

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION / AGENDA MONDAY, JANUARY 11, 2016  
LOCATION: Wasco County Courthouse, Room #301  
511 Washington Street, The Dalles, OR 97058**

**Public Comment:** Individuals wishing to address the Commission please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments to five minutes, unless extended by the Chair.

**Departments:** Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

**NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900.

5:30 p.m.

**CALL TO ORDER**

*Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.*

- Corrections or Additions to the Agenda

5:30 p.m.

[Public Hearing: Amendments to the Wasco County Land Use and Development Ordinance](#)

**NEW / OLD BUSINESS  
ADJOURN**

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) – Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS  
PUBLIC HEARING  
JANUARY 11, 2016

PRESENT: Rod Runyon, Commission Chair  
Scott Hege, County Commissioner  
Steve Kramer, County Commissioner  
STAFF: Tyler Stone, Administrative Officer  
Kathy White, Executive Assistant

At 5:30 p.m. Chair Runyon opened the Public Hearing. He pointed out the sign-in sheet at the front of the room for people to indicate their desire to speak. He noted that not signing in would not preclude someone from the opportunity to speak; those on the sign-in sheet will go first when the floor is opened for testimony.

Chair Runyon explained the process for the hearing: We will now commence the continuation of the December 28, 2015 public hearing for PLALEG-15-11-0001, a review of a recommendation made by the Wasco County Planning Commission for: Legislative text amendments to the Wasco County Land Use & Development Ordinance to regulate the time, place and manner of marijuana businesses identified by HB 3400 including the addition of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation). The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the notice procedures required by Chapter 2 of the LUDO, this hearing was advertised for today,

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January 11, 2016, 5:30 p.m., in this room. Notice was provided in the newspaper, on the 12/28/2015 and 1/11/2016 Board of County Commissioners Hearing PLALEG-15-11-0001 Marijuana LUDO Amendments Page 4 of 7 radio and by the County's website. Staff also provided written notice to all county landowners of the proposed changes and hearing dates. This hearing is the second of two Board of County Commission hearings scheduled for this text amendment.

The criteria for approval of this request include: Wasco County Land Use & Development Ordinance (LUDO) • Chapter 2 – Development Approval Procedures • Chapter 9 – Zone Change and Ordinance Amendments

The procedure I would like to follow is: (d) The Planning Department will provide a brief overview of their December 28, 2015 presentation of the amendments recommended by the Planning Commission. (e) Members of the audience who wish to provide testimony will be allowed to do so. (f) The Board of Commissioners will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Time Limitations & Testimony If numerous people in the audience wish to testify, do a show of hands of those who would like to testify either for or against the proposal. If a lot of people want to testify, indicate they will be limited to 5 minutes (or other) and their testimony will be timed. Also indicate that their testimony needs to be limited to applicable criteria. When recognized by the Chair, please come forward to the podium, give your name, address and make your statement. Please do not repeat testimony. If you wish, you may choose merely to agree with a previous speaker's statements. The Chair may limit testimony to a certain time limit. When recognized by the Chair, a County Commissioners may ask questions of staff and participants without affecting time limits.

The Rules of Evidence are as follows: No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs. Testimony and evidence must be directed toward the subject hearing. 12/28/2015 and 1/11/2016 Board of County Commissioners Hearing PLALEG-15-11-0001 Marijuana LUDO Amendments Page 5 of 7

Chair Runyon asked if any Commission member wished to disqualify themselves for any personal or financial interest in this matter. There were none.

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Chair Runyon asked if any member of the audience wished to challenge the right of any Commission member to hear this matter. There were none.

Chair Runyon asked if there is any member of the audience who wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter. There were none.

Chair Runyon asked Planning Director Angie Brewer to present the staff report.

Ms. Brewer stated that the presentation (included in the Board Packet) has not changed from the first public hearing and is available on the County website. She briefly reviewed the presentation with a focus on the amendment do's and don'ts slides.

Commissioner Hege noted that in the public comments from the first hearing there were questions about setbacks. He asked how a building qualifies as a church or school. Ms. Brewer stated that there are definitions for those. He asked if it mattered that the building is not in use. Ms. Brewer replied that there will be site-specific issues that arise; the Planning Department would recommend a pre-application conference in those cases. She stated that there are about six definitions for a school and there is also guidance from the State.

Ms. Brewer went on to say that the Planning Commission tried to walk an equitable line. The regulations apply to commercial applications, not personal use. She referred to the land use matrix which is available on the Planning Department's website; staff is happy to help people use that tool. She said that the Planning Commission recommends approval of the amendments as drafted.

Commissioner Hege noted that one issue is processing which is allowed in the Exclusive Farm Use Zones but not F1 or F2. Transportation of product from the growing site to the processing site could be a problem.

Owen Christiansen suggested an exemption based on size of the processing site rather than the type of processing. He added that they might also consider an exemption for temporary processing.

Ms. Brewer responded that those are good suggestions and were discussed at both the Planning Commission and Planning Department. She stated that although not opposed to the idea of processing in the Farm Forest Zones, it is not equitable to other agricultural processors; it would have to be allowed for all rather than just one.

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She added that it is also not directly in line with the purpose statement and goal for that zone. She acknowledged that many forest zones do not have forests on them which is a large issue that cannot be addressed through this process but will be taken up through long-term planning.

Ms. Brewer continued by saying that temporary use is more possible but they have not settled the question of equitability. She stated that most uses in that zone are forest uses and small-scale processing for timber is not a viable option. She said that it is a good discussion but at this time we do not have enough information to move forward confidently.

Commissioner Hege reported that it is existing landowners bringing this forward. Ms. Brewer responded that to be fair it is only some of the existing landowners. Commissioner Hege said that he wants to have the discussion about what can be done now as it could be a significant amount of time before a long-term plan is done. Ms. Brewer stated that temporary uses will likely be conditional uses; temporary use is two years with a possible one-year extension which would allow time to complete the long-term planning process.

Commissioner Hege asked about wholesaling. Ms. Brewer replied that it has been broad brushed in the amendments; lumped in with other items as it is hard to do stand-alone wholesaling. She noted that the scale will vary and we will learn from it over time. She added that the State will probably also produce additional regulations; the County wants to be able to absorb them. She said that wholesaling is mentioned in the amendments when addressing processing and retailing.

Chair Runyon pointed out that the long-term process will be fair to other products. Ms. Brewer concurred saying that they want to avoid unintended consequences.

Commissioner Kramer stated that we could use the CUP to go case by case for conditional uses. Ms. Brewer agreed – it would probably be a more time intensive review and might result in more hearings before the Board if Planning cannot come to an agreement with the applicant.

Commissioner Hege said that Eric Smith has asked if there is a proposed processing site. He went on to say that the County has not proposed such a site; that is a private sector function. He said that Mr. Smith asked how many people own property in the Exclusive Farm Zone which is challenging to answer. He explained that the Assessor found that there are 2,936 accounts – some people own more than one account. He

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stated that there are at least over 1,000 owners. He stated that Mr. Smith had asked that if in-house processing is allowed, would the County provide security for transportation. Commissioner Hege stated that security is also a private sector function and would probably be a good business opportunity.

Chair Runyon noted that residential grows are not permitted outside of personal-use grows. He asked that if lawfully established medical grows would be allowed to continue. Ms. Brewer answered that if the grows and buildings were lawfully established, they will be allowed to continue. She said that the buildings, to be lawful, would have gone through the Planning Department. She noted that some buildings have changed uses and the Planning Department is not always notified; the only way we would know is if the OLCC asked for County sign-off. She observed that we do not have an inventory of where the existing grows are – previously it was held as confidential information; we only hear about them through complaints about lighting or odors, etc. She went on to say that if anyone wants to expand a legal business that goes beyond the current legal scope, they would probably need sign-off by OLCC and OHA; we will likely not be able to approve that expansion in rural residential or farm forest zones.

Chair Runyon pointed out that Code Compliance is complaint driven; it is up to citizens to bring issues forward. Ms. Brewer agreed saying that Planning does not go out to look for violations – we rely on citizens.

Commissioner Hege asked if anyone had looked into the concerns and comments being made about federal laws. Mr. Stone said that those questions were passed on to County Counsel who has been in contact with Ms. Brewer on a daily basis. He said that it will all be tested and the results are yet to come – there are no guarantees. Commissioner Hege noted that this is not unique to Wasco County. Ms. Brewer stated that we are moving forward with the guidance given by the State; it will be tested. Chair Runyon observed that one county that has opted out has law suits pending as a result of opting out.

Commissioner Hege said that one comment has been that the amendments limit opportunities to the Exclusive Farm Zones and Forest Zones. He stated that 75% of the zones not located in the Scenic Area are EFU, 10% is Farm Forest. When F1 and F2 are added in, more than 98% is available with only 2% completely excluded. Rural Residential is very small and to take that over seems unnecessary. Ms. Brewer displayed a chart (attached) illustrating the numbers. She said that most of the County will be

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zoned for growing and in many cases processing.

Commissioner Hege said that he was a little confused about the community garden component. Ms. Brewer said that they had taken that from Clackamas County's revisions. It is not currently in Wasco County's LUDO but because it is a possible application in Wasco County, the Planning Commission wanted to keep it. Since growing is not allowed on public property and a community garden is considered public, it would not be allowed in a community garden.

Chair Runyon opened the floor to the public calling first on people who had signed up.

Dr. David Wehrly came forward and asked if there will be a vote today. Chair Runyon replied that unless the Board finds something to add that needs more work, there will be a vote. Dr. Wehrly read a statement in the record:

*Just a reminder, as you consider your individual votes in this matter – a commissioner voting to opt-in to any of the options that are in violation of Title 21 or other applicable federal statutes is not indemnified from possible federal prosecution for federal felonies, at least facilitation of crime. And with the possibility of new administration that looks favorably on enforcing existing federal drug laws, I can assure you that a new U.S. Attorney for the District of Oregon will be petitioned to do so. Thank you.*

Michelle Halle said that under Oregon's grandfathering rules medical grows will not require changes.

Commissioner Hege said that this is something that just came out. Ms. Halle said that the State did not want dramatic changes; certified medical grower are being allowed to be in the system without a new process but will not be allowed to expand without going through the new process.

Ms. Halle read a statement into the record:

*Good evening, Commissioners and thank you for the opportunity to submit comments for the record regarding the proposed ordinance to regulate the time, place and manner of marijuana businesses. I very much appreciate the hard-work, time, thought and careful consideration you, Ms. Brewer and all County staff have put into this effort. My husband and I have a small outdoor medical cannabis operation utilizing certified organic growing practices in Wasco County. It has been registered with the Oregon Health Authority for six years. While it appears that our operation, being in the EIU Zone, will not be significantly limited, we are concerned for others who are currently operating or want to operate in a rural residential zone. I will take the statistic about 98% of the land being available into consideration because I did not realize the number was so high.*

*But, for the record, my request to you is to allow cannabis production in the rural residential five-acre and ten acre zones. Even Clackamas County's marijuana ordinance, reportedly used as a model for Wasco County's ordinance, allows for cannabis production on minimum five-acre parcels located in rural residential zone and Clackamas is a much more densely populated County than Wasco County. The proposed prohibition does not seem to make sense given all the other uses currently allowed in a rural residential zone with noise, order and dust impacts including alcohol manufacturing from timber or ag waste, mining, personal helicopter pads and airplane landing strips, power generation, all farm uses except cannabis.*

*It is this last use where I think the County may be inviting, as you have mentioned, unnecessary trouble for itself. As you are well aware, HB3400, Section 34, Sub 1, Sub A, specifically identifies cannabis as a crop for purposes of determining farm use. Farmers all over the state should be very concerned by any attempt to arbitrarily exclude the production of one single crop from the definition of farm use. If you were to allow cannabis production on rural residential parcels of a minimum of five acres, you could require greenhouse or indoor grows with carbon filtration ventilation equipment to minimize any nuisance odors. Otherwise, I believe that maintaining the blanket restriction potentially sets the County up for lawsuits which will cost money and staff time and be a fight the taxpayers, including myself, aren't excited to pay for. Thank you very much for your time and consideration.*

Ms. Brewer stated that Clackamas County does allow grows in Rural Residential with a minimum of five acres – the grow must be indoors and is required to have filtration. She said that the Planning Commission did consider that but with so little Rural Residential in Wasco County, they felt it was important to protect those zones and move the grows out to the resource zones. She said that it is not an assumption that the grows would automatically negatively impact the rural residential and farm forest zones, but the Planning Commission wanted to encourage development in the resource zones.

Chair Runyon asked if Clackamas has more Rural Residential zoning than Wasco County. Ms. Brewer replied that they do as does Deschutes County. She said that they have had a lot of good discussions about the right to farm and changes in conditions; Wasco County's Planning Commission is trying to minimize litigation risk. She said that there is a risk either way; finding that balance is difficult but is what we are trying to do.

Commissioner Hege said that we have received a letter from an attorney which was reviewed by Counsel but the risk goes both ways. Ms. Brewer predicted that right to



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farm will be challenged at some point. The House Bill 3400 language calls out resource land and allows regulation; it is bound to be tested somewhere. Commissioner Hege reminded everyone that 98% of the available land in Wasco County is resource land.

Ms. Halle reported that there is an attorney in Portland drafting suits, ready to pull the trigger. Ms. Brewer added that there have been many attorneys watching and most have actually been helpful in this process.

Mr. Christiansen of Mosier stated that we are not here to talk about whether or not this should come to a vote. He said that there is little risk from federal enforcement; they are moving away from federal prosecution – they do not have the money to prosecute uses that are allowed by state law. He went on to say that the idea of allowing temporary processing in F1 and F2 is good; it will allow businesses to capture the supply chain and allow the County to collect data that will help formulate regulations in the long term. He said that he recognizes the inequity of allowing marijuana processing in zones where timber processing is not allowed but they are different crops; unlike timber, processing of marijuana can take place in 2,000 square feet. He stated that if producers cannot process, they miss out on revenue.

Mr. Christiansen went on to say that wholesaling is not necessarily a warehouse where trucks are coming and going; it could be just a storage unit. He said he would like to be able to host other growers and producers in a central and secure location which would make more sense than having to secure in many locations. He added that if producers cannot process, they will have to lower their prices to sell to those who can process. Jeff Handley said that he has F1 property and EFU property that is managed for forest production. He said in considering what the state planning goals and guidelines are for forest lands, we need to understand why those were put in place. There should not be large buildings or processing unless we understand why those uses were originally restricted for those zones. He said that the marijuana industry wants to be treated like every other industry and should not be given special dispensation. He said that this isn't just about storage; processing can be a fire hazard – we saw that just last summer.

Commissioner Runyon stated that right now we are talking about not having processing in the forest zone. He asked Ms. Brewer to talk about the process for buildings in the forest zone.

Ms. Brewer observed that the State language has not changed – uses are very specific. Farm uses are also allowed as long as they meet the State definition. HB3400 provides local jurisdiction to affect ordinance. We can address marijuana as defined by that bill.

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We try to balance quality of life with uses; farm use in forest zones is allowed but processing is not right now. It has been a topic of discussion and there are options. Staff has not had the capacity to thoroughly evaluate the outcome for us to move forward.

Mr. Handley restated that we need to understand why they did not allow it to begin with before we consider a change. Ms. Brewer replied that it makes sense to her.

Brad DeHart said that as a Planning Commissioner, he supports the proposal based on the request made by the Board of Commissioners. As a resident, he would like to suggest an alternative – the Board can opt out and allow the issue to go back to the voters to see what they would like. He said that we learn more every day and by the time it would come to a vote, we would know even more. He said that he would appreciate it if during deliberation, the Board would consider that option.

No one else came forward to speak. Chair Runyon closed the public comment portion of the hearing.

Commissioner Kramer said that a lot of time has been spent on this and we have covered what we do know. Things will change on a monthly basis. He said that he has no other questions.

Commissioner Hege agreed that it has been a long process starting with town halls and including work sessions and public hearings for both the Planning Commission and the Board of Commissioners. We have spent a lot of time and done a lot of work. He said that the Board has had and still has the opportunity to opt out. Some have suggested that we need to get marijuana out of the County but that is not possible – medical and personal grows are here to stay. He said that he thinks it makes sense to regulate it, understanding that we cannot make everyone happy with anything we do.

Chair Runyon said that his thought at first was to opt out. He stated that we have been at this since fall, communicating with OLCC, AOC, and citizens, attending the Planning Commission public hearings and reading the notes from their work sessions as well as having discussions with the Administrative Officer and Planning Director. He continued by saying that although he cannot talk to his fellow Commissioners about this outside of public meetings, he does not have a sense that an opt-out motion would pass but he would like to see the rules in place. He went on to say that he has talked to law enforcement; they will see problems no matter what. He said that he is not interested in helping with processing; he wants to make it as hard as possible while

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still allowing it with rules in place. He noted that half of the population of Wasco County is in the City of The Dalles where the County has no authority to regulate. He said that we have been a compromise Commission and we worked together to get this done. We can still opt out in the future. There is also nothing to stop a citizen from bringing this to the ballot. He said that in response to the 50/50 split, this is the best way to go. When we get complaints, we will follow up on them.

Commissioner Kramer stated that 75.87% is in A1 in the County. He said that growers have come to him asking that we not opt out; it takes away their opportunity to earn a living. He said his constituents have asked that we not opt out; they do want regulations and they are committed to following those regulations.

Commissioner Hege said that another issue is home occupation which is not permitted in the proposed amendments. The comment is that they understand the impact from the larger grows but what will be the impact from home occupation grows? He stated that he has talked with the Planning Department; he was concerned that we are taking away opportunities but there is not enough time or information to do it now. He said that he wants to look at it as we move forward with long-term planning as it is a potential opportunity for people. He noted that this will change; there will be new rules from the State and our ordinance will change.

Commissioner Hege went on to say that he thinks there is reason to look at temporary uses in the F1 and F2 zones which will allow us to gather data that will inform regulations. He said that what he heard is a concern about the amount of space that a processing site will use. He stated that his initial response is that if we could have a saw mill, he would support that. He said that he thinks processing should be okay and he is not clear why it is not. He said that he would like to look at a scale for temporary use in a temporary building, noting that processing can occur in a cargo container.

Chair Runyon pointed out that in The Dalles, you can have a 200 square foot building without a permit. He asked if that is true in the County. Ms. Brewer replied that you can for instance have a temporary structure for timber harvest. Typically the City allows it for an accessory building – you would have to have a main structure.

Commissioner Hege stated that the Planning Commission spent a long time and has done an admirable job; this is a good start and it will change. He said that their approach and process was good. With so much of the County allowing growing he is now aware of how little is available for those who want to live in rural residential.

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Chair Runyon thanked the Planning Department, Planning Commission and other members of staff for all their work. He read the options available to the Board:

Continue hearing to a known date and time. Based on testimony and evidence presented at the hearing, continue the hearing if necessary. Additional testimony may provide specific reasons to approve or deny. 12/28/2015 and 1/11/2016 Board of County Commissioners Hearing PLALEG-15-11-0001 Marijuana LUDO Amendments Page 6 of 7 B. Adopt Planning Commission's recommended text amendments.

Based upon all of the findings of fact, the Board may approve the request as recommended by the Planning Commission; or

Based upon amended findings of fact, the Board may approve the request with amendments;

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed text amendments as an emergency ordinance, with the following conditions: 1. Limit the prohibition of new dwellings in conjunction with marijuana crops to lands zoned exclusively for farm use, to be consistent with HB 3400 (see Section 34(2)(a)). 2. Modify the definition of "agriculture structure" in Section 1.090 to ensure new agriculture buildings can be approved for farm uses that comply with state law. 3. Correct errors in Staff Report and the proposed text amendment: a. Staff Report: add references to Oregon Health Authority where applicable; and b. Proposed Ordinance Text: add references to Farm-Forest (F-F 10) and Agriculture-Recreational (A-R) in new Chapter 11, Section 11.020(b) to be consistent with the language recommended for Chapter 3. 4. Include the following emergency clause: "Insomuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court."

C. Denial of proposed text amendments.

Based upon amended findings of fact, the Board may deny the request.

Commissioner Hege asked if it is possible to add temporary processing. He asked if the Board can approve the ordinance as proposed and then direct staff to continue to work on a separate amendment for temporary processing. Mr. Stone pointed out that the Board would not know what that language would be. He said that the Board can

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approve these as recommended to protect from grandfathered uses and then have another process to amend it. Ms. Brewer added that it would be the same process that we are concluding now.

Chair Runyon asked if we would be addressing that issue in the long-term planning. Mr. Stone replied that it would probably have to be revisited through that process.

Commissioner Hege stated that he does not want to see it pushed aside for two years. Based on the information, he does not see the downside of processing on F1 or F2.

Mr. Stone suggested that the Board approve the amendments as proposed and then direct staff to start working on the next piece to get it back fairly soon. Ms. Brewer agreed saying that it will be the same work now or later.

Chair Runyon asked if it is being done in other counties. Ms. Brewer replied that there is one other county adding in processing specifically. She said that she can talk to them about how that is going.

Commissioner Hege observed that the Planning Commission is a great place to vet that. Ms. Brewer commented that to put staff on one long-term priority pushes out others. She asked if it needs to be determined now or are other things more important.

Mr. Stone said that the goal is to keep the decision-making process clean. Ms. Brewer added that staff will support whatever decision is made.

Commissioner Hege said that a two-year delay will cause missed opportunities. He went on to say that the idea of processing and home occupation are things he wants to look at – he has questions about them.

Chair Runyon said that he would like to see some preliminary work done on that and get it on the agenda for direction.

