Figure 15.03-C.

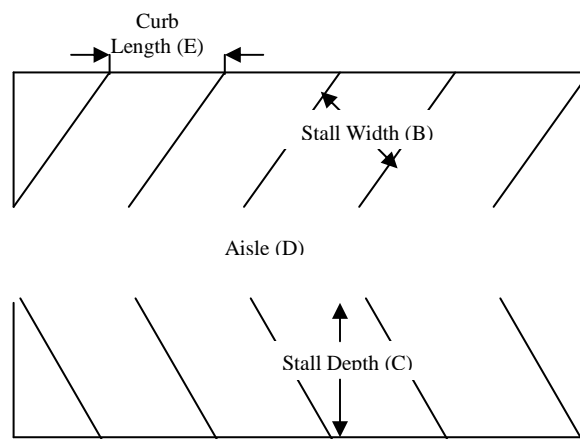
TABLE 15.03-B
Parking Stall Dimensions

Angle (A)	Stall Width	Stall Depth	Aisle Width	Curb Length
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	(B)	(C)	(1-way) (D)*	(E)
0 (parallel)	10' 0"	10' 0"	12'	22'
45	10' 0"	20' 6"	13'	14' 1"
60	10' 0"	21' 6"	18'	11' 10"
70	10' 0"	21' 2"	18'	10' 7"
90	10' 0"	20' 0"	24'	10' 0"

* 24' minimum for two-way traffic

**FIGURE 15.03-C
Parking Stall Dimensions**



- J. **Bicycle Parking.** Bicycle parking shall be provided in commercial zones. Bicycle parking shall meet the following standards:
1. Bicycle parking for commercial business customers shall be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six (6) bicycles.
 2. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space).
 3. Bicycle parking should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters and other pedestrian amenities.
 4. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions.

15.03.140 – General Exception to Yard Requirements. Any front yard, except on a corner lot, need not exceed the average of the front yards on developed abutting lots.

15.03.150 – General Exceptions to Building Height Limitations and Setbacks. Vertical projections from a primary structure such as chimneys, spires, domes, elevator

shaft housing, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues may project into required setback areas, but not more than 3 inches for each foot of required yard width.

15.03.160 – Animals and livestock in the city's Residential Zones. Farm animals such as pigs, cows, horses, sheep and the like, are not allowed in any of the city's Residential Zones. Up to 5 chickens, ducks or other fowl, but no roosters, may be kept on any property in the Residential Zones.