{{{Commissioner Hege moved to approve the amendments recommended by the Planning Commission based on all the findings of fact:

**PLANNING COMMISSION RECOMMENDATION:** Approval of the proposed text amendments as an emergency ordinance, with the following conditions: 1. Limit the prohibition of new dwellings in conjunction with marijuana crops to lands zoned exclusively for farm use, to be consistent with HB 3400 (see Section 34(2)(a)). 2. Modify the definition of “agriculture structure” in Section 1.090 to ensure new agriculture buildings can be approved

for farm uses that comply with state law. 3. Correct errors in Staff Report and the proposed text amendment: a. Staff Report: add references to Oregon Health Authority where applicable; and b. Proposed Ordinance Text: add references to Farm-Forest (F-F 10) and Agriculture-Recreational (A-R) in new Chapter 11, Section 11.020(b) to be consistent with the language recommended for Chapter 3. 4. Include the following emergency clause: "Insomuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Board of Commissioners."

Commissioner Kramer seconded the motion which passed unanimously.}}}

Youth Think Coordinator Debby Jones said that her assumption is that since there was not option for opting out that will not happen. She asked if there is a process for the addition of the 3% tax in the future.

Commissioner Hege stated that we should talk about that. The tax is only applied at the retail level. For the County there are only about three locations where that could happen – Wamic, Tygh Valley and Pine Grove. There would have to be a recreational dispensary there and then only 3% of the sales would come to the County. He said that we could do that – no harm, no foul – but it is highly unlikely that we would generate any revenue.

Chair Runyon closed the public hearing.

Chair Runyon explained that Mosier has been challenged by some severe water problems. He stated that the Board has a letter of support for a grant application to help Mosier address those issues. He read the letter into the record:

*The Wasco County Board of Commissioners supports Wasco County SWCD's application to the Water Supply Development Account program for exploratory well drilling in the Mosier area. Water levels in the Mosier area have been declining at an alarming rate for over four decades resulting in a significant negative impact on the economic, environmental, and social well-being of the area. Studies conducted by the USGS and OWRD have indicated that commingling aquifers through leaky wells accounts for 80-90% of the decline in groundwater with only a small portion due to consumptive use.*

*The groundwater declines have depressed real estate transactions in the Mosier area and are a direct threat to agriculture which depends on groundwater to support irrigated agriculture, significant to the local economy. Mosier is a vibrant community that we cannot afford to lose; if we do not halt or reverse*

*the groundwater declines, Mosier's economy and population will not be sustainable.*

*The USGS and OWRD studies also describe a connection between the groundwater and surface water in the area. Mosier Creek is home to federally listed salmon and steelhead below Mosier Creek Falls. These fish are an important resource, supporting Oregon's commercial, recreational and Tribal subsistence fisheries.*

*The Wasco County Board of Commissioners strongly supports Wasco County SWCD's project proposal. If successful, the project will have numerous economic, environmental and social benefits for the residents of Mosier and Wasco County as a whole. We encourage funding of this project*

**\*\*\*The Board was in consensus to sign the letter of support for Mosier's grant application for funding to address their groundwater issues.\*\*\***

Ms. White explained that this did not get on the agenda as the letter came to her late on Friday. Since the grant deadline is before the Board's next regularly scheduled session, it needed to have a decision at this evening's public hearing session.

Chair Runyon adjourned the meeting at 7:09 p.m.

## Summary of Actions

### Motions Passed

- To approve the amendments recommended by the Planning Commission based on all the findings of fact:

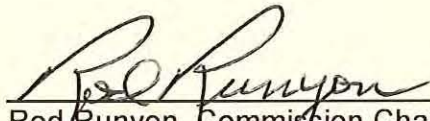
**PLANNING COMMISSION RECOMMENDATION:** Approval of the proposed text amendments as an emergency ordinance, with the following conditions: 1. Limit the prohibition of new dwellings in conjunction with marijuana crops to lands zoned exclusively for farm use, to be consistent with HB 3400 (see Section 34(2)(a)). 2. Modify the definition of "agriculture structure" in Section 1.090 to ensure new agriculture buildings can be approved for farm uses that comply with state law. 3. Correct errors in Staff Report and the proposed text amendment: a. Staff Report: add references to Oregon Health Authority where applicable; and b. Proposed Ordinance Text: add references to Farm-Forest (F-F 10) and Agriculture-Recreational (A-R) in new Chapter 11, Section 11.020(b) to be consistent with the language recommended for Chapter 3. 4. Include the following emergency clause: "Insomuch as this

ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Board of Commissioners.”

Consensus

- To sign the letter of support for Mosier’s grant application for funding to address their groundwater issues.

WASCO COUNTY BOARD  
OF COMMISSIONERS

  
\_\_\_\_\_  
Rod Runyon, Commission Chair



\_\_\_\_\_  
Scott Hege, County Commissioner

  
\_\_\_\_\_  
Steve Kramer, County Commissioner



## **Agenda Item**

### **LUDO Amendments**

- [Planning Commission Recommendation](#)
- [Proposed Ordinance Revisions](#)
  - [Chapter 1 - Introductory Revisions](#)
  - [Chapter 3](#)
    - [3.110 F-1 Zone – Forest](#)
    - [3.120 F-2 Zone Forest](#)
    - [3.210 A-1 Zone – Exclusive Farm Use](#)
    - [3.220 F-F Zone Forest-Farm](#)
    - [3.230 A-R Zone – Agricultural/Recreational](#)
    - [3.240 R-R\(5\) Zone – Rural Residential](#)
    - [3.250 R-R\(10\) Zone – Rural Residential](#)
    - [3.310 R-R\(2\) Zone Rural Residential](#)
    - [3.410 R-C – Rural Commercial](#)
    - [3.510 R-I Zone – Rural Industrial](#)
    - [3.601 TV-R Zone – Tygh Valley Residential](#)
    - [3.602 TV-C Tygh Valley Commercial](#)
    - [3.603 TV-M1 Zone Tygh Valley Light Industrial/Commercial](#)
    - [3.604 TV-M2 Zone Tygh Valley Light Industrial/Commercial](#)
    - [3.606 TV-AG Zone Tygh Valley Agricultural](#)
    - [3.611 WAM-R2 Zone – Wamic Residential](#)
    - [3.612 WAM-R5 Zone – Wamic Residential](#)
    - [3.613 WAM-C2 Zone – Wamic Commercial](#)
    - [3.614 WAM-M2 Zone – Wamic Medium Industrial](#)
  - [Chapter 11 Marijuana Production, Processing, Wholesaling & Retailing](#)
  - [Chapter 12 Lot of Record Provisions](#)
  - [Chapter 20 Site Plan Review](#)

## Agenda Item

### LUDO Amendments (continued)

- [BOCC Supplemental Packet](#)
  - [Memorandum](#)
  - [Comments Received after December 16, 2015](#)
    - [Olen Christianson](#)
    - [Joshua Fry](#)
    - [Anonymous Comment](#)
    - [Eric Smith, Taylor Farms & Nurseries](#)
    - [Molly Rogers, Director of Wasco County Youth Services](#)
    - [Anonymous Comment](#)
    - [Olen Christianson](#)
    - [Eric Smith, Taylor Farms & Nurseries](#)
    - [Chris Olson](#)
    - [John Paull](#)
  - [Exhibits Received](#)
    - [Safety Guidelines for Manufacturing Butane Hash Oil – submitted by Nathan Little](#)
    - [Power Point submitted by Planning Director Angie Brewer 12.16.15](#)
    - [Comments submitted by David Wehrly](#)
    - [Memo Re: Response to questions from Planning Commissioners from December 16<sup>th</sup> hearing – submitted by Planning Director Angie Brewer](#)
    - [Power Point submitted by Planning Director Angie Brewer 12.21.2015](#)
- [12.28.2015/1.11.2016 Planning Presentation](#)

**Agenda Item**  
**LUDO Amendments (continued)**

- [12.16.2015 Planning Commission Packet](#)
  - [Memorandum](#)
  - [Summary of Information](#)
  - [Staff Report](#)
  - [Planning Commission Options](#)
  - [Proposed Text Amendments](#)
  - [Current Zoning Matrix](#)
  - [Proposed Zoning Matrix](#)
  - [Proposed Amendments](#)
  - [Resolution to Initiate LUDO text amendment](#)
- [12.16.2015 Planning Commission Packet Supplement](#)
  - [Memorandum](#)
  - [Comments Received Prior to 12.15.2015](#)
    - [Ronilee Francis](#)
    - [Taylor Farms & Nurseries](#)
    - [John Pearson & Olen Christianson](#)
    - [Owen Papworth](#)
    - [Lane Magill, Chief Deputy Wasco County Sheriff's Office](#)
    - [Debby Jones, Wasco County Prevention Specialist, Youth Think](#)
    - [Lisa Gambee, Wasco County Clerk](#)



# Wasco County Planning Department

*"Service, Sustainability & Solutions"*

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[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

## SUMMARY OF INFORMATION

### Prepared for Board of County Commissioners Hearing

---

**File Number:** PLALEG-15-11-0001

**Request:** Legislative text amendments to the Wasco County Land Use and Development Ordinance to regulate the time, place and manner of marijuana businesses, including the addition of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

**Prepared By:** Angie Brewer, Planning Director on behalf of the Wasco County Planning Commission

**Prepared For:** Wasco County Board of Commissioners

**Board of County Commissioners  
Hearing Dates:** December 28, 2015 and January 11, 2016

**Procedure Type:** Legislative

**Applicant:** Wasco County

**Owners & Location:** Amendments will regulate marijuana businesses in all zones on all non-federal and non-tribal trust properties, outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area.

**Planning Commission  
Recommendation:** Recommend a conditioned approval to the Board of County Commissioners, and that the final ordinance is adopted as an emergency for immediate implementation.

---

**Attachments:**

- A. Planning Commission Recommendation & Board Options
- B. Staff Report
- C. Proposed ordinance text amendments

## ATTACHMENT A – PLANNING COMMISSION RECOMMENDATION

The full Planning Commission recommendation (Staff Report) with all proposed findings of fact and conclusions of law is enclosed as **Attachment B** and was made available at the Wasco County Planning Department and Board of Commissioners Office for review one week prior to the December 28, 2015, hearing (and January 11, 2016 hearing). The full staff report is made a part of the record. This summary does not supersede or alter any of the findings or conclusions in the Staff Report, but summarizes the results of the Planning Commission’s review and recommendation made December 21, 2015.

Measure 56 Notice was provided to all affected owners on November 24, 2015, and a Notice of Proposed Amendment was sent to DLCD on November 11, 2015.

### **PLANNING COMMISSION RECOMMENDATION:**

Approval of the proposed text amendments as an emergency ordinance, with the following conditions:

1. Limit the prohibition of new dwellings in conjunction with marijuana crops to lands zoned exclusively for farm use, to be consistent with HB 3400 (see Section 34(2)(a)).
2. Modify the definition of “agriculture structure” in Section 1.090 to ensure new agriculture buildings can be approved for farm uses that comply with state law.
3. Correct errors in Staff Report and the proposed text amendment:
  - a. Staff Report: add references to Oregon Health Authority where applicable; and
  - b. Proposed Ordinance Text: add references to Farm-Forest (F-F 10) and Agriculture-Recreational (A-R) in new Chapter 11, Section 11.020(b) to be consistent with the language recommended for Chapter 3.
4. Include the following emergency clause: “Insomuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court.”

### **BOARD OPTIONS**

*(Note: pursuant to WCLUDO Section 9.080, final action may not be taken until January 11, 2016)*

#### Continue:

- Based on testimony and evidence presented at the hearing, continue the hearing if necessary. Note: additional testimony may provide specific reasons to approve or deny.

#### Approval:

- Based upon all of the findings of fact, the Board may approve the request as recommended by the Planning Commission; or
- Based upon amended findings of fact, the Board may approve the request with amendments;

#### Denial:

- Based upon amended findings of fact, the Board may deny the request.

## ATTACHMENT B – PLANNING COMMISSION STAFF REPORT

**File Number:** PLALEG-15-11-0001

**Request:** Legislative text amendments to the Wasco County Land Use and Development Ordinance to regulate the time, place and manner of marijuana businesses, including the addition of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

**Prepared By:** Angie Brewer, Planning Director on behalf of the Wasco County Planning Commission

**Prepared For:** Wasco County Board of Commissioners

**Board of County Commissioners**

**Hearing Dates:** December 28, 2015 and January 11, 2016

**Procedure Type:** Legislative

**Applicant:** Wasco County

**Owners & Location:** Amendments will regulate marijuana businesses in all zones on all non-federal and non-tribal trust properties, outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area.

### I. APPLICABLE STANDARDS

#### A. Wasco County Land Use and Development Ordinance:

1. Chapter 2 – Development Approval Procedures
  - Section 2.060 Application
  - Section 2.080 Notice
  - Section 2.090 Contents of Notice
  - Section 2.130 Establishment of Party Status
  - Section 2.140 Hearing Procedure
  - Section 2.150 Official Notice
  - Section 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-judicial

2. Chapter 9 – Zone Change Ordinance Amendment
  - Section 9.050 Amendments to the Zoning Ordinance
  - Section 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
  - Section 9.070 Notice of Planning Commission Recommendation
  - Section 9.080 Action by County Governing Body

**FINDING:** Compliance with the applicable standards of Chapters 2 and 9 of the Wasco County Land Use and Development Ordinance are discussed below in Section III of this report.

## II. BACKGROUND INFORMATION

### **Purpose and Need**

Oregon Measure 91 and Oregon House Bill 3400 have identified medical and recreational marijuana related business that may now be regulated by local jurisdictions in several ways, including land use. To solicit community feedback on this issue, the Wasco County Board of Commissioners held two town hall meetings (September 16 in Dufur and September 21 in Mosier), and invited Planning staff to make regular presentations at their publically noticed meetings to answer questions about the new regulations as well as listen for additional community feedback. On October 21, 2015 the Board of Commissioners directed Staff to engage the Wasco County Planning Commission to add time, place, and manner ordinance amendments regulating marijuana businesses in Wasco County, outside incorporated cities and outside of the Columbia River Gorge National Scenic Area.

### **Summary of Process to Date**

Following the October 21, 2015 Board of County Commissioners meeting, the Wasco County Planning Commission has held four public work sessions:

- November 3, 2015 - Discuss scope of task
- November 9, 2015 – Review Clackamas County and Deschutes County ordinances
- November 23, 2015 - Discuss staff's first draft ordinance, which used the Clackamas County draft as template.
- December 1, 2015 – Continue discussion of draft language and staff feedback
- December 16 and 21, 2015 – Planning Commission Public Hearings
- December 22, 2015 – Planning Commission Recommendation made available to the public and conveyed to Board of County Commissioners, including revised proposed ordinance language.
- December 28, 2015 – scheduled hearing with the Board of County Commissioners
- January 11, 2015 – tentative date of final Board of County Commissioners hearing

### **Other Significant Dates:**

- November 11, 2015 – Notice of text amendments provided to DLCDC
- November 24, 2015 – Written notice mailed to all affected landowners (adhering to the requirements of the Measure 56 notice process)
- November 24, 2015 – Notice of Planning Commission Hearings published in *The Dalles Chronicle* newspaper

- November 25, 2015 – draft ordinance language, relevant documents, hearing dates and methods of public participation and comment posted on Planning Department website.
- November 25, 2015 –notification of all partner agencies and parties that requested notification to view content online and submit feedback.
- December 3, 2015 – revised draft ordinance language added to Planning Department website following December 1, 2015 Planning Commission work session.
- December 15, 2015 - Notice of County Board Hearings published in *The Dalles Chronicle* newspaper

### **Summary of Amendments**

The proposed text amendments respond to changes in State Law. There's nothing contained within this report or the proposed amendments that constitute a departure from the adopted Wasco County Comprehensive Plan or Statewide Planning Goals.

The proposed ordinance amendments will add and amend text to regulate the time, place and manner of recreational and medical marijuana businesses regulated by the OLCC and OHA. Text amendments are proposed to add Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and make changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation). Please see **Attachment C** for the full text of the ordinance amendments, a summary and two matrix documents that compare existing ordinance regulations to the proposed regulations.

The proposed amendments will only apply to lands in unincorporated areas of Wasco County, excluding federal lands, Tribal lands, and lands located within the Columbia River Gorge National Scenic Area.

### **Department Coordination**

To develop the proposed text, Planning Staff solicited feedback from all Wasco County Departments and State partner agencies. Among others, this included the Oregon Watermaster, the Wasco County Sherriff's Office, North Central Public Health District and the Oregon Fire Marshal's Office. Comments provided are part of the record and available upon request. All comments received prior to the Planning Commission's December 16, 2015 hearing have been addressed and incorporated into the current proposal. Notice was provided to all other partner agencies and parties who have requested notice. Changes were made by the Planning Commission December 21, 2105 to recommend the draft language with the following changes to the Board of County Commissioners:

1. Limit the prohibition of new dwellings in conjunction with marijuana crops to lands zoned exclusively for farm use, to be consistent with HB 3400 (see Section 34(2)(a)).
2. Modify the definition of "agriculture structure" in Section 1.090 to ensure new agriculture buildings can be approved for farm uses that comply with state law.



3. Correct errors in Staff Report and the proposed text amendment:
  - a. Staff Report: add references to Oregon Health Authority where applicable; and
  - b. Proposed ordinance text: add references to Farm-Forest (F-F 10) and Agriculture-Recreational (A-R) in new Chapter 11, Section 11.020(b) to be consistent with the language recommended for Chapter 3.

New information brought to the hearings may be considered by the Board of County Commissioners.

### III. FINDINGS

#### A. Wasco County Land Use & Development Ordinance Chapter 2 – Development Approval Procedures:

##### **SECTION 2.060 Application/Completeness**

Pursuant to Chapter 2, Section 2.060(B)(2), ordinance amendments shall be heard by the Planning Commission; it states:

*B. The following matters shall be heard by the Planning Commission, pursuant to Sections 2.080, 2.090, 2.130, 2.140, 2.150, and 2.190 of this Ordinance:*

...

- 2. Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)*

**FINDING:** Sections 2.080, 2.090, 2.130, 2.140, 2.150, 2.190 and Chapter 9 are addressed below. Consistent with this rule, the proposed ordinance amendment was heard by the Planning Commission on December 16, 2015 and December 21, 2015. The Planning Commission used the information in this report to make a recommendation to the Board of County Commissioners, who will make the final decision.

##### **SECTION 2.080 Notice**

##### **SECTION 2.090 Contents of Notice**

##### **SECTION 2.130 Establishment of Party Status**

##### **SECTION 2.140 Hearing Procedure**

##### **SECTION 2.150 Official Notice**

##### **SECTION 2.190 General Conduct of Hearings**

**FINDING:** The above sections establish the requirements for providing notice and the general conduct of hearings. Most of the criteria specifically address requirements for administrative decisions, quasi-judicial ordinance amendments, comprehensive plan amendments and zone changes. The proposed text amendment is a legislative ordinance amendment and does not include an administrative decision, zone change or comprehensive plan amendment. The Wasco County Planning Commission hosted public hearings for the proposed amendment on December 16, 2015 and December 21,

2015. Notice of the hearing dates was published in *The Dalles Chronicle* on November 24, 2015. The Board of County Commissioners will host public hearings to hear the legislative text amendment on December 28, 2015 and January 11, 2016. Notice of the Board hearing dates was published in *The Dalles Chronicle* on December 15, 2015.

Because the proposed amendment is legislative in nature, staff elected to provide written notice to all Wasco County landowners<sup>1</sup>, in compliance with the Measure 56 notification process. The written notice was mailed to all landowners on November 24, 2015 – more than the 20-day pre-notice required by Section 2. The notice described the proposed text amendments, accessing materials, Planning Commission and Board of County Commission hearing dates, and instructions for providing input.

To ensure the general conduct of the hearings comply with Section 2.190, the Planning Commission and Board of County Commissioners will be provided a script with procedural guidance.

**B. Wasco County Land Use & Development Ordinance Chapter 9 – Zone Change and Ordinance Amendment**

**STAFF NOTE:** Sections 9.010 through 9.040 address zone changes only. Sections 9.050 through 9.080 address zone changes and amendments to the zoning ordinance.

**SECTION 9.050 Amendments to the Zoning Ordinance**

Pursuant to Section 9.050 of the Wasco County Land Use and Development Ordinance, amendments to the ordinance may be initiated through the following actions:

- A. *By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;*
- B. *By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;*
- C. *By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in State Law;*

**FINDING:** At their October 21, 2015 meeting (a public meeting), the Wasco County Board of Commissioners provided direction to the Planning Department Staff and Wasco County Planning Commission to begin work on ordinance amendments to address the time, place and manner of marijuana businesses, as a direct response to new uses and authorities specified in Oregon House Bill 3400. A formal resolution referring the proposed plan amendment to the Planning Commission was signed by the Board of County Commissioners on December 2, 2015. The proposed amendment was initiated in a manner consistent with (A) above and therefore consistent with the requirements of Section 9.050.

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<sup>1</sup> Using address data provided by the Wasco County Assessor's records, written notice was provided to all Wasco County landowners with property located outside of incorporated communities.

**SECTION 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance**

*After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.*

**FINDING:** Public Hearings before the Planning Commission are scheduled for December 16, 2015 and December 21, 2015. The Planning Commission will use the information contained in the Staff Report and the feedback provided by commenting parties (see Section 2 above) to provide a formal recommendation to the Board of County Commissioners for their final decision. Following the public hearings, the Planning Department will provide the Commission's recommendations in writing (this report) and will include a statement of facts and reasons for recommendations, consistent with this rule.

**SECTION 9.070 Notice of Planning Commission Recommendation**

*Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.*

**FINDING:** Consistent with this rule, the Planning Department will provide notice of the Planning Commission recommendation within ten (10) days to persons who signed in and testified at the hearing and anyone who requested notification in writing.

**SECTION 9.080 Action by County Governing Body**

*Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.*

**FINDING:** Upon completion of the Planning Commission hearing on December 21, 2015, the Commission's recommendation will be forwarded to the Board of Commissioners. Notice of the Board hearing will be published a minimum of ten days prior to the hearing. The Planning Commission recommendation will be mailed the day after their recommendation is made at their public hearing. The Board of Commissioners hearing has been scheduled for December 28, 2015. To meet the 20 day requirement, the Board will continue their hearing to a date and time certain before taking action. The continued hearing is tentatively scheduled for January 11, 2016.

**IV. CONCLUSION**

Several months of public meetings, agency coordination, and research have been dedicated to the development of the proposed ordinance amendments. As proposed, the amendments will regulate the time, place and manner of new marijuana businesses on non-federal and non-Tribal Trust lands located outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area. The proposed amendments will ensure the health, safety and welfare of County residents; allow farm uses to continue in farm and forest resource zones, industrial uses to continue in industrial zones and commercial uses to continue in commercial zones; and will ensure the protection of limited and sensitive resources (e.g. water).

## ATTACHMENT C – PROPOSED ORDINANCE TEXT AMENDMENTS

### **Proposed Zoning and Development Ordinance Amendments** (begins on page 8)

Please Note: text to be added is shown in *italics and in red*.

As shown in the following documents, text amendments are proposed for the following Chapters:

- Chapter 1 (Definitions)
- Chapter 3 (Basic Provisions)
- Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones)
- Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County

The proposed amendments also include the creation and establishment of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing).

*Please see the attached matrices to reference the marijuana uses allowed in each zone based on existing zoning ordinances and the proposed ordinance amendments (begins on page 2).*

### **Summary of Proposed Regulations**

*Please read the full text for a complete understanding of the proposed amendments.*

The proposed zoning ordinance text amendments:

- Does not regulate personal (non-commercial) growing or processing as specified by State Law, OLCC and OHA regulations;
- Does not regulate the growing of medical marijuana by a medical marijuana cardholder at the cardholder's residence, as long as no more than 12 mature plants are grown at that address (up to six mature plants per cardholder are permitted by state law);
- Does not regulate the processing of medical cannabinoid products or concentrates by a medical marijuana cardholder or a designated primary caregiver for a cardholder;
- Does address both medical and recreation marijuana businesses regulated by the OLCC and OHA;
- Prohibits all marijuana businesses regulated by OLCC and OHA from Rural Residential, Farm-Forest and Agriculture-Recreation zones;
- Prohibits the use of marijuana in conjunction with home occupations in all zones;
- Provides 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- Provides a 200 foot setback from all residential zoned properties;
- Requires the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11;
- Requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- Addresses odor, water, lighting, waste management, access, and several other significant issues;
- Provides applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department;
- Requires confirmation of OLCC license within 30-days of the date of the Planning Department's decision to comply with conditions of approval.

## Marijuana uses under current zoning regulations in Wasco County\*

\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area

The following information is based on a preliminary review of the Wasco County Land Use and Development Ordinance and the information currently available to staff regarding Measure 91 and House Bill 3400. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

### Possible marijuana business uses as a result of Measure 91 and House Bill 3400:

1. Medical Marijuana processing sites;
2. Medical Marijuana dispensaries;
3. Recreational Marijuana producers (growers);
4. Recreational Marijuana processors;
5. Recreational Marijuana wholesalers; or
6. Recreational Marijuana retailers;

### Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:

Medical or Recreational Marijuana processing =	Depends on scale, could be home occupation (e.g. small batch baked goods), could be industrial (e.g. processing to extract oils for use by other manufacturers).
Medical Marijuana dispensaries =	Similar use to pharmacy unless recreation retail is included
Recreational Marijuana production =	Farm use (if grown for commercial gain)
Recreational Marijuana wholesaling =	Warehouse that stores packaged products and resells to retail
Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for zones and the possible review process currently available.*

### Important notes:

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

**Please Note:**

The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how current zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.

**This document was revised for technical corrections to the table below on 12/3/2015.**

**Key to Table: PLEASE READ THIS FIRST**

<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>	
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Watermaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

**Based on a preliminary review, the uses listed above could potentially be applied for in the following zones:**

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>	<b>Comments:</b>
Forest (F-1)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Forest (F-2)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Maybe (D)(C)	Maybe (E)	Maybe (C)	Retail as Home Occ
Forest-Farm (F-F)	Yes (A)	Yes (B)	Maybe (E)	No	Maybe (E)	Retail as Home Occ
Agriculture-Recreation (A-R)	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (10))	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (5))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (2))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes	Retail or

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					(C)(D)(E)	Medical
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)	Yes (D)	Maybe (E)	Retail or Medical
<b>Tygh Valley Rural Center Zones</b>						
Residential (RC-TV-R)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (C)	Maybe (E)	Retail or Medical
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No	No note.
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No	No note.
Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
<b>Wamic Rural Center Zones</b>						
Residential (RC-Wam-R2)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Residential (RC-Wam-R5)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No	No note.
<b>Overlay Zones</b>						
Big Muddy Limited Use	Yes (A)	No	No	No	No	
Badger Creek Limited Use	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Pine Hollow Airport	Yes (A)	No	No	No	No	
Camp Morrow Limited Use	Yes (A)	No	No	No	No	



## **Marijuana uses under Proposed Ordinance Amendments \***

**\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area**

The following information is based on draft proposed ordinance revisions discussed at the December 1, 2015 Planning Commission work session. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

**Possible marijuana business uses as a result of Measure 91 and House Bill 3400:**

1. Medical Marijuana processing sites;
2. Medical Marijuana dispensaries;
3. Recreational Marijuana producers (growers);
4. Recreational Marijuana processors;
5. Recreational Marijuana wholesalers; or
6. Recreational Marijuana retailers;

**Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:**

Medical or Recreational Marijuana processing =	Depends on scale, could be home occupation (e.g. small batch baked goods), could be industrial (e.g. processing to extract oils for use by other manufacturers).
Medical Marijuana dispensaries =	Similar use to pharmacy unless recreation retail is included
Recreational Marijuana production =	Farm use (if grown for commercial gain)
Recreational Marijuana wholesaling =	Warehouse that stores packaged products and resells to retail
Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for existing zones and the possible review process currently proposed.*

**Important notes:**

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

**Please Note:**

*The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how proposed zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.*

**Key to Table: PLEASE READ THIS FIRST**

<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>	
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Water Mmaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

**Result of proposed revisions discussed December 1, 2015 by the Wasco County Planning Commission:**

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>
Forest (F-1)	Yes (A)	Yes (C)	No	No	No
Forest (F-2)	Yes (A)	Yes (C)	No	No	No
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Yes (D)	Yes (D)	No
Forest-Farm (F-F)	Yes (A)	No	No	No	No
Agriculture-Recreation (A-R)	Yes (A)	No	No	No	No
Rural Residential (R-R (10))	Yes (A)	No	No	No	No
Rural Residential (R-R (5))	Yes (A)	No	No	No	No
Rural Residential (R-R (2))	Yes (A)	No	No	No	No
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes (C)
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)(E)	Yes (D)	Yes (E)
<b>Tygh Valley Rural Center Zones</b>					
Residential (RC-TV-R)	Yes (A)	No	No	No	No
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (D)	Yes (E)
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No

Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	No	No	No
<b>Wamic Rural Center Zones</b>					
Residential (RC-Wam-R2)	Yes (A)	No	No	No	No
Residential (RC-Wam-R5)	Yes (A)	No	No	No	No
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No
<b>Overlay Zones</b>					
Big Muddy Limited Use	Yes (A)	No	No	No	No
Badger Creek Limited Use	Yes (A)	No	No	No	No
Pine Hollow Airport	Yes (A)	No	No	No	No
Camp Morrow Limited Use	Yes (A)	No	No	No	No

Wasco County File PLALEG-15-11-0001

Proposed Zoning and Development Ordinance Amendments



Prepared by Staff on behalf of the Wasco County Planning Commission

**Draft Date 12/22/2015**



Text to be added is shown in *italics and in red*.

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## **CHAPTER 1 INTRODUCTORY PROVISIONS**

### **SECTION 1.005 Authority**

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters 92, 197, 203, and 215.

### **SECTION 1.010 Title**

This Ordinance shall be known as the Wasco County Land Use and Development Ordinance.

### **SECTION 1.020 Purpose**

The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to reduce congestion upon the streets and highways; to prevent excessive population density and the overcrowding of land; to provide for adequate air and light; to conserve natural resources and encourage the orderly growth of the County; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to facilitate adequate and economic provision for public improvements, for recreation areas, and for public utilities and services; to conserve, stabilize, and protect property values; and to encourage the most appropriate use of land, all in accordance with the comprehensive plan for Wasco County.

### **SECTION 1.030 Severability**

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

### **SECTION 1.040 Repeal**

The following ordinances, together with all amendments thereto are hereby repealed:

- "Wasco County Zoning Ordinance", adopted February 3, 1982.
- "Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982.
- "Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

### **SECTION 1.050 Effective Date**

This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

### **SECTION 1.060 Interpretation and Scope**

Interpretation: The provisions of this Ordinance shall be liberally construed to effect the purpose. These provisions are declared to be the minimum requirements to fulfill objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, then the more restrictive shall govern.

Scope: This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and limit the density of population and to divide Wasco County into districts or

zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

**SECTION 1.070 Compliance Required**

No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

**SECTION 1.080 Editorial Revision**

Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to Oregon Revised Statute 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning Department, but subject to disapproval by the Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Commission, on the first regular meeting of the Commission after the directing memorandum is filed with the County Clerk.

**SECTION 1.090 Definitions**

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

**AUM - Animal Unit Month** - Unit of measure of dry forage to graze a 900 - 1000 pound cow and calf for thirty (30) days as prescribed by the NRCS Rangeland Specialist.

**Abandoned WECS** - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

**Accepted Farming Practice** - A mode of operation common to farms and ranches of a similar nature necessary for the operation of such farms and ranches, with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

**Access** - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

**Access easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

**Accessory Structure** - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)

**Accessory Use** - A use customarily incidental and subordinate to the primary uses and located on the same lot-of-record. (Revised 1/92)

**Agricultural Land (Per OAR 660-33-020(1)(a))** - Means lands classified by the US Natural

Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in ORS 215.203 taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

**Agricultural Purposes** - The predominant and gainful use of land for the following purposes: the growing of hay, grain, seed, row crops, horticultural crops, livestock, poultry and produce.

**Agricultural Structure** – In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:

All buildings and structures

- ~~a. The lot or parcel is enrolled in a farm deferral program with the County Assessor;~~
- a. ~~b.~~ The owner provides a farm management plan that is reviewed and approved by the Planning Department; and
- b. *The lot or parcel is enrolled in a farm deferral program with the County Assessor; or the farm management plan provides sufficient documentation to confirm compliance with the income capability requirements of state law.*

Agricultural Exempt Buildings Only

- c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and
- d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).

**Airport Approach Area** - A wedge-shaped area described by boundaries where the inner edge of the Airport Approach Area coincides with each end of the runway and is two hundred and fifty (250) feet wide at each terminus. The Airport Approach Area expands outward uniformly to a width of seven hundred and fifty (750) feet at a horizontal distance of two thousand five hundred (2,500) feet from the terminus, with its centerline being the continuation of the centerline of the runway.

**Airport Clear Area** - The Airport Clear Area coincides with the Airport Approach Area for a horizontal distance of one thousand two hundred (1,200) feet from the runway termini.

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

**Airport Hazard Area** - Any area of land upon which an airport hazard might be established if not



prevented.

**Airport (Personal-Use)** - Means pursuant OAR 660-33-130(7), an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division. (amended 12/96)

**Airport (Public)** - A designated area for the take-off and landing of airplanes which is designed for public use by general aviation, and where aircraft service facilities are normally provided.

**All Weather Road** - A road that has, depending upon design criteria, a six [to eight] or more inches of gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to be made by the Wasco County Public Works Department.

**Alley** - A secondary means of access to abutting property, if dedicated as a public way.

**Altered** - A change, addition, or modification in structure; where the term "altered" is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division or use to another.

**Anemometer** - A device to measure the wind speed, generally mounted to a meteorological tower. (Added 4/12)

**Apartment** - A building or portion thereof designed for residential use and containing three or more dwelling units.

**Apartment House** - Three or more household units with walls or ceilings common to another unit.

**Approach Road** - That portion of any access, driveway or other facility that immediately abuts upon a public or county road and provides ingress to or egress from said public or county road.

**Approving Authority** - The County Governing Body or the body designated by the County Governing Body to administer all or part of this ordinance.

**Arterial Road or Street** - A road or street used primarily to carry high levels of regional vehicular traffic at high speeds; connects the collector road system to freeways; provides connection to other cities and communities; serves major traffic movements; access control may be provided through medians and/or channelization. The typical average daily traffic exceeds 2,000.

**Associated Transmission Lines** - (1) New transmission lines constructed to connect an energy facility to the project's substation(s). (2) New transmission lines constructed to connect the project's substations(s) to the power grid only if they are owned by the developer of the project. Any transmission line owned by a public utility is not an associated transmission line. (Added 4/12)

**Automobile and Trailer Sales Area** - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor

incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

**Automobile Repair Garage** - A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

**Automobile Service Station** - Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair for automobiles at retail direct to the customer.

**Automobile Wrecking Yard** - Any property where more than two vehicles not in running condition, or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered and are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months. (Revised 1/92)

**Awning** - An awning is defined as any accessory shade structure supported by posts or columns and partially supported by a mobile home.

**Basement** - A portion of a building, partly underground, which is less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the ground.

**Batch Plant, Concrete or Asphalt** - Means the storage, preparation, and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix plant.

**Bed and Breakfast Inn** - A single-family dwelling where lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. An establishment where more than one (1) meal per day is offered shall not be deemed a bed and breakfast inn. An establishment with more than five (5) sleeping rooms shall be deemed a hotel. A bed and breakfast inn must be within the residence of the operator. (Added 2/89)

**Bikeway** - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

**Bike Lane** - A defined portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Biomass Energy Facility** - A facility producing energy from biomass and its related or supporting facilities. (Added 4/12)

**Blade** - An element of a wind turbine rotor which forms an aerodynamic surface or surfaces to convert movement of air into mechanical energy or torque.

**Block** - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

**Boarding House** - A building or premise where meals and lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons; and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five

(5) sleeping rooms shall be deemed a hotel.

**Boarding of Horses** - The boarding of horses for profit in specified zones other than the Exclusive Farm Use zone shall include the following:

- a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and,
- b. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The incidental stabling of not more than four (4) horses;
- c. The boarding of horses for friends or guests where no charge is made; and
- d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

**BOC** - Wasco County Board of Commissioners. (Added 4/12)

**Building** - Any structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind.

**Building Line** - A line on a plat indicating the limit beyond which buildings or structures may not be erected.

**Building Mounted Wind Turbine** - A Wind Turbine mounted or attached to a building. (Added 4/12)

**Business** - Employment of one or more persons for the purpose of earning a livelihood or a profit in money. (Added 2/89)

**Cabana** - A room enclosure erected or constructed adjacent to a mobile home for use as an addition to a mobile home.

**Campground** - A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

**Camp, Tourist, or Trailer Park** - Any area or tract of land used or designed to accommodate more than two camping outfits (trailer, tent, tent trailer, recreational vehicle, pickup camper or other similar device used for camping), including cabins.

***Cannabinoid*** - Any of the chemical compounds that are the active constituents of marijuana.

**Cannabinoid Concentrate** - *A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.*

**Cannibinoid Edible** - *Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.*

**Cannabinoid Extract** - *A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.*

**Cannabinoid Product** - *A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.*

**Carport** - A covered shelter for an automobile open on two or more sides. A carport may be freestanding or partially supported by a dwelling unit or mobile home.

**Cellar** - A story having more than one-half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

**Cemetery** - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.

**Church** - A building, together with its accessory buildings and uses, where persons regularly assemble for public worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Class I Stream** - Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the Oregon Department of Forestry. Stream flows may be perennial or intermittent.

**Class II Stream** - Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the Oregon Department of Forestry. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

**Clinic** - Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

**Club or Lodge** - A building and facilities owned and operated for a social or recreational purpose,

to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

**Collector Road or Street (Major)** - A road used primarily to serve traffic between neighborhoods and community facilities; principal carrier between arterials and local roads; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two or three lanes; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 500 to 2,000.

**Collector Road or Street (Minor)** - A road used primarily to connect rural residential areas with arterials and major collector roads; has slower speeds to enhance safety; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 250 to 400.

**Commencement of Development** - Authorized development has been commenced when the holder of the permit has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development. In the case of development requiring a building permit, issuance of the building permit shall be conclusive evidence of commencing development. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law. A development permit which would have expired but for issuance of a building permit shall expire automatically upon expiration of the building permit. In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit by the Director for 80% or more of the structure or structures.

**Commercial** - The use of land or structures for a business activity engaged primarily in the sale of goods or services. (Added 2/89)

**Commercial Agricultural Enterprise** - Consists of farm operations that will contribute in a substantial way to the area's existing agricultural economy; and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

**Commercial Energy Facility** – See Commercial Power Generating Facility. (Amended 4/12)

**Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power)** - A facility for the production of energy and its related or supporting facilities that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone; and

- b. Is intended to provide energy for sale.

See “Net Metering Power Facility”, “Non-Commercial/Stand Alone Power Generating Facility” and “Small Scale Commercial Power Generating Facility” for additional definitions related to energy production. (Added 4/12)

**Commercial Utility Facility** - See Commercial Power Generating Facility. (Amended 4/12)

**Commission** - The Wasco County Planning Commission.

**Common Area** - Any area or space designed for joint use of tenants.

**Communication Facility** - A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

**Communication Tower** - Any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals. (Added 4/12)

**Community Center or Hall** - A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

**Community Garden** - *A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.*

**Community Management** - The person who owns or has charge, care or control of the mobile home development.

**Community Sanitary-Sewer System** - A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

**Community Water-Supply System** - A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

**Compost** - A mixture of decaying, organic matter, such as leaves and manure, used as fertilizer.

- a. Green Feedstocks – Materials low in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are low in, and unlikely to support, human pathogens. Green feedstocks include but are not limited to yard debris, animal manure, wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor byproducts and crop residue.

- b. Non-Green Feedstocks – Materials high in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are high in, and likely to support, human pathogens. Non-green feedstocks include but are not limited to animal parts and byproducts, mixed materials containing animal parts or byproducts, dead animals and municipal solid waste.
- c. Agricultural Composting – Composting as an agricultural operation conducted on lands employed for farm use.
- d. Institutional Composting – The composting of green feedstocks generated from the facility's own activities. It may also include supplemental feedstocks. Feedstocks must be composted on-site, the compost produced must be utilized within the contiguous boundaries of the institution and not offered for sale or use off-site. Institutional composting includes but is not limited to parks, apartments, universities, schools, hospitals, golf courses and industrial parks.
- e. Reload Facility – A facility or site that accepts and reloads only yard debris and wood waste for transport to another location.

**Comprehensive Plan** - The generalized, coordinated land use map and policy statement of the governing body of Wasco County that interrelates all functional and natural systems and activities relative to the use of lands including, but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

**Condominium** - Property, any part of which is residential in nature, submitted and approved in accordance with the provisions of Oregon Revised Statutes 91.500 to 91.671.

**Conduit** - Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made water conveyance.

**Consultant Engineer** - A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

**Contiguous** - Lots, parcels or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way. (Revised 1/92)

**Corner Lot** - A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

**Corridor** - The length and width of a right-of-way or tenancy containing or intended for a transmission facility and other uses in, or intended for, the same right-of-way.

**County** - The County of Wasco, Oregon.

**County Governing Body** - The County Governing Body of Wasco County, Oregon.

**County Road** - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Governing Body. A county road shall not act as a dividing feature of a lot-of-record.

**County Road District** - For purposes of improving county roads or public roads within the boundaries of a city or drainage district, county road districts may be formed from contiguous territory within the county. All road improvements are initiated through a petition process approved by the County Governing Body. To fund the road improvements, county road districts may assess, levy and collect taxes on all taxable property within the district. See ORS 371.055.

**Court** - An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two sides by such building.

**Court Apartment** - One to four multiple dwellings arranged around two or three sides of a court which opens into a street.

**Cross Access** - A service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

**Cul-De-Sac** - A street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

**Cultural and Historic Sites** - Sites having a record of historic activity that is well-documented and have or have had an impact on the local community.

**Curb Line** - The line dividing the roadway from the planting strip or footway.

**Dam** - Any man-made structure that impounds water.

**Date of Creation and Existence** - Within the Exclusive Farm Use zone, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993 or July 1, 2001, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling or a non-farm division respectively, 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. A property line adjustment which does not have the effect of qualifying an otherwise non-qualifying lot, parcel or tract for a dwelling or a non-farm division respectively, does not change the date of creation.

**Day Nursery** - Any institution, establishment or place, other than a group day care home, in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward. (revised 2/89)

**Design** - The design of any street or alley alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining,



dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

**Developer** - A subdivider, or if not creating a subdivision, a person who proposes to, or does develop the land, whether it be for public or private purposes.