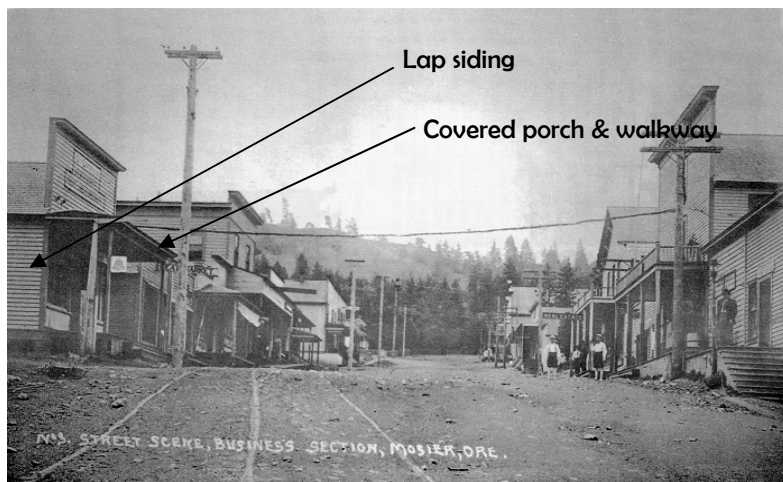
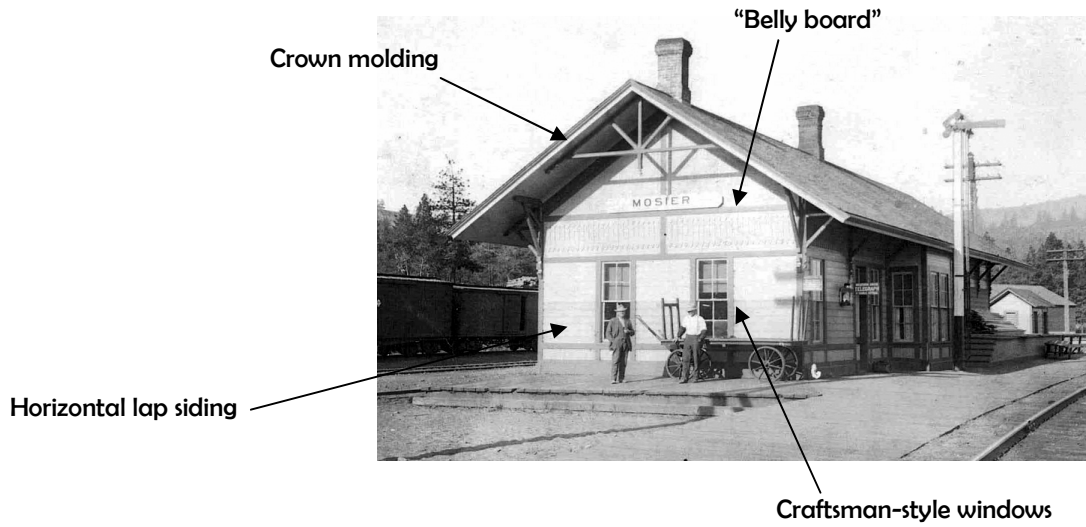
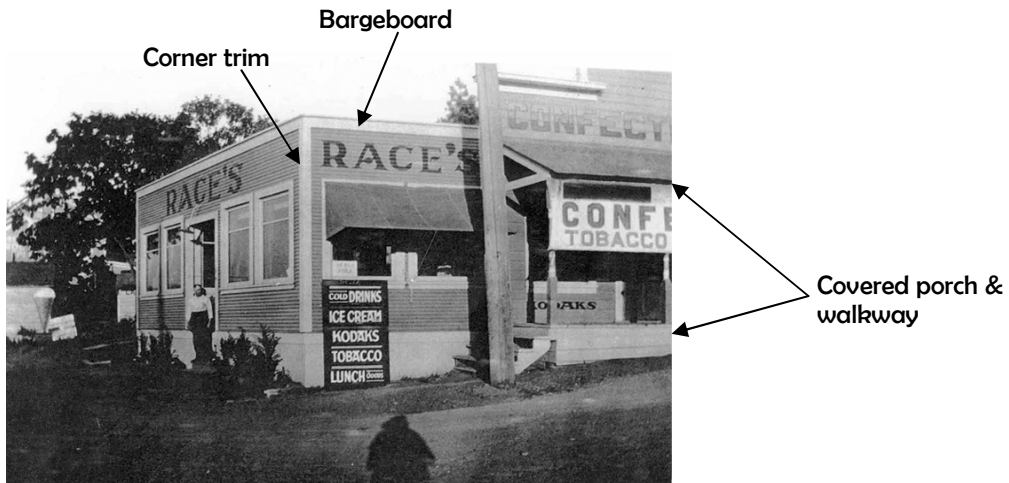
15.03.170 – Access for non-residential uses on adjacent parcels. Access for non-residential uses that are lawfully established on adjacent parcels may be allowed as a conditional use in either of the city's residential zones, subject to the limitations of this section. Any use eligible for approval under this provision shall be limited to vehicular traffic associated with the normal activities of a lawful use on an adjacent parcel where the traffic is compatible and consistent with residential uses. The situation envisioned by this authorization is where a non-residentially zoned parcel lacks direct and unrestricted vehicular access to the public right of way without passing through residentially zoned land. Uses not eligible for such a permit and which could not be served by routing traffic through a residential zone include any use that generates traffic that is not compatible and consistent with uses allowed in the residential zones. The city has full authority to impose any conditions required to ensure that traffic allowed as a use under this section is compatible and consistent with the uses allowed in the residential zones. In the event the city determines that the request cannot be conditioned to ensure compatibility and consistency with uses allowed in the residential zones, the city shall deny the request.

15.03.180 – Architectural Design Standards For Commercial Uses - These architectural guidelines and standards are intended to create a unified look for Mosier's downtown, build on the City's unique character, provide detailed, human-scale design, and afford flexibility to use a variety of building styles. These standards shall apply to all new buildings within areas zoned for commercial use.

A. Design Features: The following design features or elements should be incorporated in the design of new or reconstructed buildings. Examples illustrations and photos are shown in Figure 15.03-D.

1. Regularly spaced craftsman-style windows.
2. Pitched or gabled roofs.
3. Covered walkways or porches.
4. Bargeboards, corner trim boards or other accent trim boards.
5. Lap or decorative siding.
6. Crown or cornice molding.

FIGURE 15.03-D
Illustrative Photos of Desirable Design Features



B. Use of Building Materials.

1. Building materials to be encouraged, discouraged or limited in use in construction of new or reconstructed commercial buildings are specified in Table 15.05-C

TABLE 15.03-C
Guidelines for Use of Building Materials in New or Reconstructed Buildings in Commercial Areas

<i>Material</i>	<i>Status</i>
Wood lap siding	E
Rock	E
Faux Rock	E
Brick	E
Board and batten	E
Metal roofs ¹	A
Smooth block (i.e., bare cinderblock)	D
Stucco / faux Stucco	E
Metal or plastic siding	R
Plywood Siding	R

Notes:

A = allowed; E = encouraged; D = discouraged; R = restricted (no more than 15% of the total exterior area of the building may be covered by this material)

2. Colors are encouraged to be light earth tones; vibrant or highly reflective colors are discouraged.
3. Use of sustainable construction materials and practices and renewable energy sources is encouraged in construction of new buildings.