**Director** - Wasco County Planning Director or their designee.

**Diversion** - Any structure that deflects a portion of the water from a stream channel.

**Downwind** - On the opposite side from the prevailing direction from which the wind blows. (Added 4/12)

**Downwind Properties** - Properties downwind of the project boundary that have been developed as part of a Commercial Power Generating Facility. (Added 4/12)

**Double Frontage Lot** - A lot having frontage on two parallel or approximately parallel streets.

**Drive-In** - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. The term drive-in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

**Driveway** - A private access providing ingress and egress to and from within a single property, or portion of a single property to a public road, private road or private easement road.

**Driveway, Shared** - When land uses on two or more lots or parcels share one driveway. A Private Easement Road must be created for any new shared driveway crossing another property.

**Dude Ranch** - A business activity that provides meals, lodging or camping facilities, and recreation activities associated with farm use or animals. An establishment offering meals to individuals other than overnight guests shall be deemed a restaurant. An establishment offering overnight accommodations not in conjunction with recreational activities shall be deemed a hotel or campground. (Added 2/89)

**Dwelling Types** - For the purposes of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

- a. Single Family Attached (Duplex) - Two (2) household units which share a common wall or ceiling, but no unit may have a ceiling common to another unit.
- b. Single Family Attached (Multiplex) - Three (3) or more household units which share common walls, but no unit may have a ceiling common to another unit. Otherwise known as Townhouses or Row Houses.
- c. Single Family Detached - A single household unit whose construction is characterized by no common wall or ceiling with another unit.
- d. Multiple Family - Three (3) or more household units with common walls or ceilings common

to another unit. Terms of differentiation for Multiple Family include: Garden Low Rise, being walkup structures limited to a maximum of two stories; Garden Medium Rise, being walkup structures limited to a maximum of three (3) stories; and High Rise, being elevator structures of multiple stories.

**Dwelling Unit** - A lawfully established dwelling is a single-family dwelling which:

- a. Has intact exterior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring for interior lights; and
- d. Has a heating system.”

**Easement** - A grant of the right to use a strip of land for specific purposes. Includes but is not limited to access easements and utility easements.

**EFSC** - Oregon Energy Facility Siting Council as established under ORS 469.450 and defined in ORS 469.300(7). The Council includes seven members appointed by the governor and confirmed by the Oregon Senate with the responsibility for overseeing and approving the development of energy facilities, as defined in ORS 469.300. (Added 4/12)

**Electrical Transmission Facilities** - The conductors, lines, structures, towers, substations, switching stations, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from power sources to the regional power grid and from the regional power grid to the local power distribution system, but not including “Associated Transmission Lines”. (Added 4/12)

**Endangered and Threatened Species** - Those species of plants and animals listed or proposed for listing as of October 1, 1978, in 41 FED REG 24524. (June 16, 1976) and 50 CFR Part 17, and its amendments and species listed or proposed for listing by the State of Oregon.

**Energy** - The amount of work that can be performed by a force. (Added 4/12)

**Energy Development** - A building or construction operation making a significant change in the use or appearance of a structure or land for an energy facility; and the clearing, excavation, filling, grading, and road building in connection with the operation.

**Energy Facility** - A solar, wind, fuel cell, hydroelectric, thermal, geothermal, cogeneration, landfill gas, digester gas, waste, dedicated low emission renewable crop, nontoxic biomass based on solid organic fuels from wood, forest or field residues, electrical transmission, natural gas pipeline, or petroleum product pipeline facility. (Amended 4/12)

**Energy Facility Project Area** - The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project lease boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion. (Amended 4/12)

**Expando** - Room or rooms that fold, collapse, or telescope into a mobile home.

**Family** - One or two persons with their direct descendants and adopted children (and including domestic employees thereof), together with not more than five (5) persons not so related living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered as a separate family.

**Family Hardship Dwelling** - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm person or persons physically incapable of maintaining a complete separate residence apart from their family.

**Farm Management Plan** - Shall include information applicable to the specific farm use from the following list: Proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor; written description of a current farm operation that identifies the number of acres of land in current production, type and number of acres planted to a specific crop; the number of animals grazing or being raised on the farm parcel; existing farm structures (including irrigation sprinklers) supporting the farm use; and any existing water rights. The plan shall include a description of the number of employees working the farm parcel, and their responsibilities. The plan shall include a map that shows the location of all farm activities including but not limited to registered fields (Farm Services Agency map), grazing areas and areas dedicated to farm structures.

**Farm Unit** - means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.

**Farm Use** - 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, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows.

Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. Farm use also includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

Farm use does not include the use of land subject to the provisions of ORS chapter 321(Timber Taxation), except land used exclusively for growing cultured Christmas trees as defined below or land described in ORS 321.267 (3) or 321.824 (3).

Cultured Christmas trees" means trees:

- a. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- b. Of a marketable species;
- c. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- d. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current employment of land for farm use includes:

- a. Farmland, the operation or use of which is subject to any farm-related government program;
- b. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- c. Land planted in orchards or other perennials, other than land specified in subparagraph (d) of this paragraph, prior to maturity;
- d. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- e. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- f. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);
- g. Water impoundments lying in or adjacent to and in common ownership with farm use land;
- h. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- i. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- j. Any land described under ORS 321.267(3) or 321.824(3);

k. Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

- (1) Only the crops of the landowner are being processed;
- (2) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
- (3) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Accepted Farming Practice: As used in this subsection, “accepted farming practice” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

**Fence, Protective** - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

**Fence, Site-Obscuring** - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

**FERC** - Federal Energy Regulatory Commission – The United States federal agency with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC also reviews and authorizes liquefied natural gas (LNG) terminals, interstate natural gas pipelines and non-federal hydropower projects. (Added 4/12)

**Floor Area** - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls.

**Flow** - The volume of water passing through a hydroelectric facility during a given period. Flow is expressed in cubic feet per second.

**Foster Home** - A home licensed by the State and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

**Frontage** - All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**Future Street** - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

**Garage, Public** - A structure in which are provided facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance repair, or where such vehicles are parked or stored.

**Golf Course** - An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.

**Grade (Adjacent Ground Elevation)** - The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall.

**Grid** - The utility distribution system. The network that connects electricity generators to electricity users. (Added 4/12)

**Gross Building Area** - The total area taken on a horizontal plane at the mean grade level of the principal building, and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhang and balconies.

**Group Day Care Home** - A facility located in a single-family dwelling that is certified by the Children's Services Division to care for six (6) to twelve (12) children under the age of thirteen (13) at one time. A group day care home must be within the home of the care provider, and is considered a residential use in residential and commercial zones. (Added 2/89)

**Group Home** - A licensed home maintained and supervised by adults for the purpose of providing care, food and lodging for retarded adults, elderly persons, or children under the age of eighteen (18) years, unattended by parent(s) or guardian(s) where the number of unrelated persons living together as one household commonly exceeds five.

**Guest House** - Living quarters within a separate structure, with no kitchen or kitchen facilities, located on the same lot-of-record with the primary dwelling, and occupied solely by members of the owner's family or temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit. See Section 4.170 for "Guest House" development standards. (Revised 1/92)

**Guy Wire** - A cable or wire used as a semi-flexible tension support between a guy anchor and a tower.

**Half Street** - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

**Head** - The vertical distance from the highest water level of a dam, diversion, or intake for a hydroelectric facility to the elevation where water from the facility is discharged. Head is expressed in feet.

**Health Officer** - The Wasco-Sherman County District Health Unit Officer.

**Height of Building** - The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**Height of Tower** - The height of the vertical distance from the base of the tower, pole or building on which it is located to the tallest vertical point including any attachment that exceeds the highest point on the tower structure (i.e. maximum blade tip or antennae). (Added 4/12)

**High Value Land (Per OAR 660-33-020(8)(a))** - Means land in a tract composed predominantly of soils that are:

- a. Irrigated and classified prime, unique, Class I or II; or
- b. Not irrigated and classified prime, unique, Class I or II.

In addition to that land described above, high value farmland, if in Eastern Oregon, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. 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. (Added 12/96)

**High Water Line or Mark** - The highest water level a stream or lake reaches during normal seasonal run-off.

**Home Occupation** - Any lawful activity carried on within a dwelling or other building normally associated with uses permitted in the zone and which said activity is secondary to the primary use of the property for residential purposes. (Revised 1/92)

**Horticulture** - The cultivation of plants, garden crops, trees and/or nursery stock.

**Hospital, General** - An institution providing health services, primarily for in-patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

**Hospital, Mental** - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

**Hotel** - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Hunting Preserve** - Pursuant to ORS 497.248 Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not more than 1,280 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five years.

**Hunting, fishing or shooting preserve** - Shall comply with provisions of Oregon Administrative Rule 635, Division 47.

**Hydroelectric Facility** - All aspects of a project necessary for or related to power generation including, but not limited to, the generator, dams, diversions, impoundments, conduits, penstocks, fish ladders, navigation locks, fish screens, recreation facilities, transmission facilities and related

buildings, structures and storage areas.

**Immediate Family Member** - Family member of the first degree of kinship or equivalent thereof.

**Industrial** - The use of land or structures to treat, process, manufacture, or store materials or products. (Added 2/89)

**Inverter** - A device that converts direct current (DC) to alternating current (AC). (Added 4/12)

**Irrigated** - means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

**Joule** - Amount of work done by a force of one newton moving an object through a distance of one meter. (Added 4/12)

**Junk Yard** - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

**Kennel** - The operation of any business or the participation in any activity in which five (5) dogs with permanent canine teeth, or which are more than six (6) months of age, are kept on the premises.

**Kilovolt (kV)** - The unit of voltage of potential difference which equals 1,000 volts.

**Kilowatt (kW)** - A measure of power for electrical current (1,000 watts). (Added 4/12)

**Kilowatt-hour (kWh)** - A measure of energy equal to the use of one kilowatt in one hour. (Added 4/12)

**Kitchen** - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located. (Added 1/92)

**Landscaping** - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material.

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

**Local Access Road** – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication but that is not a county road, state highway or federal road. Local access roads are privately maintained.

**Local Road or Street** - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks.



Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

**Lot** - A unit of land that is created by a subdivision of land.

**Lot Area** - The total horizontal area within the lot lines of a lot.

**Lot, Corner** - A lot fronting on two (2) or more streets at their junction, said streets forming with each other an angle of forty-five (45) degrees up to and including one hundred thirty-five (135) degrees.

**Lot Depth** - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

**Lot, Interior** - A lot other than a corner lot.

**Lot Lines** - The lines bounding a lot as defined herein.

**Lot Line, Front** - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**Lot Line, Rear** - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

**Lot, Through** - An interior lot having frontage on two (2) streets.

**Lot 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 lines.

**Manufacture** - the processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose. (Added 2/89)

**Map** - A final diagram, drawing or other writing concerning a land division.

***Marijuana*** - *The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.*

***Marijuana Items*** - *Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.*

***Marijuana Processing*** - *The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.*

***Marijuana Production*** - *The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”*

***Marijuana Retailing*** - *The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.*

***Marijuana Wholesaling*** - *The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.*

**Medical Hardship** – Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

**Megawatt (mW)** - The electrical unit of power which equals 1,000,000 watts.

**Metes and Bounds** - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

**Meteorological Tower** - The tower and any of the following: base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), 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. (Added 4/12)

**Mobile Home** -

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. (revised 2/89)

**Mobile Home Community** - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

**Mobile Home for Storage** - Mobile homes may not be used as storage buildings in any zone.

**Mobile Home Lot** - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**Mobile Home Park** - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Mobile Home Space** - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

**Mobile Home Stand** - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Modular Unit** - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.
- c. Having a permanent foundation.

**Motor Home** - A self-propelled recreation vehicle that is not used as a permanent residence.

**Nacelle** -The structure which houses all of the generating components, gearbox, drive train and other components of the wind turbine.

**Natural Areas** - Land areas reserved from development or modification for the protection of animal species and other natural areas as identified in the Wasco County Comprehensive Plan.

**Neighborhood** - In relation to Nonconforming Uses a neighborhood shall include the surrounding areas whose use and enjoyment of their property would be materially impacted as a result of the proposed alteration.

**Negotiate** - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

**Net Metering Power Facility** - A facility for the production of energy that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;

- b. Is intended to offset part of the customer-generator's requirements for energy;
- c. Will operate in parallel with a utility's existing transmission and distribution facilities;
- d. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
- e. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Non-Commercial/Stand Alone Power Generating Facility", "Commercial Power Generating Facility" and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production. (Added 4/12)

**Non-Commercial/Stand Alone Power Generating Facility:**

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
- b. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- c. Operates as a standalone power generator not connected to a utility grid; and
- d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Net Metering Power Facility", "Commercial Power Generating Facility", and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production. (Added 4/12)

**Nonconforming Structure or Use** - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Non-Resource Zones** - Zones within the jurisdiction of this ordinance that are **not** protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands. (Added 4/12)

**Nursing Home** - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

**Official Map** - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights-of-way. The Official Map helps to implement the comprehensive plan.

**Operational High Pool Elevation (EPD 6)** - The high pool elevation for Pine Hollow and Rock Creek Reservoirs shall be considered to be the approved operational outfall elevation determined by Oregon Water Resources Department.

**O.R.S.** - The Oregon Revised Statutes.

**Owner** - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**(Legal) Parcel** - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or
- b. A parcel in an existing, duly recorded major or minor land partition; or
- c. By deed or land sales contract prior to September 4, 1974.

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

- a. Is a unit of land created solely to establish a separate tax account;
- b. Lies in different counties;
- c. Lies in different sections or government lots;
- d. Lies in different land use or zoning designations; or
- e. Is dissected by a public or private road.

**OWRD** - Oregon Water Resources Department. (Added 4/12)

**Park (Model) Trailer** - Means a vehicle built on a single chassis, mounted on wheels, designed to provide recreational, seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances and with a gross trailer area not exceeding 400 square feet when in the setup mode. Such a vehicle shall be referred to, and identified by the manufacturer or converter, as a recreational vehicle. (OAR-918-500-0005 (30))”

**Parking Lot, Private** - Open off-street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

**Parking Lot, Public** - Open off-street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

**Parking Space** - A minimum gross area available for the parking of a standard American automobile.

**Parkway** - A parklike major thoroughfare with broad rights-of-way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and principal objectives.

**Partition** - Either an act of partitioning land or an area or tract of land partitioned as defined in this section. (Revised 1/92)

**Partition Land** - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where any additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

**Party** - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- d. Any affected unit of local government or public district or state or federal agency.
- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

**Pathway** - A walkway conforming to Chapter 21 that is not within a street right-of-way.

**Pedestrian Way** - A way or right-of-way for pedestrian traffic.

**Person** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

***Person Designated to Produce Marijuana by a Registry Identification Cardholder – A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides.***

**Place of Public Assembly** - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

**Planning Commission** - Wasco County Planning Commission. (Added 4/12)

**Planning Control Area** - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

**Planning Department** - Wasco County Planning Department. (Added 4/12)

**Plat** - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

**Porch** - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

**Power** - The rate at which work is performed or energy is converted. (Added 4/12)

**Private Easement Road** - A minimum 30 foot wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

**Private Road** - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to Section 21.300 of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

**Property Line Adjustment** - The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any additional zoning regulations.

**Public Road** - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

**Ramada** - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

**Recreational Vehicle or Camping Vehicle** - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if *any* of the following are true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;
- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

NOTE: Allowances can be made for subsections a and b above if in the opinion of the

Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors

- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

**Recreational Vehicle Park** - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

**Related or Supporting Facilities to a Commercial Power Generating Facility** - Any structure, proposed to be constructed or substantially modified in connection with the construction of a commercial power generating facility, including associated transmission lines, power collector lines, substations connected to the power generating facility, meteorological towers (not including meteorological towers applied for independent of the commercial power generating facility), data collection & operating systems, construction staging & laydown areas, storage facilities, intake structures, road and rail access, barge basins, operation & maintenance buildings, and other accessory structures and buildings. A related or supporting facility is considered "in connection with the construction of the commercial power generating facility" if it would not be built or substantially modified but for construction or operation of the energy facility.

"Related or supporting facilities" does not include geothermal or underground gas storage reservoirs, production, injection or monitoring wells or wellhead equipment or pumps or any structure existing prior to construction of the energy facility, unless such structure must be significantly modified solely to serve the energy facility. (Added 4/12)

**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 a subdivision, or to correct an irregularity or error in the original plat. (Added 1/92)

**Reserved Open Space** - Land areas reserved through public dedication, public ownership, easements, covenants, or other devices for public use and limited development.

**Residential Trailer** - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Resource Zones** - Zones within the jurisdiction of this ordinance that are protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands. (Added 4/12)

**Restaurant** - A public establishment for the purpose of selling meals to customers.

**Retirement Center** - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

**Reversed Corner Lot** - A corner lot where the street side line is substantially a continuation of the



front lot line of the first lot to its rear.

**Review Types -**

- a. Type I (Nondiscretionary (formerly referred to as “ministerial”)  
These procedures are decided by the Director, or the Director’s designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a “land use decision” under Oregon Revised Statute (ORS) 197.015(11).
- b. Type II (Administrative/Discretionary)  
These procedures are decided by the Director or the Director’s designee with notice, as established by Chapter 2, and appeal period established by ORS 215.416(11). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11). An appeal of a Type II decision becomes a Type III review.
- c. Type III (Quasi Judicial/Planning Commission or County Governing Body)

Planning Commission

These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process, notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).

County Governing Body

These procedures are initially heard and decided solely by the County Governing Body or on appeal from the Planning Commission with the hearings process, notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).

- d. Type IV (Legislative/County Governing Body)  
These procedures are heard and decided solely by the County Governing Body after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by ORS 197.763. They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under ORS 197.015(11).

**Right-of-Way** - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

**Road** - The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;

- b. Road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right-of-way such as bridges.

**Road Department** – Wasco County Public Works Department. (Added 4/12)

**Roadway** - The portion or portions of a right-of-way developed for vehicular traffic.

**Rotor** - 1) A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy; 2) Rotating element in an electrical generator.

**Rotor Diameter** - Twice the distance from the center of rotation to the outermost point of the blade.

**Sale or Sell** - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

**School, Commercial** - A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

**School, Elementary** - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

**School, High** - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

**School, Nursery** - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

**School, Primary** - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

**School, Private or Parochial** - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

**School, Public** - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

**Sectional Home** - Defined the same as a modular home.

**Sensitive Wildlife Habitat** - Land areas incorporated in wildlife preserves, refuges, or game management areas; land areas identified as winter range by the Wildlife Commission, State of Oregon; and land areas providing habitat for rare or endangered species listed by the Wildlife Commission, State of Oregon, or by the Bureau of Sport Fisheries and Wildlife, United States Department of the Interior.

**Series Partition/ Series Partitioned Lands** - A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.

**Series Partitioner** - Means any person who causes land to be series partitioned into a series partition, or who undertakes to develop a series partition, but does not include a public agency or officer authorized by law to make partitions.

**Sewage** - Water-carried human or animal waste and kitchen, bath, or laundry waste, from a building, together with such groundwater infiltration and surface water as may be present.

**Shadow Flicker** - The alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object. Shadow Flicker is not the sun seen through a spinning wind turbine rotor, nor what an individual might view moving through the shadows of a wind turbine.

**Shooting Course** - Any lot(s) or parcel(s) where target shooting (excluding hunting preserves) is conducted on a commercial basis.

**Sidewalk** - A pedestrian walkway with permanent surfacing.

**Sign** - An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two (2) surfaces parallel and back-to-back on the same structure shall be considered a sign.

**Sign, Advertising** - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

**Significant Adverse Effect** - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

**Significant Archaeological Sites** - Sites possessing valuable artifacts or evidence of prehistoric cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

**Significant Change** - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconducting, which may increase the useful life of the facility without increasing long-term, off-site impacts.

**Single-wide Mobile Home** - One (1) complete living unit constructed on a single chassis.

**Slope** - An incline in an oblique direction from the perpendicular.

**Small Scale Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power)** - A facility for the production of energy and its related components that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission,

nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone; and

- b. Is primarily intended to offset the customer-generator’s requirements for energy but may produce more than they can consume.

See “Commercial Power Generating Facility”, “Net Metering Power Facility” and “Non-Commercial/Stand Alone Power Generating Facility” for additional definitions related to energy production. (Added 4/12)

**Solar Access** - The right of a property owner to have sunlight shine onto the property owner’s land. (Added 4/12)

**Solar Energy Facility** - A facility which converts solar energy for electricity generation, space heating, space cooling or water heating and which consists of solar panels, photovoltaic laminates, electrical lines, pipes, batteries, mounting brackets, frames, foundation and other appurtenances or devices necessary for the operation of the system wherever installed. (Added 4/12)

**Solid Waste** - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in ORS 459A.725; and
- d. Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated there under, which have been purchased or exchanged for fair market value.

**Sound Power** is the acoustical energy emitted by the sound source, and is an absolute value. It is **not** affected by the environment. (Added 4/12)

**Sound Pressure** is a pressure disturbance in the atmosphere whose intensity is influenced not only by the strength of the source, but also by the surroundings and the distance from the source to the receiver. Sound pressure is what ears hear and what sound meters measure. (Added 4/12)

**Special District** - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, and sanitary districts.

**Special Road District** – For the purposes of improving roads, special road districts may be formed

from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable property within the district; and to do any other act necessary to carry out purposes of the special road district. See ORS 371.305.

**Stable, Private** - A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

**Story** - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**Story, Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Street** - The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

**Street Plug or Reserve Strip** - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

**Structure** - Anything constructed, erected or air inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

**Subdivide** - To effect a subdivision, as applied to this Ordinance.

**Subdivider** - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

**Subdivide Land** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**Subdivision** - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

**Swept Area** - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

**Tax Lot** - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation. (Added 1/92)

**Tentative Plan Map for Minor Partition** - A drawing or diagram prepared from completed

information, in compliance with regulations and ordinances adopted pursuant to O.R.S. 92.046, and regulations of O.R.S. 209.205, representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

**Theoretical Horsepower** - The product of the flow used by a hydroelectric facility, expressed in cubic feet per second, multiplied by the head, expressed in feet, divided by 8.8.

**Through Lot** - Lot having frontage on two streets.

**Tiedowns** - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

**Tower** - monopole, freestanding, or guyed structure. (Added 4/12)

**Tourist Court** - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

**Tract** - One or more contiguous lots or parcels in the same ownership.

**Travel Trailer** - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Truck Camper** - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flat-bed truck, and that is not used as a permanent residence.

**Unique Ecologic Associations** - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

**Unique Geological Features** - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

**Unit of Land** - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

**Upwind** - On the same side as the direction from which the prevailing wind is blowing – windward. (Added 4/12)

**Use** - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

**Use, Conditional** - The term applied to use which may be permitted by the application for, the issuance of a Conditional Use Permit.

**Use Permit** - A permit allowing a specific use.

**Use, Professional** - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

**Use, Prohibited** - A use not allowed in a zoning district.

**Utility Facility (Minor) (Non-Resource Zones Only)** - Any minor facility owned or operated by a public, private or cooperative company for the local distribution or provision of sewer, water, gas, electricity (utility facility service lines), data, radio or telephone. Cell towers, any structure over 75' in height, and utility facilities that require a Goal 11 Exception constitute a "Utility Facility (Major)". (Added 4/12)

**Utility Facility (Major) (Non-Resource Zones Only)** - Any major facility owned or operated by a public, private or cooperative company for the generation, transmission, regional distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, sanitary landfills, structures over 75' in height, cell towers and similar facilities, and any utility facility that requires a Goal 11 Exception, but excluding electrical transmission facilities, & natural gas or petroleum product pipelines. (Added 4/12)

**Utility Facilities Necessary for Public Service (EFU & Forest Zones Only)** - Unless otherwise specified, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, reservoirs (may require a Goal 3 or Goal 4 exception), dams & other hydroelectric facilities, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities. (Amended 4/12)

**Utility Facility Service Lines** - Utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- a. A public right of way;
- b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- c. The property to be served by the utility.
- d. In the case of non-EFU land, within a utility easement. (d. added 4/12)

**Variance** - A specific deviation from a part of this Ordinance.

**Vehicle Site** - The area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hook-ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

**Veterinary Hospital** - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X-ray, and boarding.

**Veterinary Office** - An office which provides medical services for sick and injured animals on an out-patient basis.

**Walkway** - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

**Water Dependent Uses** - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water dependent uses include but are not limited to: docks, wharfs, piers, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

**Water Related Uses** - Uses not directly dependent upon access to a water body, but whose presence facilitates public and private access to and enjoyment of a water body. Water related uses include but are not limited to: boardwalks, trails, observatories, decks, and interpretive aids. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water related.

**Waterbody** - A lake, wetland, or Class I or Class II stream.

**Watt** - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second. (Added 4/12)

**Wind Turbine Horizontal Axis** - A wind turbine on which the rotor axis substantially is parallel to the ground.

**Wind Turbine Tower** - Subsystem of a wind turbine that supports the rotor, or other collection device, above-ground.

**Wind Turbine Vertical Axis** - A wind turbine where the rotor axis is vertical.

**Wetland** - Land areas, excluding those defined in ORS 197.767, where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands. (revised 2/89)

**Wind Access Rights** - The right of a property owner to have unobstructed commercially viable wind available to the property owner's land. (Added 4/12)

**Wind Energy Facility** - A facility producing energy from wind and its related or supporting facilities.



(Amended 4/12)

**Yard** - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

**Yard, Front** - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

**Yard, Rear** - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

**Yard, Side** - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

**Youth/Family Camp** - An area devoted to facilities and equipment for camp purposes for youths and adults, including swimming pools, tennis courts, recreational fields and facilities for meetings, conferences or retreats, including facilities for eating and sleeping accommodations that are provided in connection with the camp (Added 9/18/97).

**Yurt** - A round, domed shelter of cloth or canvas on a collapsible frame.

## **SECTION 3.110 "F-1" FOREST ZONE**

### **A. Purpose**

The purpose of the "F-1" Forest Zone is to provide areas for the continued practice of timber production, harvesting and related areas, and to help protect those areas from the hazards of fire, pollution, and the conflicts of urbanization.

It is also the primary intent of the zone to preserve and protect watersheds including the protection of surface water sources relied on for public drinking water, wildlife habitats and other uses associated with the forest, and preserve and maintain the high positive visual aspect of the forest area.

Residential development is prohibited in the "F-1" Forest Zone as the conflicts created between safe and efficient watershed management and residential development are unable to be mitigated.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-1" Forest Zone shall comply with the following regulations:

### **B. Definitions**

1. 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 cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions: When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
  - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
  - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
  - c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and
  - d. shall be copied by the Planning Director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

3. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 for commercial production.
4. Forest Operation - Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS 527.620(6).
5. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937
6. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-1" zone shall not be located on a permanent foundation.
7. Tract - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**C. Uses Permitted Without Review** - The following uses are permitted on lands designated "F-1" Forest Zone without review:

In the "F-1" Forest Zone, the following uses and activities and their accessory uses are permitted, on a legal parcel, subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards. (Added 4/12)

**RESOURCE USES**

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of this zone.
3. Farm use, as defined in Oregon Revised Statutes (ORS) 215.203(2). *Production of Marijuana is subject to Type I Review application and compliance with Chapter 11.*
4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
5. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and

other customary production equipment for an individual well adjacent to the well head.  
(Added 4/12)

7. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.

#### **NATURAL RESOURCE USES (Amended 4/12)**

8. Uses to conserve soil, air, water quality and open space and provide for forest, wildlife, and fisheries resources that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section E(8) below.

#### **UTILITIES & TRANSPORTATION (Amended 4/12)**

9. Local distribution lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.283 (l), (k) through (n).

#### **COMMERCIAL USES (Amended 4/12)**

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.
12. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section F(18) below.

**D. Uses Permitted Subject to Type I Review** - The following uses are permitted on a legal parcel on lands designated “F-1” Forest Zone subject to subsection I - Property Development Standards, Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Amended 4/12)

1. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
2. Towers and communication facilities for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height. (Added 4/12)
3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
5. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(5) below. (Amended 4/12)
6. *The production of marijuana, subject to compliance with Chapter 11.*

**E. Uses Permitted Subject to Standards/Type II Review** - The following uses may be permitted on a legal parcel on lands designated “F-1” Forest Zone subject to the subsection I - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards: (This entire section was amended 4/12)

1. Fire stations for forest fire protection.
2. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

### RESIDENTIAL USES

3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(2) - Siting Requirements for Compatibility.
4. A building or structure accessory to a legally established residential use subject to-Section K(2) Siting Requirements for Compatibility .This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.

### NATURAL RESOURCE USES

5. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Uses to conserve soil, air, water quality and open space and provide for forest, wildlife, and fisheries resources that include development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

### ENERGY FACILITIES

7. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

### MISCELLANEOUS USES

8. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.
- F. Uses Permitted Subject to Conditional Use Review/Type II or Type III - The following uses may be permitted on a legal parcel on lands designated “F-2” Forest Zone subject to Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.**

### RESOURCE USES

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.

3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.
5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
6. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

#### **RESIDENTIAL USES**

7. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as defined in 215.283. (Added 4/12)

#### **ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES**

8. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
9. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities. (Amended 4/12)
10. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width. (Amended 4/12)
11. Television, microwave and radio communication facilities and transmission towers.
12. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
13. Reservoirs and water impoundments.

## TRANSPORTATION

14. Public road and highway projects as described in ORS 215.283 (2)(p) through (r).
15. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
16. Expansion of existing airports.
17. Aids to navigation and aviation.

## COMMERCIAL USES

18. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure *and production, processing, wholesaling and retailing of marijuana* that would not otherwise be allowed in the zone is not permitted.

### G. Conditional Use Approval Standards

The following review criteria shall apply to conditional uses applied for in subsection (F) of this zone:

1. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.
2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

- H. Prohibited Uses – *Marijuana processing, wholesaling, retailing and a*All other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

### I. General Development Standards

#### 1. Setbacks

- a. New Buildings and Structures: No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.
- b. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above.

- (1) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from



and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)

- (2) Buildings and Structures other than Dwellings: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots. (Added 4/12)

c. Waterways (Added 4/12)

- (1) Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes rivers, or wetlands.

(a) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.

(b) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non fish bearing by any federal, state or local inventory.

(c) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.

(d) If the proposal does not meet these standards it shall be subject to subsection b above - Additions or Modifications to Existing Structures.

(e) The following uses are not required to meet the waterway setbacks; however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:

(i) Fences;

(ii) Streets, roads, and paths;

(iii) Drainage facilities, utilities, and irrigation pumps;

- (iv) Water-related and water-dependent uses such as docks and bridges;
    - (v) Forest practices regulated by the Oregon Forest Practices Act;
    - (vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
    - (vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
  - 2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
  - 3. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
  - 4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
    - a. Signs shall not be illuminated or capable of movement.
    - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
    - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.
  - 5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
  - 6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
  - 7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:
- 1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a Type I action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into

receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.

2. Divisions to create parcels for specified non resource use permissible in the F-1 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.110.C.14. and Section 3.110.D.1, 2, 3, 4, 8, 9, 10, 11, 12, 17 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1, 1995 provided that:
  - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - b. The remaining parcel, not containing the dwelling, shall either:
    - (1) meet the minimum parcel size standard of the zone; or
    - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
  - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
  - d. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - e. A forest farm management easement shall be recorded for each resulting parcel.
4. Divisions of land containing 2 or more dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
  - a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  - d. At least one dwelling shall be located on each parcel created, including the parent parcel;

- e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
- f. A lot or parcel may not be divided under the provisions of this subsection if;
  - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
  - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
  - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
- 5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
  - a. Shall not be eligible for siting of a new dwelling;
  - b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
  - d. Shall not result in a parcel of less than 35 acres, except:
    - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the

property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

**g.** A forest farm management easement shall be recorded for each parcel.

**6.** Division of land for public park uses provided that:

**a.** The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and

**b.** If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.

**c.** The parcel created for park or open space uses shall not contain a dwelling, and:

**(1)** is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

**(2)** may not be considered in approving or denying an application for siting any other dwelling;

**(3)** may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

**(4)** May not be smaller than 25 acres unless the purpose of the land division is:

**(a)** To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

**(b)** To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of a least 2,000 acres of open space or park property.

**K.** Additional Standards

**1.** Replacement Dwelling Standards

**a.** A replacement dwelling must have:

**(1)** Intact exterior walls and roof structures;

**(2)** Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

**(3)** Interior wiring for interior lights;

**(4)** Heating system; and

- (5) Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.
  - b. A replacement dwelling shall be subject to the following siting standards:
    - (1) Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:
      - (a) General Development Standards,
      - (b) Siting Requirements for Compatibility.
    - (2) Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:
      - (a) General Development Standards, and  
  
Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address
      - (b) Siting Requirements for Compatibility
2. Siting Requirements for Compatibility of New Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:
- a. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
    - (1) Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
    - (2) Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
    - (3) Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.
  - b. Dwelling and Accessory Structure Set Backs - To satisfy 1. above, re-located dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.

- c. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
- d. Good Proximity to Public Roads - Siting structures close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.
- e. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.
- g. Road Maintenance Required - If road access to the re-located dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
- h. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply relied on for the re-located dwelling is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
  - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - (2) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
- i. Forest Stocking Requirements - Approval of a replacement dwelling in a new location shall be subject to the following requirements:
  - (1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

- (2) The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
- (3) The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;
  - (a) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.
  - (b) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.



## **SECTION 3.120 "F-2" FOREST ZONE**

### **A. Purpose**

The purpose of the "F-2" Forest Zone is to protect land designated as Forest on the Comprehensive Plan Map that is suitable and desirable for commercial forestry activities. The scope of the zone also encompasses the management of areas for the continued use of lands for renewable resource production, retention of water resources, open space, recreation, wildlife habitats and related forest uses. Residential development which might be affected by or in itself affects accepted forest management practices will be limited or prohibited so as to maximize the productivity of forest resource management in the zone. Residents of this zone must recognize that the intent of the zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this code will be interpreted in favor of the resource management practice.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-2" Forest Zone shall comply with the following regulations:

### **B. Definitions**

1. 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 cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 (6) for commercial production.
3. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions - When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
  - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
  - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
  - c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and
  - d. shall be copied by the planning director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

4. Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). NOTE: On a lot or parcel for which NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry. An alternative method would include contracting with a qualified professional forester to assess the forest productivity of a specific tract. General assumptions based on surrounding site capability cannot be substituted for site specific analysis by a qualified professional nor can unclassified soils be presumed to be more or less productive than surrounding soils previously classified by NRCS.
5. Date of Creation and Existence - the date of reconfiguration through division or lot line adjustment after November 4, 1993, is the date of creation or existence for a lot parcel or tract. Reconfigured means any legal change in the boundary of the lot, parcel or tract.
6. Forest Operation - Any commercial activity relating to the establishment, management or harvest of a forest tree species as defined in ORS 527.620(6).
7. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
8. Public Road - means a road over which the public has the right to travel as a matter of public record [per ORS 368.001]
9. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or the duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-2" zone shall not be located on a permanent foundation.
10. Tract – One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**C. Uses Permitted Without Review:** The following uses are permitted on lands designated "F-2" Forest Zone without review:

**RESOURCE USES**

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of this

zone.

3. Farm use as defined in Oregon Revised Statutes (ORS) 215.203(2). *Production of Marijuana is subject to Type I Review application and compliance with Chapter 11.*
4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
5. Exploration for mineral and aggregate resources as defined in ORS 517.
6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. (Added 4/12)
7. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.

#### **NATURAL RESOURCE USES**

8. Uses to conserve soil, air, water quality and open space and to provide for forest, wildlife and fisheries resources that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section E(8) below. (Amended 4/12)

#### **UTILITIES & TRANSPORTATION**

9. Local Distribution Lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.283 (1), (k) through (n).

#### **COMMERCIAL USES**

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.
12. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;

- d. Does not occupy more than 25 percent of the floor area of the dwelling; and
- e. Does not include the on-premises display or sale of stock in trade.
- f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section F(25) below.

13. An outdoor mass gathering as defined in ORS 433.735 (assembly of more than 3,000 people reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure) **OR** other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period. **NOTE:** A gathering described above is not subject to a land use decision or land use permitting. A Permit is required for outdoor mass gathering. Permit Application, notice, and fee, requirements are outlined in ORS 433.750-.755, to protect public health and safety.

- D. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "F-2" Forest Zone subject to subsection I - Property Development Standards, Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use if required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Amended 4/12)

1. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
2. Towers and communication facilities for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.
3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

5. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(7) below.
6. Dwelling for Caretaker in a Public Park or Fish Hatchery. A single family dwelling may be authorized within the Forest Zones for a caretaker's residence when the residence will be located on land dedicated and developed as a public park, and the residence is to be occupied by a caretaker and caretaker's family only.
7. *The production of marijuana, subject to compliance with Chapter 11.*

**E. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to the subsection I - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

#### **RESOURCE USES**

1. Fire stations for forest fire protection.
2. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

#### **RESIDENTIAL USES** (revised 4/12)

3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(4) - Siting Requirements for Compatibility.
4. Lot of Record Dwelling subject to Section K(2) - Lot of Record Test & K(4) - Siting Requirements for Compatibility.
5. Large Tract Dwelling subject to Section K(3) - Large Tract Test & K(4) - Siting Requirements for Compatibility.
6. A building or structure accessory to a legally established residential use subject to-Section K(4) Siting Requirements for Compatibility. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

#### **NATURAL RESOURCE USES** (Amended 4/12)

7. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
8. Uses to conserve soil, air, water quality and open space and to provide for forest, wildlife

and fisheries resources that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

### **ENERGY FACILITIES**

9. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

### **MISCELLANEOUS USES**

10. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.
- F. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards. (Amended 4/12)

### **RESOURCE USES**

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.
3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.
5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

### **RESIDENTIAL USES**

7. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as

defined in 215.283.

## **ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES**

8. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
9. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.
10. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.
11. Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
12. Television, microwave and radio communication facilities and transmission towers.
13. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
14. Reservoirs and water impoundments.

## **TRANSPORTATION**

15. Public road and highway projects as described in ORS 215.283 (2)(p) through (r).
16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
17. Expansion of existing airports.
18. Aids to navigation and aviation.

## **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

19. Parks and campgrounds - A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Campgrounds authorized under this section are to be located at a site or contiguous to lands with a park

or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the Section K(5) – Additional Standards below.

20. Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;
  - a. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.
  - b. Only minor incidental and accessory retail sales are permitted.
  - c. Accommodations shall only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.
  - d. Fishing accommodations must be located within 1/4 mile of fish-bearing waters.
  - e. Other conditions imposed by the Approving Authority deemed necessary.
  - f. *The accommodations and operations shall not include the production, processing, wholesaling or retailing of marijuana; a commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
21. Youth Camps subject to the limitations and requirements of OAR 660-006-0031.
22. Public parks subject to OAR 660-034-0035 or 660-034-0040, whichever is applicable.
23. Cemeteries.
24. Firearms training facility.

#### **COMMERCIAL USES**

25. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure *and production, processing, wholesaling and retailing of marijuana* that would not otherwise be allowed in the zone is not permitted.
  26. Any gathering subject to review by the Wasco County Planning Commission under the provisions of ORS 433.763. This includes any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three month period and any part of which is held in open spaces. Approval of a land use permit for this type of gathering is required. Special criteria listed in ORS 433.763 must be addressed.
- G. Conditional Use Approval Standards** - The following review criteria shall apply to a conditional use applied for in subsection (F) of this Section:



1. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

H. **Prohibited Uses** – *Marijuana processing, wholesaling, retailing and a*All other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

I. **Property Development Standards**

1. **Setbacks**

a. **New Buildings and Structures**: No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.

b. **Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above. (Added 4/12)**

(1) **Dwellings**: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings.

(2) **Buildings and Structures other than Dwellings**: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots.

c. **Waterways**

(1) **Resource Buffers**: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands. (Added 4/12)

- (a) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
  - (b) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non fish bearing by any federal, state or local inventory.
  - (c) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.
  - (d) If the proposal does not meet these standards it shall be subject to subsection b above - Additions or Modifications to Existing Structures.
  - (e) The following uses are not required to meet the waterway setbacks; however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
    - (i) Fences;
    - (ii) Streets, roads, and paths;
    - (iii) Drainage facilities, utilities, and irrigation pumps;
    - (iv) Water-related and water-dependent uses such as docks and bridges;
    - (v) Forest practices regulated by the Oregon Forest Practices Act;
    - (vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
    - (vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
3. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
- a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are

permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
  6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
  7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:
1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a Type I action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
  2. Divisions to create parcels for specified non resource use permissible in the F-2 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.120.C.14 and 3.120.D. 1, 2, 3, 4, 7, 8, 9, 13, 14, 15, 17, 20, 21, 22, & 23 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
  3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1,1995 provided that:
    - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
    - b. The remaining parcel, not containing the dwelling, shall either:
      - (1) meet the minimum parcel size standard of the zone; or
      - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
    - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
    - d. An irrevocable deed restriction shall be recorded with the deed for the remaining

parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

- e. A forest farm management easement shall be recorded for each resulting parcel.
4. Divisions of land containing at least two dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  - d. At least one dwelling shall be located on each parcel created, including the parent parcel;
  - e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
  - f. A lot or parcel may not be divided under the provisions of this subsection if:
    - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
    - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
- a. Shall not be eligible for siting of a new dwelling;
  - b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

- c. Shall not, as a result of the land division, be used to justify re-designation or rezoning of resource lands;
  - d. Shall not result in a parcel of less than 35 acres, except:
    - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - g. A forest farm management easement shall be recorded for each parcel.
6. Division of land for public park uses provided that:
- a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and
  - b. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel; and
  - c. The parcel created for park or open space uses shall not contain a dwelling, and:
    - (1) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - (2) may not be considered in approving or denying an application for siting any other dwelling;
    - (3) may not be considered in approving a re-designation or rezoning of forest lands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and
    - (4) May not be smaller than 25 acres unless the purpose of the land division is:
      - (a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
      - (b) To allow a transaction in which at least one party is a public park or open

space provider, or a not-for-profit land conservation organization that has cumulative ownership of a least 2,000 acres of open space or park property.

**K. Additional Standards**

**1. Replacement Dwelling standards**

**a.** A replacement dwelling must have:

- (1)** Intact exterior walls and roof structures;
- (2)** Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3)** Interior wiring for interior lights;
- (4)** Heating system; and
- (5)** Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.

**b.** A replacement dwelling shall be subject to the following siting standards:

**(1)** Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:

- (a)** General Development Standards,
- (b)** Siting Requirements for Compatibility.

**(2)** Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:

- (a)** General Development Standards, and

Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address

- (b)** Siting Requirements for Compatibility.