C. Review and Approval. Architectural Design standards shall be administered through the site plan approval process and subject to a Type 2 approval process as described in subsection 15.07.020-B of this ordinance.

15.03.190 – Temporary Use Permits in any zone. Approval of a temporary use is a land use decision and is subject to Type II review per Chapter 15.07 in any land use zone.

A. Standards and Duration of Temporary Use: A temporary use is established for a limited duration, not to exceed one year. It must meet the definition of a Temporary Use provided in this chapter. All impacts of the use, such as traffic pedestrian circulation, trash collection and the like, must be avoided, minimized or mitigated for. Any signs associated with a temporary event are subject to the sign code regulations in Chapter 8.20 of MMC.

B. Emergency Interim Temporary Use: In the instance of an emergency, an interim temporary use permit may be granted to allow for only those actions necessary to provide immediate response to the emergency. Staff will review the interim temporary use in consultation with the Mayor. Applicant will be made aware that Type II review of the proposed use is still required and further conditions may be applied to the temporary use subject to comment provided through that process.

C. Annual Renewal Possible for Local Produce Stand: A local produce stand or establishment of site exclusively for vending of local produce and locally grown farm products may also be established as a temporary use. City wishes to create incentives for sale of local fresh produce that has not been readily available in town for many years. Vending of locally grown farm products can, in some instances, meet the definition of a TUP but the operation may take place seasonally over a number of years rather than for a single year. For this reason a TUP for vending of local produce may be renewed annually subject to Type I ministerial review to determine that all original conditions and applicable standards continue to be met. To be permitted as a temporary use a local produce stand or other establishment must be dedicated exclusively to the vending of locally grown produce and farm products. All other regulations, including MMC 8.01.050 Nuisances affecting peace and safety will still be applied. Any required license or permit administered by other agencies e.g. public health, building codes, or permits to access the Historic Columbia River Highway are still required. If during the annual ministerial compliance review, it is determined that impacts of the TUP are increasing, changing in scope, or having unanticipated permanent effects on the surrounding area, a full CUP may be required to permit the use as a permanent use.

15.03.200 - Bluff Impact and Riparian Protection Areas.

A. Bluff and bluff impact zone. The general definition of a *bluff* is a topographical feature such as a hill, cliff, or embankment that has the following characteristics:

- Is located along a riparian area and drains towards the water
- Minimum height is 25 feet above the ordinary high water level
- Minimum slope is 30 percent (see graphic for how to calculate slope)

The bluff impact zone includes the bluff and the land located within 20 feet from the top of the bluff.

B. Riparian areas. (per OAR 660-23-0030 Safe Harbor Provisions) Along all fish-bearing rivers, streams and other waters with an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian area boundary shall be seventy-five (75) feet from the top of bank; i.e. ordinary high water for Rock and Mosier Creeks, average pool elevation for Columbia River

C. Land Use Requirements for Riparian Areas and Bluff impact zones.

1. The permanent alteration of riparian areas by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses

provided they are designed to avoid and minimize intrusion into the riparian corridor, no other options or locations are feasible, and any applicable state and/or federal permits are obtained:

- a. Streets, roads and bridges, excluding parking or storage areas.
 - b. Construction of permeable trails, boardwalks and viewing platforms, information kiosks and trail signs.
 - c. Drainage facilities, utilities, and irrigation pumps.
 - d. Stormwater treatment facilities when they are located in severely degraded parts of significant riparian corridors and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).
 - e. Water-related and water-dependent uses (for example boat launch, fishing dock).
 - f. Replacement of existing structures with structures in the same location that do not disturb additional riparian corridor surface area.
 - g. Structures or other non-conforming alterations existing fully or partially within significant riparian corridors may be expanded provided the expansion does not occur within the significant riparian corridor.
 - h. Existing garden, lawn and non-native plantings within significant riparian corridors may be maintained, but not expanded within the significant riparian corridor. Development activities on the property shall not justify replacement of the riparian area with lawn.
 - i. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the significant riparian corridor shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
2. Removal of riparian vegetation in significant riparian corridors is prohibited, except for:
- a. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Hood River shall maintain a list of native and non-native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
 - b. Removal of vegetation necessary for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
 - c. Removal of poisonous or noxious vegetation.
 - d. Trees in danger of falling and thereby posing a hazard to life or property may be removed. If no hazard will be created, property owners are encouraged to leave trees, once felled, in place in the riparian corridor.

- e. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.
3. Exceptions: The following activities are not required to meet the standards of this section if applicable:
- a. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.
 - b. Commercial forest practices regulated by the Oregon Forest Practices Act.

D. Variances. In cases where a property owner believes the application of this section imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all three (3) of the following criteria:

1. The proposed development requires deviation from the Riparian Corridor requirements; and
2. Strict adherence to the requirements of this section and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and
3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

E. Compliance with State and Federal Requirements. All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.