**2. Lot of Record Test** - One single family dwelling on a lot of record, meeting the following qualifications:

**a.** The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired and owned continuously by the present owner:

- (1)** Prior to January 1, 1985; or
- (2)** By devise or interstate succession from a person who acquired and had owned continuously the lot or parcel prior to January 1, 1985; and

As used in this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

- b. The tract or parcel on which the dwelling is to be sited is composed of soils not capable of producing four thousand (4,000) cubic feet per year of forest tree species as defined in subsection B of this section; and
  - c. The tract or parcel on which the dwelling is to be sited is located within fifteen hundred (1,500) feet of a public road as defined by subsection B of this section that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
    - (1) A United States Bureau of Land Management road; or
    - (2) A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency. Note: any access authorization must be demonstrated to provide a permanent access route to the home site; and
  - d. The tract on which the dwelling will be sited does not include a dwelling; and
  - e. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract; and
  - f. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel; and
  - h. When the lot or parcel on which the dwelling will be sited lies within an area designated as big game winter range, the siting of the dwelling shall be consistent with the limitation on density upon which the Section 3.290 (Sensitive Wildlife Habitat Overlay) describes to protect habitat; and
  - i. A Forest Farm Management Easement is filed with the deed records of the property.
3. Large Tract Test - If a dwelling is not allowed under the Lot of Record test, a dwelling may be allowed on land zoned for forest use if It complies with all applicable provisions of law and meets the following:
- a. The tract on which the dwelling will be sited does not include a dwelling; and
  - b. The tract consists of at least 240 contiguous acres or 320 non-contiguous acres in one ownership in the same county or contiguous counties;
  - c. CC&Rs or a deed restriction defined in subsection B of this section, has been executed and recorded that encumbers all other lots or parcels that comprise the tract used to meet the acreage test; and

- d. A Forest Farm Management Easement is filed with the deed records of the property.
4. Siting Requirements for Compatibility of New Dwellings and Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:
- a. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
    - (1) Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
    - (2) Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
    - (3) Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone. (Added 4/12)
  - b. Dwelling and Accessory Structure Set Backs - To satisfy a. above, dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in a. above.
  - c. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
  - d. Good Proximity to Public Roads - Siting close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.
  - e. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.



- f. Road Maintenance Required - If road access to the dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
  
- g. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
  - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - (3) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (4) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
  
- h. Forest Stocking Requirements - Approval of a dwelling shall be subject to the following requirements:
  - (1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
  - (2) The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
  - (3) The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;
    - (a) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.
    - (b) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the

landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

**5. Private Parks and Campgrounds Standards:**

- a.** Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-004.
- b.** A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- c.** Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period; and
- d.** Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except for yurts meeting the following requirements:
  - (1)** No more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; and
  - (2)** The yurt shall be located on the ground or on a wood floor with no permanent foundation; and
  - (3)** The Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in Wasco County if the Commission determines that the increase will comply with the standards described in ORS 215.296(1).
  - (4)** As used here, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook up or internal cooking appliance.
- e.** Campfires will be subject to Oregon Department of Forestry regulated use closures during fire season. Camp grounds are not automatically exempted and need to comply with all applicable use restrictions.

## **SECTION 3.210 EXCLUSIVE FARM USE (“EFU”) ZONE**

- A. Purpose: The purpose of the “A-1” Exclusive Farm Use Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing and future needs, including economic needs that pertain to the production of agricultural products. And to permit the establishment of only those uses that are compatible with agricultural activities consistent with the applicable Statutory and Administrative Rule provisions of ORS Chapter 215 and OAR Chapter 660, Division 33.

Uses, buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “A-1” Exclusive Farm Use zone shall comply with the following regulations. If these regulations are preempted by mandatory ORS’s or OAR’s those shall be applied directly pursuant to ORS 197.646.

- B. Uses Permitted Without Review: The following uses are permitted on lands designated “A-1” Exclusive Farm Use Zone without review:

### **RESOURCE USES**

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is non-discretionary. *Marijuana production is subject to compliance with Chapter 11.*
2. Propagation and harvesting of a forest product.
3. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
4. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.)

### **NATURAL RESOURCE USES**

5. Creation, restoration or enhancement of wildlife habitat and wetlands that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section D(11) below.

### **TRANSPORTATION FACILITIES**

6. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.
7. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including additional travel lanes, where no removal or displacement of buildings would occur and not resulting in any new land parcels.

8. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.
9. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

#### **UTILITY/DISPOSAL FACILITIES**

10. Utility facility service lines under 200' in height: Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
  - a. A public right of way;
  - b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  - c. The property to be served by the utility.
11. Transport of biosolids to tract of land for application. Pursuant to ORS 215.247 if biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright.

The application of biosolids which do not meet these criteria is subject to Section D(2) below.

12. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

#### **COMMERCIAL USES**

13. An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.
14. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;

- d. Does not occupy more than 25 percent of the floor area of the dwelling; and
- e. Does not include the on-premises display or sale of stock in trade.

*f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(28) below.

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to Subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards and any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Added 4/12)

1. Agricultural Structure: Buildings and structures other than dwellings customarily provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.
2. Accessory Structure: Buildings and structures accessory to a legally established dwelling not provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.
3. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a Farm Management Plan documenting how the replacement dwelling will be used in conjunction with a farm use.
4. Alteration, restoration relocation, or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel, subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only). (Amended 4/12)
5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Amended 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to

the subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

### RESOURCE USES

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is discretionary. *Discretionary uses that include marijuana shall comply with Chapter 11.*
2. Land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and must be reviewed subject to Section J(11) - Additional Standards below.

### COMMERCIAL USES RELATED TO FARM USE

3. A winery subject to Section J(6) - Additional Standards below:
4. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 subject to the following:
  - a. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.
  - b. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for the preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use.
  - c. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. No division of a lot or parcel shall be approved to separate a processing facility from the farm operation on which it is located.
  - d. Marijuana processing shall comply with Chapter 11.*
5. Farm stands subject to Section J(12) - Additional Standards below: *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*

### RESIDENTIAL USES

6. Farm Dwelling: One single family dwelling customarily provided in conjunction with farm use, subject to Section J(5) - Additional Standards below. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling.*

*(See Section 34, Chapter 614, Oregon Laws 2015.)*

7. Accessory Farm Dwelling(s): An accessory farm dwelling is a single family dwelling occupied by a person or persons principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. Accessory farm dwelling includes all types of residential structures allowed by applicable state building code. Accessory farm dwellings are also subject to Section J(2) - Additional Standards below. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
8. Relative Farm Dwelling: A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator or farm operator's spouse and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:
  - a. The relative is a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse;
  - b. The farm operator does, or will require the assistance of the relative in the management of the farm use;
  - c. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; **and**
  - d. The farm operator shall submit a farm management plan documenting how the relative dwelling is necessary for maintaining the farm use-; **and**
  - e. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
9. Lot of Record Dwelling: One single family dwelling on a lot or tract of record less than 80 acres, which does not otherwise qualify for a dwelling Subject to Section E(5) (Non-Farm Dwelling) below and also subject to Section J(4) - Additional Standards below.
10. Alteration, restoration relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).

## NATURAL RESOURCE USES

11. Creation, restoration or enhancement of wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

## UTILITY/ENERGY FACILITIES

Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

12. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities over 200 feet in height, subject to Section J(8), Additional Standards below.
  
13. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

## PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

14. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary and the following:
  - a. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.
  - b. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use.
  - c. An owner of property used for this purpose may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operators cost to maintain the property, buildings and facilities.
  - d. "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.
  
15. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland. Existing facilities wholly within a farm zone may be maintained, enhanced or expanded on the same tract.

## MISCELLANEOUS USES

16. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 – Land Divisions.



17. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section J(15) - Additional Standards below. On-site filming in excess of 45 days is a conditional use.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel designated "A-1" Exclusive Farm Use subject to subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards:

#### **RESOURCE USES**

1. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. Notice of all applications under this shall be sent to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing on the application.
2. Primary processing of forest products, subject to the following:
  - a. Such facility does not seriously interfere with accepted farming practices and is compatible with farm uses as defined.
  - b. Such facility may be approved for a one-year period which is renewable.
  - c. The facility is intended to be only portable or temporary in nature.
  - d. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.
4. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay.
5. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt production is filed, and subject to WCLUDO Section 3.800, Mineral and Aggregate Overlay.
6. Processing of other mineral resources and other subsurface resources.
7. Mining and processing of geothermal resources as defined in ORS 522.005 and oil and

gas as defined by ORS 520.005 not otherwise permitted in Section B(5) above.

### **COMMERCIAL USES RELATED TO FARM USE**

8. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use or by Section D(4) above, subject to Section J(16) - Additional Standards below. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
9. Farm ranch recreation including but not limited to hunting preserves, fishing, fly fishing and tying clinics, trap and skeet range, archery range, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, and outdoor schools in conjunction with a commercial farming operation subject to Section J(7) - Additional Standards below.

In season fee hunting shall not be included in Farm Ranch Recreation unless it includes lodging or is part of a larger farm ranch recreation operation.

### **RESIDENTIAL USES**

10. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below.
11. A temporary medical hardship dwelling for the term of hardship suffered by the existing resident or relative subject to Chapter 8 Temporary Use Permit - Section 8.070:
12. Residential home which means a residential treatment or training or adult foster home in an existing dwelling licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related (or as further defined in ORS 197.660).

### **ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES**

13. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
14. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.

A wind power generation facility shall also be subject to Section J(17), Additional Standards below.

Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a

commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4, or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4 and ORS 197.732. (Added 4/12)

15. Electrical Transmission Facilities and Utility Facility Lines greater than 200' in height, and Natural Gas or Petroleum Product Pipelines subject to Section J(8) - Additional Standards below and Chapter 19 - Standards for Energy Facilities - Section 19.030. (Amended 4/12)
16. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.
17. Composting facilities (excluding non-green feedstocks) for which a permit has been granted by DEQ under ORS 459.245 and OAR 340-96-020 subject to Section J(10) - Additional Standards below.

## TRANSPORTATION

18. Personal use airports for airplanes and helicopter pads, including associated hangars, maintenance and service facilities. A personal-use airport, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.
19. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
20. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.
21. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
22. Roads, highways and other transportation facilities and improvements not otherwise allowed by this ordinance subject to:
  - a. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or
  - b. ORS 215.296 for those uses identified by rule of the Land Conservation and

Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

### **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

- 23.** Fire service facilities providing rural fire protection services.
- 24.** Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

- 25.** Parks and playgrounds A public park includes only the uses specified under OAR 660-034-0035 or 660-034-0040 whichever is applicable and may only be established subject to ORS 195.120,
- 26.** Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- 27.** Any gathering subject to review by a county planning commission under the provisions of ORS 433.76. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.
- 28.** Public or private schools for kindergarten through grade 12, including all building essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to the following:
- a.** New schools may not be established on high-value farmland. Existing schools on high-value farmland may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.
  - b.** No new school may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004.
  - c.** Existing schools not on high-value farmland that are primarily for residents of the rural area in which the school is located may be maintained, enhanced, or expanded.
  - d.** Existing schools that are not primarily for residents of the rural area in which the school is located may be expanded on the tax lot on which the use was established or on a contiguous tax lot owned by the applicant on January 1, 2009.

## COMMERCIAL USES

- 29. Major Home occupation** subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure *and production, processing, wholesaling and retailing of marijuana* that would not otherwise be allowed in the zone is not permitted.
- 30. Home Occupation with Room and Board or (Bed and Breakfast) arrangements** in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary subject to the following.
- a. Room and board arrangements shall:**
    - (1) Not exceed accommodations for five unrelated persons beyond the inhabitants of the house; and
    - (2) Include month to month rental with food contract.
  - b. Bed and breakfast arrangements shall:**
    - (1) Not exceed five rooms;
    - (2) Limit occupation by guests to no more than 30 consecutive days; and
    - (3) Only allow breakfast to be served to guests and no other meals.
  - c. *The arrangements shall not include the production, processing, wholesaling or retailing of marijuana.***
- 31. Home Occupation to Host Commercial Events** subject to Chapter 20 – Site Plan Review - Section 20.100: The commercial events are associated with a farm use, lawfully approved winery, bed and breakfast or farm ranch recreation and includes weddings, receptions, parties, bicycle races confined to the subject parcel(s) and other small-scale gatherings hosted for a fee that are incidental and subordinate to the primary use of the parcel. Construction of a structure that would not otherwise be allowed in the zone is not permitted. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- If the commercial event is in conjunction with a farm use, the applicant shall submit a Farm Management Plan which includes documentation that the property is capable of meeting the Farm Dwelling income test in Section J(5)(b) below.
- 32. Dog Kennels**, except that such uses are prohibited on high value farmland.
- 33. Private parks, playgrounds, and campgrounds**, as defined in Section 1.090, Definitions, except that such uses are prohibited on high value farmland, subject to Section J(14) - Additional Standards below.
- 34. Golf courses**: A 9 or 18 hole regulation golf course or a combination 9 and 18 hole

regulation golf course except that such uses are prohibited on high value farmland, as defined in ORS 195.300, subject to Section J(13) - Additional Standards below.

**35. Operations for the extraction and bottling of water.**

**36. On-site filming** if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. This use is also subject to Section J(15) - Additional Standards below.

**F. Property Development Standards**

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

**1. Setbacks**

**a. Property Line**

**(1) All dwellings (farm and non farm) and accessory structures not in conjunction with farm use**, shall comply with the following property line setback requirements:

- (a)** If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.
- (b)** If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.
- (c)** If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.
- (d)** If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:
  - i.** The structure shall be set back a minimum of 25 feet from the road right of way or easement;
  - ii.** The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and
  - iii.** As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the

greatest extent practicable.

- (2) Farm structures shall be set back a minimum of 25 feet from the property line.
- (3) Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:
  - (a) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)
  - (b) Farm & Non-Farm buildings and structures: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots.
- (4) Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four (4) feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

**b. Waterways**

- (1) Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.
  - (a) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
  - (b) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non fish bearing by any federal, state or local inventory.

- (c) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.
- (d) If the proposal does not meet these standards it shall be subject to Section (a)(3), Additions or Modifications to Existing Structures, above.
- (e) The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
  - (i) Fences;
  - (ii) Streets, roads, and paths;
  - (iii) Drainage facilities, utilities, and irrigation pumps;
  - (iv) Water-related and water-dependent uses such as docks and bridges;
  - (v) Forest practices regulated by the Oregon Forest Practices Act;
  - (vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
  - (vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- (2) Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- c. Irrigation Ditches: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.
- d. Wasco County Fairground
  - (1) Front Yard: No structure other than a fence or sign shall be located closer than ten (10) feet from the rights-of-way of a public road.
  - (2) Side Yard: No structure other than a fence or sign shall be located closer than seven (7) feet for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard



shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

- (3) Rear Yard: No structure other than a fence shall be located closer than ten (10) feet from the rear yard property line.
  - (4) RV Spaces: RV spaces are subject to the setback requirements of Chapter 17, Recreational Vehicle Parks.
  - (5) Existing & Replacement Structures: All lawfully established structures which do not conform to current setback standards shall be allowed to be expanded, or replaced and expanded into the required setback as long as the expansion does not encroach upon the required setback more than the existing structure.
2. Height: Except for those uses allowed by Section 4.070, General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.
  3. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  4. Signs

    - a. Permanent signs shall not project beyond the property line.
    - b. Signs shall not be illuminated or capable of movement.
    - c. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.
    - d. Size and Height of Permanent Signs:

      - (1) Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.
      - (2) Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.
    - e. Number of permanent signs:

      - (1) Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.
      - (2) Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

- f. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way.
- 5. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- 6. Parking: Off street parking shall be provided in accordance with Chapter 20.
- 7. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

**G. Property Size Standards**

Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone.

**1. Farm Divisions:**

**a. 40 Acre**: There shall be a 40 acre minimum land division for farm parcels in the A-1(40) zone.

**b. 80 Acre**: There shall be a 80 acre minimum land division for farm parcels in the A-1(160) zone to allow for land divisions around higher value per acre crops. All proposed farm parcels at least 80 acres but less than 160 acres shall meet the following standards:

**(1)** A farm management plan shall be submitted with the application. The farm management plan shall also include an evaluation of the following:

**(a)** The property size shall be large enough to keep commercial farms and ranches in the area successful and not contribute to their decline. This evaluation shall include the potential negative impacts such as increasing traffic on farm to market roads or adding practices or uses that would conflict with existing accepted farming practices on adjacent farms.

**(b)** Determine the nature of this type of commercial agricultural enterprise in the county, or within the surrounding area.

**(2)** The proposed farm parcel or parcels have been planted in a higher value per acre crop adequate to meet the income requirement in (3) below;

**(3)** Income Test

The proposed farm parcel or parcels are each capable of producing \$250,000 in

gross annual income (2009 dollars adjusted for inflation at an annual rate of \*2.375%) from the sale of farm products.

Capability of producing the gross annual income described above shall be shown in one of two ways.

- (a) Documentation of actual gross income received during the last two years or three of the last five years.
- (b) Documentation that the current amount of acreage planted on the proposed farm parcel or parcels are each capable of producing the gross income described above. This documentation shall be prepared by a professional with the credentials to make such a determination such as a representative of the Oregon Department of Agriculture or Oregon State Extension Office. The documentation shall include the following:
  - (i) Identify the type(s) and size(s) of viable farms that comprise this commercial agricultural enterprise in the county, or within the surrounding area which meet or exceed the gross income described above.
  - (ii) Identify soils, topography, land forms, slopes, solar access, irrigation, rainfall, sunlight of viable farms that comprise this type of commercial enterprise and compare those to the proposed property.
  - (iii) Is there an identified industry with infrastructure for this type of commercial enterprise within the county or surrounding area? If so, how will this operation contribute to that enterprise? If not, will it be viable on its own?

Approval of a request to divide agricultural land to the 80-acre minimum does not necessarily guarantee a farm dwelling. Any subsequent request for a farm dwelling will have to meet applicable standards set forth in Section D(5), Farm Dwelling above.

\* It is the intention of the Wasco County Court to reevaluate the validity of this inflationary adjustment percentage by 2014.

- c. 160 Acre: There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone and cannot meet the 80 acre minimum test in b above.

## 2. Non-Farm Divisions (Part of Parcel)

### a. Non-Farm Dwelling & Non-Farm Use Divisions

(1) A one time division of land to create:

- (a) Up to two new parcels no less than 2 acres in size and no greater than 20 acres in size, each to contain a dwelling not provided in conjunction with farm

use, only if the dwelling has been authorized in accordance with Section E(5), Non-Farm Dwelling above; or

- (b)** A parcel to contain a nonfarm use, except dwellings, listed in Section (E), Conditional Uses above, unless otherwise precluded by statute. The parcel shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law;
  - (2)** The parcel(s) are divided from a lot or parcel that was lawfully created in its current configuration prior to July 1, 2001. This date applies to properties even if they were created after July 1, 2001 pursuant to this section;
  - (3)** The parcel(s) are divided from a lot or parcel that exceeds 160 acres and which will continue to meet or exceed 160 acres after the division;
  - (4)** The parcel(s) are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land; and
  - (5)** The parcels for the nonfarm dwellings are not located in the "A-1(40)" zone.
  - (6)** The non-farm parcels shall be disqualified from special assessment pursuant to Section J(1)(g) below.
  - (7)** The non-farm parcels do not have established water rights for irrigation.
- b.** Park and Open Space Divisions: A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels subject to the following:
- (1)** A parcel created by the land division that already contains a dwelling is large enough to support continued residential use of the parcel; and
  - (2)** A parcel created pursuant to this subsection that does not contain a dwelling:
    - (a)** Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - (b)** May not be considered in approving or denying an application for siting any other dwelling;
    - (c)** May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

(d) May not be smaller than 25 acres unless the purpose of the land division is:

- (i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
- (ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

H. Agricultural Protection: The uses listed in Section D, Uses Allowed Subject to Standards and E, Conditional Uses must meet the following standards:

- 1. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- 2. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

I. Challenging Soil Class Rating

- 1. Lot of Record: For the purposes of approving a Lot of Record application under Section D(9) above, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
  - a. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
  - b. Submits the following:
    - (1) Report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
    - (2) Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (1) above of this section and finds the analysis in the report to be soundly and scientifically based.
- 2. All Other: The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:
  - a. Submits a report to the Wasco County Planning Department from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil

designation should be changed and the rationale for the soil class change. The report will include the following technical data:

- (1) Copy of the most current National Cooperative Soil Survey map(s) for the specified area;
  - (2) Methods used by the Soil Scientist;
  - (3) Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units;
  - (4) Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;
  - (5) Notation of any limitations encountered;
  - (6) Results, findings and decisions;
  - (7) Overview of geology, parent material, and related factors;
  - (8) Description of landforms, topography, confirming relationship of landforms to soil mapping units;
  - (9) Description of on-site and adjacent hydrology, including surface and subsurface features;
  - (10) Description of revised soil mapping units;
- b. Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.

**J. Additional Standards**

**1. Non-Farm Dwelling:**

- a. The parcel is not within the A-1(40) Zone.
- b. There is no other dwelling on the parcel;
- c. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;
- d. Criteria for Farmland within the EFU Zone:

The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation,

location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means what is generally unsuitable land for agriculture in Wasco County:

(1) On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion-listed in (3) below.

(2) On parcels at least 80 acres but less than 160 acres that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in (3) below.

(3) Generally Unsuitable Criteria:

(a) predominantly greater than 40 % slope, or

(b) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or

(c) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination conducted by an authorized professional using Natural Resource Conservation RCS standards.

e. Criteria for Forested land within the EFU zone

(1) If the parcel is unsuitable for agricultural use and is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small

to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable".

- (2)** If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:
  - (a)** The dwelling is compatible; and
  - (b)** The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and
- f.** Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the following standards:
  - (1)** Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
  - (2)** Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings;
  - (3)** Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to



continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

- (4) In addition to (1) – (3), if the application involves the creation of a new parcel for a nonfarm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying (1) – (3) above.

**g. Disqualification of Special Assessment:**

The owner of the parcel shall provide evidence that:

1. The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland; and
2. A Request has been made in writing to the County Assessor to disqualify the parcel from special assessment; and
3. Prior to receiving zoning approval on a building permit application or a final plat map, the non-farm parcel has been disqualified from special assessment pursuant to ORS 215.236 and any additional tax imposed upon disqualification from special assessment have been paid; and
4. Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

**2. Accessory Farm Dwelling:**

- a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. The applicant shall submit a Farm Management Plan to provide evidence of this;

- b. The accessory farm dwelling will be located:

- (1) On the same lot or parcel as the dwelling of the primary farm dwelling; or
- (2) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
- (3) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to

another party. The manufactured dwelling may remain if it is reapproved under these rules; or

- (4)** On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the ranch operation registered with the Dept. of Consumer & Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Accessory farm dwellings approved Section H. shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
- (5)** On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under Section G(1) below, Farm Divisions and the lot or parcel complies with the gross farm income requirements in subsection d below..
- c.** There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;
- d.** In addition to the requirements in subsection a - c. of this section, the primary farm dwelling to which the proposed dwelling would be accessory satisfies the following;

  - (1)** The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, and produced in the last two years or three of the last five years, one (1) of the following:

    - (a)** On land not identified as high-value farmland at least \*\$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products.
    - (b)** On land identified as high-value farmland, and produced at least (\*\$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income

and,
  - (2)** In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- e.** The county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section.

If it is determined that an accessory farm dwelling satisfies the requirements Section D(6) above, One Single Family Dwelling Customarily Provided in Conjunction with

Farm Use, a parcel may be created consistent with the minimum parcel size requirements in Section G(1), Farm Divisions; and

- f. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section E(5), One Single Family Dwelling Not Provided in Conjunction with a Farm Use.

\*It is the intention of the Wasco Board of County Commissioners to reevaluate the validity of this inflationary adjustment percentage by 2014.

3. Alteration, restoration, relocation or replacement of a lawfully established dwelling:

- a. Has intact interior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring or interior lights;
- d. Has a heating system;
- e. In the case of replacement:
  - (1) The new dwelling is subject to all applicable siting requirements;
  - (2) The existing dwelling is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling;
  - (3) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel; and
- g. In the case of deferred replacement: (Added 4/12)
  - (1) The existing dwelling is removed or demolished within 90 days after the deferred replacement permit is issued. If the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void;
  - (2) Construction of the replacement dwelling may occur at any time but may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant; and
  - (3) The replacement dwelling must comply with all applicable siting requirements, building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

**4. Lot of Record Dwelling:**

- a.** The lot or parcel on which the dwelling is to be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner:
  - (1)** Since before January 1, 1985; or
  - (2)** By device or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.
- b.** The tract upon which the dwelling is to be sited does not include another dwelling;
- c.** The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;
- d.** The tract on which the dwelling is to be sited is not high value farmland as defined in Section 1.090, Definitions.
- e.** If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel;
- f.** The director or the director's designee shall notify the county assessor of any decision to permit a lot of record dwelling;
- g.** As used in this zone, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members; and
- h.** Land use approval for a lot of record dwelling may be transferred one time to any other person, prior to issuance of building permit.

**5. Farm Dwelling:**

- a. Large Lot:** a dwelling may be considered customarily provided in conjunction with farm use subject to the following:
  - (1)** The land on which the dwelling to be sited is not identified as high-value farmland;
  - (2)** The parcel on which the dwelling will be located is at least 160 acres;
  - (3)** The subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan
  - (4)** The dwelling will be occupied by an owner or a person or persons who will be

principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no Accessory Farm Dwelling for farm help may be authorized pursuant to Section D(7) above; and

(5) There is no other dwelling on the subject tract.

b. Income Test (for Parcels Less than 160 acres) subject to the following and Subsection 3 below:

(1) Meets either (a) or (b) below:

(a) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least at least \*\$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; or

(b) On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for the farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least \*\$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; and

(2) In determining the gross income required by this subsection:

(a) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(b) Only gross income from land owned, not leased or rented, shall be counted; and

(c) Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used

(3) There is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation; and

(4) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

(5) Prior to issuance of zoning approval on a building permit application, a Notice of Decision shall be recorded in the deed records with the Wasco County Clerk for

each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

- (a) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
  - (b) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- (6) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Chair of the Board of County Commissioners;
- (7) Enforcement of the covenants, conditions and restrictions may be undertaken by the Dept. of Land Conservation & Development or Wasco County;
- (8) The Planning Director shall maintain a copy of the Notice of Decisions filed in the County deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the County deed records pursuant to this section. The map or other record shall be readily available to the public in the Planning Office.

6. Winery:

a. The winery is a facility that produces wine with a maximum annual production of:

(1) Less than 50,000 gallons and it:

- (a) Owns an on-site vineyard of at least 15 acres;
- (b) Owns a contiguous vineyard of at least 15 acres;
- (c) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
- (d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph; or

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

- (a) Owns an on-site vineyard of at least 40 acres;
- (b) Owns a contiguous vineyard of at least 40 acres;
- (c) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or
- (d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph.

- b. The winery described in subsection (a)(1) or (2) above shall allow only the sale of:
  - (1) Wines produced in conjunction with the winery; and
  - (2) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include individually portioned prepackaged foods prepared from an approved source by a commercial processor and nonperishable beverages or any items additionally allowed by a limited service restaurant defined in ORS 624.010.
- c. Prior to the issuance of zoning approval to establish a winery under this section, the applicant shall show that vineyards, described in subsection (a)(1) and (2) of this section, have been planted or that the contract has been executed, as applicable.
- d. Siting Standards to limit conflicts with accepted farming or forest practices on adjacent lands include:
  - (1) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and
  - (2) Provision of direct road access, internal circulation and parking.
- e. If a Home Occupation to host Commercial Events such as weddings, receptions or parties is desired, that use must be applied for under Section E(28). Failure to apply under Section E(28) for such a use will result in the hosting of any such events to be considered a land use violation.

7. Farm Ranch Recreation:

- a. The tract or parcel is currently employed in a commercial agricultural operation as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan.

If the Farm Ranch Recreation utilizes agricultural operations on a tract to meet the commercial agricultural operation standards they will be required to own and operate the tract. If portions of the tract used to justify the commercial agricultural operation are sold the Farm Ranch Recreation approval will automatically become void and the owner will cease to operate within 60 days of selling the property.

- b. The Farm Management Plan shall also include the Farm Ranch Recreation proposal including the number of acres devoted to the recreational use, proposed or existing buildings involved in the use, hours and days of operation, and anticipated usage (number of visitors). Additionally, it must be demonstrated how the Farm Recreation activities are compatible with the commercial farming operation.
- c. The Farm Ranch Recreation proposal shall not be the primary use of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and impact, however, income generated from the farm ranch recreation use does not have to be subordinate to income generated by the commercial agricultural

operation. Scope, scale and impact shall take into consideration the number of acres/area devoted to the farm ranch recreation use, anticipated usage of the use, days and hours of operation. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

- d. New Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in Section J(1)(d), Non-Farm Dwelling, where practicable. If the proposal is to not locate Farm Ranch Recreation structures on land that is "generally unsuitable", the application shall explain why and how the proposal best protects agricultural lands.
- e. Recreational uses such as fly fishing and hunting off of the parcel or tract shall be allowed. However, the primary portion of the Farm Ranch Recreation use, excluding lodging, shall occur on the parcel or tract.
- f. Overnight lodging units in new or existing structures may be permitted in conjunction with the Farm Ranch Recreation operation. Lodging unit means an individual guest room in a lodge, bunkhouse, cottage, cabin, tent or licensed recreational vehicles used only for transient lodging and not for a permanent residence. No more than 10 lodging units are allowed. No kitchen facilities are permitted in individual lodging units. All overnight facilities shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements for sanitary sewage disposal.
- g. In addition to overnight lodging units a separate kitchen area, rest rooms, storage or other shared indoor space shall be allowed.
- h. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation site. The cost of meals, if any, provided to guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation may be included in the fee to visit or stay at the farm ranch recreation site. A farm ranch recreation may not sell individual meals to an individual who is not a guest of the farm ranch recreation, an individual accompanying a guest or an individual attending a special event at the farm ranch recreation site. Kitchen facilities associated with the farm ranch recreation shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements.
- h. The Approving Authority shall place reasonable no-shooting buffers (setbacks from property lines) for hunting preserves, with the ability to have a minimum one foot (1') buffer.
- i. There shall be a two mile radius for public notification in the application of public or private target or shooting courses. There shall be a one-half mile radius for public notification in the application of a hunting preserve.



**8. Utility Facility:**

- a.** A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
  - (1)** Technical and engineering feasibility;
  - (2)** The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
  - (3)** Lack of available urban and non-resource lands;
  - (4)** Availability of existing rights of way;
  - (5)** Public health and safety; and
  - (6)** Other requirements of state and federal agencies.
- b.** Costs associated with any of the factors listed in a. may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- c.** The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- d.** The governing body of the County or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farm lands.
- e.** In addition to a. through d. of this section, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
- f.** The provisions of a. through d. do not apply to interstate natural gas pipelines and associated facilities authorized by a subject to regulation by the Federal Energy Regulatory Commission.

**9. Aggregate**

- a. A land use permit is not required for mining less than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.
- b. A land use permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.
- c. "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.
- d. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

**10. Composting facilities:**

- a. Composting operations and facilities allowed on land not defined as high-value farmland shall be limited to the composting operations and facilities allowed by OAR 660-033-0130(29)(a) or that require a permit from the Department of Environmental Quality under OAR 340-093-0050. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
- b. Composting operations and facilities allowed on high-value farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

**11. Land application of reclaimed water, agricultural process or industrial process water or biosolids.**

- a. A determination by the Department of Environmental Quality, in conjunction with the department's review of a license, permit or approval, that the application rates and site management practices for the land application of reclaimed water, agricultural or

industrial process water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

- b. The use of a tract of land on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred under this section may not be changed to allow a different use unless:

- (1) The tract is included within an acknowledged urban growth boundary;
- (2) The tract is rezoned to a zone other than an exclusive farm use zone;
- (3) The different use of the tract is a farm use as defined in ORS 215.203; or
- (4) The different use of the tract is a use allowed under:
  - (a) ORS 215.213 (1)(c), (e) to (g), (k), (m) to (q), (s) to (u), (x), (z) or (aa);
  - (b) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);
  - (c) ORS 215.283 (1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x); or
  - (d) ORS 215.283 (2)(a), (j), (L) or (p) to (s).

- c. An evaluation of the alternatives to application and the reason for not using these alternatives.

- d. The uses allowed under this section include:

- (1) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;
- (2) The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;
- (3) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:
  - (a) A public right of way; or
  - (b) Other land if the landowner provides written consent and the owner of the facility complies with ORS 215.275 (4); and
- (4) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.

- e. Uses not allowed under this section include:
  - (1) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or
  - (2) The establishment and use of utility facility service lines allowed under B(10) above.
- f. A division of land for the land application of reclaimed water, agricultural or industrial process water or biosolids shall not be allowed.

**12. Farm Stands:**

- a. The structures are designed and used for sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand;
- b. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment;
- c. "Farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items or marijuana; and
- d. "Local agricultural area" includes Oregon or an adjacent county in Washington.

**13. Golf Courses**

- a. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
- b. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
- c. Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in Section 1.090, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses

and driving ranges;

- d. Accessory uses provided as part of a golf course shall be consistent with the following standards:
  - (1) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
  - (2) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.
  - (3) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

#### **14. Private Parks, Playgrounds and Campgrounds**

- a. The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
- b. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.
- c. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- d. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

- e. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection f below.
- f. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

- g. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

#### 15. On Site Filming

- a. No filming shall occur without written permission of the landowner.
- b. Filming may be restricted during the hours between 10 p.m. and 8 a.m. if nearby residents would be disturbed by noise, lights or any other filming activity.
- c. Filming shall not create traffic hazards.
- d. Prior to filming, written authorization shall be obtained from the applicable fire department for the use of any fire-related activities, such as welding or cutting equipment, pyrotechnical devices or related activities.
- e. All federal, state and county aircraft regulations shall apply. It is the responsibility of the applicant to be aware of all regulations.
- f. All structures shall be self-supporting. Digging or construction of permanent foundations will not be allowed.
- g. Weekly garbage pickup shall be provided and any garbage or debris gathered daily.
- h. All garbage, debris, sets, or other equipment or props must be removed and properly disposed of within 24 hours of completion of filming.
- i. All food concessions shall obtain a permit from the Wasco County Health Department.
- j. It is the responsibility of the applicant to provide proper sanitation, potable water, off-road parking, and security.
- k. No mammals, fish, reptiles, or other animals shall be released into the environment during or after filming.

- I. All animals shall be tethered, leashed or caged when not immediately required for filming.

**16. Commercial Activities in Conjunction with Farm Use** - The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

-Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.

-Farm product receiving plants, including processing, packaging, and reshipment facilities.(revised 2-89)

-Livestock feed or sales yards.

-Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.

-Farm equipment storage and repair facilities.

-Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.

-Veterinarian clinic.

-Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.

-Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

-Wineries for production from fruits, a portion of which are grown on the property, including retail sales.

-And other such uses which may be construed as similar to the above listed uses.

The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission decision No. 79-003.

*-A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

**17. Wind Power Generation Facility**: For purposes of this section a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or

permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

a. For high-value farmland soils described in ORS 195.300(10), it must be found that all of the following are satisfied:

(1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

(c) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (2) of this subsection.

(2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

(3) Costs associated with any of the factors listed in paragraph (1) of this subsection may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

(4) The owner of a wind power generation facility approved under Section (a) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(5) The criteria in Section (b), below are satisfied.

b. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described in ORS 195.300(10), it must be found that:

(1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts



could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and

- (2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and
  - (3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
  - (4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- c. For nonarable lands, meaning lands that are not suitable for cultivation, it must be found that the requirements of Subsection (b)(4) above are satisfied.
  - d. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Sections (b) and (c) above, the approval criteria of Section (b) shall apply to the entire project.

### **SECTION 3.220 "F-F" FOREST-FARM (NON-RESOURCE)**

- A. Purpose:** The purpose of the "F-F (10)" Forest-Farm (Non-Resource) zone is to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-F (10)" Forest-Farm (Non-Resource) zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone without review:

1. Farm use, *except marijuana production*, as defined in ORS 215.203(2).
2. Forest use, including the propagation or harvesting of forest products.
3. Utility Facilities (Minor)
4. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
5. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
6. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
7. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(10) below. (Amended 4/12)

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone subject to

subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards. (Amended 4/12)

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by building codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.
2. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. *New agriculture buildings and structures to support marijuana production, processing, wholesaling and retailing are not permitted.*
3. Additions to, and replacement of, a lawfully established building or structure.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
5. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.
7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous publicly-owned property utilized to support the operation and maintenance of public roads and highways.

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “F-F (10)” Forest-Farm (Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. One single-family dwelling provided in conjunction with a forest or farm use, including mobile home subject to Chapter 4 - Supplemental Provisions - Section 4.120 provided the following are met:

- a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record.
  - b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor.
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
  3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
  4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.
  5. Agricultural Produce Stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. Agricultural Produce Stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

## **RESIDENTIAL USES**

1. A single-family dwelling, including mobile home, not provided in conjunction with a forest or farm use.
2. Additional single-family dwellings, including mobile homes, in conjunction with a commercial farm or forest use subject to income requirements in Section 3.210 - Exclusive Farm Use Zone.

## **ENERGY/UTILITY FACILITIES**

3. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.
5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to

Chapter 19 - Standards for Energy Facilities - Section 19.030.

6. Utility Facilities (Major).

**PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

7. Private parks, playgrounds, hunting and fishing preserves and campgrounds. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
8. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
9. Public or private schools.
9. Churches.

**COMMERICAL/AGRICULTURAL /INDUSTRIAL USES**

10. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
11. Kennels.
12. Commercial activities that are in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
13. Facilities to manufacture alcohol from farm or timber waste.
14. The propagation, cultivation, maintenance and harvest of aquatic species.
15. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

**TRANSPORTATION**

16. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

F. Property Development Standards

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.
3. Setbacks - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet.
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

**SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE**

**A. Purpose:** The purpose of the "A-R" Agricultural-Recreational zone is to provide areas for outdoor recreation and to allow controlled growth to continue in existing rural communities and rural exception areas. *New marijuana uses are prohibited in this zone.* Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-R" Agricultural-Recreational zone shall comply with the following regulations:

**B. Uses Permitted Without Review:** The following uses are permitted on lands designated "A-R" Agricultural-Recreational zone without review:

1. Farm use, *except marijuana production* provided animals and fowl are properly caged or housed and proper sanitation is maintained.
2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor)
4. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "A-R" Agricultural-Recreation zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee. (Added 4/12)

1. One single-family dwelling- including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.120.
2. Buildings and structures accessory to a lawfully established use. This also includes

buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.

3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
4. Additions to, and replacement of, a lawfully established building or structure.
5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “A-R” Agricultural-Recreation zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

*A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

1. Guest house subject to Chapter 4 - Supplemental Provisions -Section 4.130.
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions
4. Mobile home parks subject to Chapter 16 – Mobile Home Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
5. Recreational vehicle parks subject to Chapter 17 – Recreational Vehicle Parks, and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
6. Dude ranches and hunting and fishing lodges, including overnight facilities in and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.



7. Youth/family camp demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
8. Parks, recreation areas, and facilities preserves and community or neighborhood centers.
9. Any new commercial service, or retail use, permissible in this zone that will be located entirely within an existing, lawfully erected commercial building or structure.
10. Agricultural produce stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "A-R" Agricultural Recreation zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

1. Major Home Occupations, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Small scale low impact retail commercial uses provided the following conditions are met:
  - a. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park;
  - b. The use is designed to serve the residents and their guests of the development; and
  - c. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
  - d. The use does not include the production, processing, wholesaling, or retailing of marijuana.*
3. Bed and breakfast inns.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
5. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030,
6. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

7. Auditoriums, outdoor stages and entertainment areas.
  - a. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park,
  - b. The use is designed to serve the residents and their guests of the development; and
  - c. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
8. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
9. Airports.
10. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

**F. Property Development Standards**

1. Property Size - Minimum parcel size for residential lots in the AR zone inside an unincorporated community boundary is 2 acres with a minimum lot width of 150 feet. Other uses shall be located on parcels determined to be sufficient to support the proposed use based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Structure Size - A size limitation is applicable to all small scale low impact commercial uses. The total cumulative floor area of a commercial structure or structures, built to accommodate or support any of the commercial uses listed in the AR zone, shall not exceed 3,500 square feet in an exception area zoned AR
3. Setbacks
  - a. Front Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches, or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.
  - c. Rear Yard
    - (1) For properties not located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a fence or retaining wall less than

forty-eight (48) inches shall be located closer than seven (7) feet from the rear property line

- (2) For properties located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a retaining wall less than forty-eight (48) inches shall be located closer than twenty (25) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
  6. Stream or Lake Setbacks
    - a. Pine Hollow and Rock Creek Reservoirs are both subject to Section 3.900 - Reservoir Overlay Zone (EPD-6).
    - b. All structures, or similar permanent fixtures (except hydroelectric facilities and docks), proposed in areas not mapped in the EPD-6, shall be set back from the high water line or mark along any streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
  8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
    - a. Signs shall not be illuminated or capable of movement.
    - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
    - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
  9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
  10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non reflective, opaque materials.
  11. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.240 "R-R (5)" RURAL RESIDENTIAL**

- A. Purpose:** To provide for low density residential and agricultural uses in a rural atmosphere, which will not conflict with commercial agricultural operations. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RR" Rural Residential zone shall comply with the following provisions:

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "R-R (5)" Rural Residential zone without review:

1. Farm uses, *except marijuana production*, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor). (Added 4/12)
4. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.120.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
  3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12) *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
  4. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
  5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
- D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “R-R (5)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
1. Guest House subject to Chapter 4 - Supplemental Provisions -Section 4.130.
  2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
  3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
  4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.
  5. Agricultural Produce Stand subject to Chapter 20 - Site Plan Review, and the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*
  6. Cemetery.
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “R-R (5)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
3. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
6. Utility Facilities (Major). (Added 4/12)
7. Mobile home parks subject to Chapter 16 - Mobile Home Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
8. Recreational vehicle parks subject to Chapter 17 - Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community. (Added 4/12)
9. Dude ranches subject to Chapter 20 - Site Plan Review. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
10. Parks, playgrounds and recreation areas and community or neighborhood centers.
11. Private schools or day nursery centers.
12. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
13. Kennels.
14. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
15. Personal-use airports for airplanes and helicopter pads, including seasonal hangars, maintenance and service facilities, where approach zones will not constitute hazards to adjoining residential properties.

16. Temporary tract office for the sale of lots in subdivision or Planned Development in which the office is located.
17. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. Property Size - The minimum property size for new parcels is five (5) acres with a three hundred (300) foot minimum average lot width.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.
  - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for structures shall be thirty-five (35) feet. Height is measured from average grade.
5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.
10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.



**SECTION 3.250 "R-R(10)" RURAL RESIDENTIAL**

- A. Purpose:** The purpose of the "R-R (10)" Rural Residential zone is to provide for low density residential and small scale, part time agricultural and forest uses in a rural atmosphere which will not conflict with commercial agricultural operations, while preserving open space and other forest uses. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (10)" Rural Residential zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "R-R (10)" Rural Residential zone without review:

1. *Except for the production of marijuana, Farm use*, as defined in ORS 215.203(2).
2. Forest Uses, including the propagation or harvesting of forest products.
3. Utility Facilities (Minor). (Added 4/12)
4. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
5. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
6. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
7. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(8) below.

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection G -

Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. (Added 4/12)
2. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. (Added 4/12) *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
5. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.
7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to subsections (F) and (G) of this section.
2. Guest House subject to Chapter 4 - Supplemental Provisions - Section 4.130.
3. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale

commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
5. Agricultural Produce Stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

#### **ENERGY/UTILITY FACILITIES**

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards of Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility Facilities (Major). (Added 4/12)

#### **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

5. Private parks, playgrounds, hunting and fishing preserves and campgrounds. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
6. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
7. Public or private schools.
8. Churches.

#### **COMMERICAL/AGRICULTURAL /INDUSTRIAL USES**

9. Major Home occupations, subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*

10. Kennels.

11. Commercial activities that are in conjunction with farm use as defined in ORS 215.203(2) including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

12. Facilities to manufacture alcohol from farm or timber waste.

13. The propagation, cultivation, maintenance and harvest of aquatic species.

14. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

**TRANSPORTATION**

15. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.

16. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

17. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

18. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

F. Standards for Establishment of a Dwelling and Accessory Structures

1. Scenic Development Standards including:

- a. Dwellings should be sited and landscaped to blend with their surroundings.
- b. House and roof colors that are non-reflective, preferably earth tone colors, that blend with surrounding vegetation or landscape, should be used on all exterior surfaces.
- c. Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.
- d. Existing landforms will be preserved and utilized for screening where applicable.
- e. Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing landforms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and reseeded with natural vegetation.

- f. All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.
  - g. Fences should be constructed of non-reflective materials and/or painted with non-reflective colors. Placement and alignment should be done to minimize their visibility.
2. In areas of parcels characterized by a predominance of oak or oak woodlands, native vegetation shall be retained to the greatest extent possible.

*\*Referenced publication is "Wildlife on White Oak Woodland", a Woodland Fish and Wildlife Project Publication available from the Wasco County Planning Office and ODFW in The Dalles.*

*(Washington Department of Fish and Wildlife has a draft report with additional quantifiable standards for accomplishing the above management goals. The recommendations are as of yet strictly draft recommendations and not to be cited as this time. Staff can follow up with ODFW to confirm if and when their recommendations become final and work with ODFW to verify their applicability to sites in the TLSA. In the meantime Oly Helgerson, OSU Extension Agent operating out of Stevenson, Washington will be able to provide guidance to individuals wishing to manage their oak woodlands.)*

#### **G. Property Development Standards**

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.
3. Setbacks - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

- c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
- 9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- 10. Road Disclosure Acknowledgement - Prior to the issuance of required permits for development, disclosure of the type of road which accesses the development shall be made known to the applicant/owner. If the road is determined to be a public road of local access and which does not meet county road access standards, the applicant shall sign a road Disclosure Acknowledgement which will be recorded in the deed records of Wasco County and which sets forth the following:
  - a. A statement that the property is served by a sub-standard road which does not meet the standards for safe access for emergency vehicles.
  - b. A statement that the property owner/applicant is aware of the type and extent of hazards present associated with the development of the subject property; and
  - c. A statement acknowledging that the property owner assumes all risk associated with the development of the subject property.
- 11. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.
- 12. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.310 "R-R (2)" RURAL RESIDENTIAL ZONE**

**A. Purpose:** The purpose of the "R-R (2)" Rural Residential zone is to provide for single-family residential use plus related compatible uses such as schools and parks. This zone is designed for those areas outside an Urban Growth Boundary or acknowledged Unincorporated Community Boundary, subject to a resource land goal exception prior to November 4, 2000, and not necessarily served by a public water or public sewer system. Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (2)" Rural Residential zone shall comply with the following regulations. *New marijuana uses are prohibited in this zone.*

**B. Uses Permitted Without Review:** The following uses are permitted on lands designated "R-R (2)" Rural Residential zone without review:

1. Farm uses, *except marijuana production*, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor)
4. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling on any legally created parcel including mobile homes at least

eighteen (18) feet wide subject to Chapter 4 - Supplemental Provisions - Section 4.120.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.
3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan.” This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
4. Additions to, and replacement of, a lawfully established building or structure.
5. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “R-R (2)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Guest House subject to Chapter 4 - Supplemental Provisions - Section 4.130 - Development Standards for Guest Houses.
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
4. Agricultural Produce Stands. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*
5. Cemetery.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “R-R (2)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, as well as any other listed, referenced or applicable standards:

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*



2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Utility Facilities (Major). (Added 4/12)
6. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
7. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
8. Private schools or day nursery centers.
9. Parks, playgrounds and recreation areas and community or neighborhood centers.
10. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
11. Dude ranches and hunting and fishing lodges, including overnight facilities and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
12. Temporary tract office for the sale of lots in subdivision in which the office is located.

F. Property Development Standards

1. Property Size - The minimum property size is two (2) acres with a one hundred twenty five (125) foot average lot width.
2. Setbacks:
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. Height is measured from average grade. Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.
5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.
10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.410 "RC" Rural Commercial**

**A. Purpose:** The "RC" Rural Commercial Zone is intended to provide for a wide variety of commercial housing and related activities. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC" Rural Commercial Zone shall make application for a site plan review, and comply with the following regulations.

**B. Uses Permitted Without Review:** The following uses and activities are permitted on lands designated "RC" Rural Commercial zone without review.

1. Utility Facilities (Minor). (Added 4/12)

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-C" Rural Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. Any new commercial service, or retail use, listed in section D of this zone that will be located entirely within an existing, lawfully erected commercial building or structure, demonstrating compliance with off-street-parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana retail uses shall comply with Chapter 11.*

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 3,500 sq. ft. (Added 4/12)

3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)

4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "RC" Rural Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards. (Amended 4/12)

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft: (Added 4/12)

3. Retail or service business. *Marijuana retail shall comply with Chapter 11.*
4. Eating or drinking establishment.
5. Offices.
6. Veterinary clinic and kennel entirely within an enclosed building.
7. Studio.
8. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A-1" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A-1" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
9. Residential use in the same building as an allowed use.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated-"RC" Rural Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major) except landfill. (Amended 4/12)
5. Recreational Vehicle Park subject to Chapter 17 – Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an

unincorporated community. (Amended 4/12)

6. Church.
7. Public or semi public buildings.
8. Public or private school.
9. Parks, athletic fields, playgrounds or community centers owned by a governmental or non profit agency or community organization.
10. Medical center.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft: (Added 4/12)

11. Automobile service stations.
12. Place of public assembly, stadium, auditorium, recreation building or natatorium.
13. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).
14. Child care center.

F. Property Development Standards

1. Property Size - The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks:
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "C" zone abuts the side of an "A-1" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is

measured from average grade.

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
7. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited.
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off-street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials.
10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

### **SECTION 3.510 "RI" RURAL INDUSTRIAL ZONE**

- A. Purpose:** The "RI" Rural Industrial Zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RI" Rural Industrial Zone shall make application for a site plan review and comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "RI" Rural Industrial zone without review:

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-I" Rural Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new industrial use listed in D of this zone, that will be located entirely within an existing, lawfully erected commercial or industrial building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana processing shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 3,500 or 35,000 sq. ft respectively. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "RI" Rural Industrial Zone subject to subsection F - Property Development Standards, Chapter 10 – Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by

Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 35,000 sq ft: (Added 4/12)

2. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
  3. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
  4. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
  5. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
  6. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
  7. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
  8. Transfer company and trucking companies.
  9. Laundry and cleaning service industries.
  10. Circus, rodeo or like activity.
  11. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling uses shall comply with Chapter 11.*
  12. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
  13. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "RI" Rural Industrial Zone subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.



1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. for commercial and 35,000 sq. ft. for industrial:

5. Any use permitted subject to standards or conditionally in the Rural Commercial zone.
6. Primary or value added processing and/or sale of raw material produced in the rural vicinity of the proposal (NOTE: this type of activity is exempt from any small scale low impact commercial or industrial size limitation but may be subject to conditions imposed through the Conditional Use Review). *Processing of marijuana shall comply with Chapter 11.*
7. Junk yard or automotive wrecking yard, enclosed in a view obscuring fence or wall.
8. Recreation areas and facilities, including but not limited to: golf courses.
9. Bulk storage of petroleum or gas.
10. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).
11. Concrete batching plants and the manufacture and sale of concrete products.
12. Campground as defined by OAR 660-033-0130.

F. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

- b. Side Yards - Where the side or rear of a lot or parcel in an "M" zone abuts a residential zone, there shall be a side or rear yard of not less than fifty (50) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of at least ten (10) feet from exterior side property lines for corner building sites. Where the side of a lot or parcel in the "RI" zone abuts the side of an "A-1" zone, there shall be a side or rear lot setback of 100 feet from the common property line. In other cases, a side yard shall not be required.
    - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line unless a greater setback is required next to an adjoining agricultural or residential zone in 2.b. above.
- 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- 4. Height - Maximum height for all structures shall be forty-five (45) feet. Height is measured from average grade.
- 5. Stream Setback - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.
- 6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- 7. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

- g.** Signs capable of movement shall be prohibited.
- h.** Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
- 8.** Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- 9.** Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways waterways. The exterior of shielding and hooding materials shall be composed of non reflective opaque materials.
- 10.** New Driveways - All new driveways which access a County road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- 11.** Outdoor Storage – Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

**SECTION 3.601 “TV-R” TYGH VALLEY RESIDENTIAL ZONE**

- A. Purpose:** The purpose of the “TV-R” Tygh Valley Residential zone is to provide for single family residential use where single family dwellings, including manufactured homes, may be located on single-family lots/parcels, where manufactured home parks may be established conditionally if designed in accordance with zoning density standards and where single-family residential uses plus related compatible uses can be sited. This zone is designed for parcels not necessarily served by a public water or public sewer system. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-R” Tygh Valley Residential zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated “TV-R” Tygh Valley Residential zone without review:

**1. Minor Home occupation that:**

- a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
- b. Does not serve clients or customers on-site;
- c. Does not produce odor, dust, glare, flashing lights or noise;
- d. Does not occupy more than 25 percent of the floor area of the dwelling;
- e. Does not include the on-premises display of sale of stock in trade; and
- f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.
- g. *Does not include the production, processing, wholesaling or retailing of marijuana.*

**2. Utility Facilities (Minor). (Added 4/12)**

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “TV-R” Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

\* This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 – Supplemental Provisions - Section 4.120. Pre-existing sub standard lots/parcels must provide proof of adequate sewer and water subject to DEQ standards.

New lots/parcels which have tested to a higher density (see property development standards) shall adhere to the well and/or sub-surface septic system location requirements approved in conjunction with a partition and concurrent binding site plan.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “TV-R” Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “TV-R” Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Utility facilities (Major), except landfills.
6. Public parks, recreation areas and community or neighborhood centers.
7. Public and semi-public buildings and uses not otherwise specified in this section.
8. Golf courses.
9. Mobile home parks subject to the density of the "TV-R" zone and the provisions of Chapter 16 - Mobile Home Parks.
10. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
11. Multi-family dwelling complex.
11. Planned Unit Developments subject to Chapter 18 – Planned Unit Development.
12. Retirement Center or nursing home.
13. Church.

F. Property Development Standards

1. Property Size - The purpose of this section is to ensure compliance with state rules and statutes requiring that unincorporated communities be zoned in a manner ensuring that when fully built out development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.
  - a. New lots or parcels served by an approved community, municipal or public water system shall have a minimum average width of 250 feet and a minimum area of 2 acres.

Lot/parcel owners can elect to test to a higher density, up to .5 acres, with a minimum average lot width of 100', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of Chapter 21 – Land Divisions. This site plan shall indicate an approved location for sub-surface septic system(s) which shall not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic facilities from adjoining properties to ensure the full well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Water Master prior to acceptance by the planning department.

- b. New lots or parcels not served by an approved community, municipal or public water system, evaluated in accordance with state laws governing review of public facilities plans in rural communities, shall have a minimum average width of 250 feet and a minimum area of 4 acres.

Lot or parcel owners can elect to test to a higher density, up to 1.5 acres with a minimum average lot width of 150', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of Chapter 21 – Land Divisions. This site plan shall indicate an approved location for well(s) and sub-surface septic system(s) which will not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic and well facilities from adjoining properties to ensure the full septic and well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Water Master prior to acceptance by the planning department.

## 2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.
- d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
- e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

- 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

- 4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall not extend over a public right-of-way or project beyond the property line.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards, which shall be the minimum size for the intended purpose.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
  - d. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - e. Signs capable of movement shall be prohibited.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Building Orientation - New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.
10. Garage/Carport Placement - Garages and carports are encouraged to be located on the side of the single family dwelling.
11. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division, manufactured dwellings shall:
  - a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
  - b. 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. If the home is placed on a basement, the 12 inch limitation shall not apply.

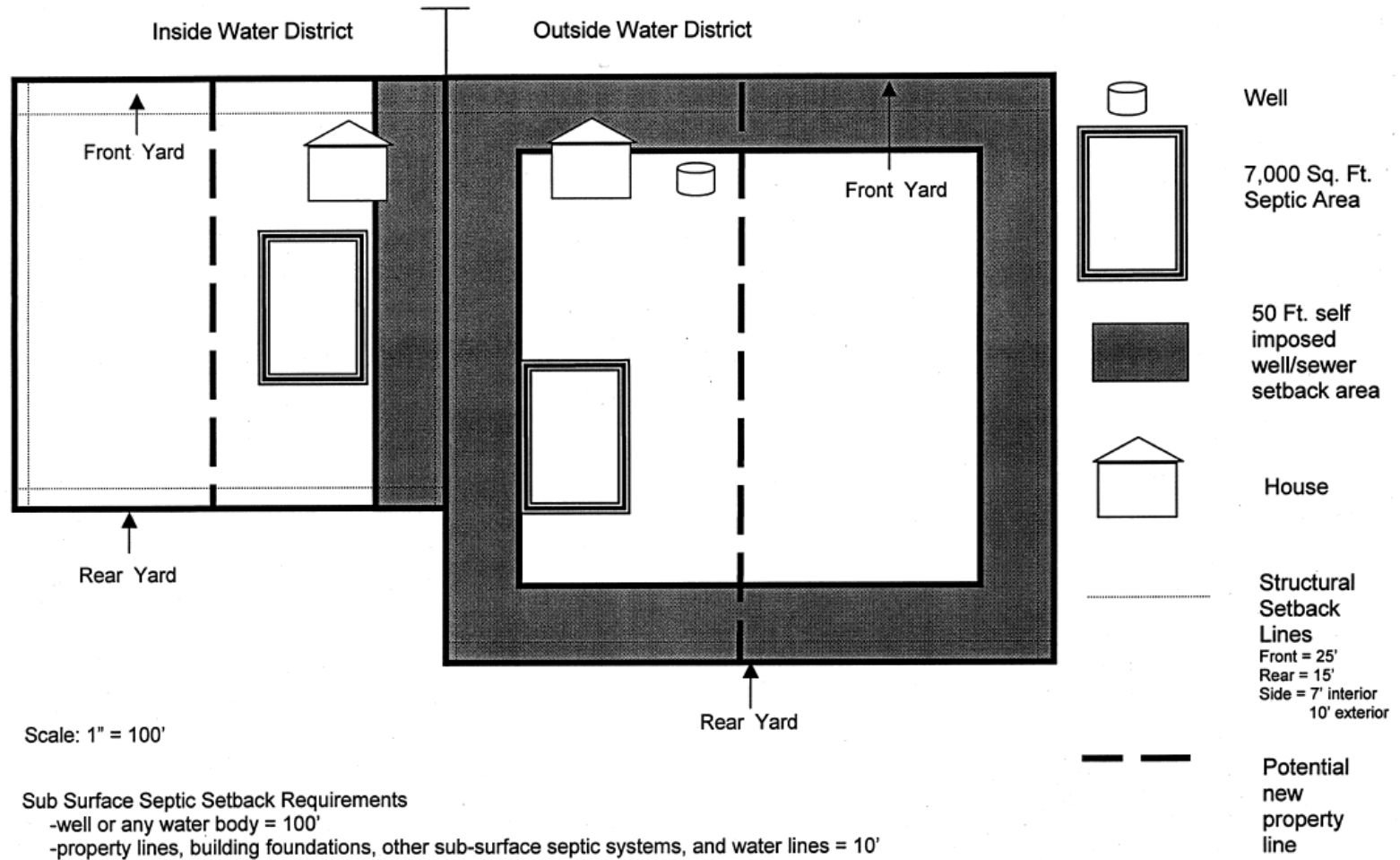


- c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
- d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- e. Be encouraged to have an attached or detached garage or a carport.

**12. Access**

- a. No access will be allowed off of US Highway 197.
- b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.
- c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

Diagram 1. Two Acre Density Test Model



### **SECTION 3.602 “TV-C” TYGH VALLEY COMMERCIAL ZONE**

- A. Purpose:** The purpose of the “TV-C” Tygh Valley Commercial zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance a wide range of retail sales and service establishments serving both the long and short term needs of Tygh Valley and its surrounding area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-C” Tygh Valley Commercial zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated “TV-C” Tygh Valley Commercial zone without review.

1. Utility Facilities (Minor).

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated “TV-C” Tygh Valley Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new commercial service, or retail use, listed in Section D of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana retail uses shall comply with Chapter 11.*

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft. (Added 4/12)

3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)

4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses “TV-C” Tygh Valley Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft: (Added 4/12)

3. Retail or service business. *Marijuana retail businesses shall comply with Chapter 11.*
4. Eating or drinking establishment.
5. Offices.
6. Veterinary clinic and kennel entirely within an enclosed building.
7. Studio.
8. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an “A” or “R” zone, there shall be no openings in the building walls facing the boundaries of an “A” or “R” zone other than stationary windows, except where such building walls abut streets or alleys.
9. Residential use in the same building as an allowed use.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated “TV-C” Tygh Valley Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major) except landfill.
5. Church.
6. Public or semi public buildings.
7. Public or private school.
8. Medical center. *Medical marijuana dispensaries shall comply with Chapter 11.*

Any combination of the following uses in a building or buildings not exceeding a cumulative

floor area of 4,000 sq. ft. (Added 4/12)

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
10. Automobile service stations.
11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
12. Place of public assemble, stadium, auditorium, recreation building or natatorium.
13. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre). *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
14. Child care center.
15. Parks, athletic fields, playgrounds or community centers owned by a governmental agency or non-profit community organization.

F. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses. If no use is proposed the minimum lot size shall be 2 acres.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "C" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet.  
  
In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  - e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use

shall be set back a minimum of 100 feet from the common property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty-five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.
5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall pertain only to goods and services sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
  - a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.

- b.** Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.
- 9.** Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
- 10.** Outdoor Storage - outdoor storage must be enclosed by a sight obscuring fence, wall or landscaping; all of which shall be maintained.
- 11.** Access
  - a.** No access will be allowed off of US Highway 197.
  - b.** Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.
  - c.** All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.
  - d.** Any commercial use generating in excess of 200 trips per day shall be required to prepare a traffic impact study demonstrating that traffic generated can be accommodated within Oregon Department of Transportation Standards or necessary improvements, identified by the traffic study, to the affected highway will be made prior to commencement of the commercial operation.

**SECTION 3.603 “TV-M1” TYGH VALLEY LIGHT INDUSTRIAL/COMMERCIAL ZONE**

- A. Purpose:** The “TV-M1” Tygh Valley Light Industrial/Commercial zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and commercial uses with limited external impact.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-M1” Tygh Valley Light Industrial/Commercial zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated TV-M1” Tygh Valley Light Industrial/Commercial zone without review:

1. Utility Facilities (Minor) (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated “TV-M1” Tygh Valley Light Industrial/Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new industrial use listed in D of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana processing shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 4,000 or 10,000 sq. ft respectively. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated TV-M1” Tygh Valley Light Industrial/Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by



Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft: (Added 4/12)

3. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
4. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
5. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
6. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
7. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
8. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
9. Transfer company and trucking companies.
10. Laundry and cleaning service industries.
11. Circus, rodeo or like activity.
12. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling uses shall comply with Chapter 11.*
13. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
14. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "TV-M1" Tygh Valley Light Industrial/Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety

Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Utility facilities (Major) except landfill.
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
6. Church.
7. Public or semi public buildings.
8. Public or private school.
9. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
10. Medical center. *Medical marijuana dispensaries shall comply with Chapter 11.*
11. Junk yard or automotive wrecking yard.
12. Recreation areas and facilities, including but not limited to: golf courses.
13. Bulk storage of petroleum or gas.
14. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 4,000 sq ft: (Added 4/12)

15. Retail or service business. *Marijuana retail shall comply with Chapter 11.*
16. Eating or drinking establishment.
17. Offices.

18. Veterinary clinic and kennel entirely within an enclosed building.
19. Studio.
20. Public garage, including usual automobile repairs and servicing enclosed within the building that when within fifty (50) feet of an "A" or an "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
21. Residential use in the same building as an allowed use in 14 through 19 above.
22. Automobile service station
23. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
24. Place of public assembly, stadium, auditorium, recreation building or natatorium.
25. Commercial amusement establishments (stadium, theatre, bowling alley, theatre). Limited in size only when enclosed. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
26. Child care center.

E. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yards - Where the side of a lot or parcel in an "M-1" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

- e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be forty-five (45) feet.
5. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall pertain only to goods and services sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited.
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Outdoor Storage - Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.
10. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
  - a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.
  - b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.

**SECTION 3.604 “TV-M2” TYGH VALLEY MEDIUM INDUSTRIAL ZONE**

- A. Purpose:** The purpose of the “TV-M2” Tygh Valley Medium Industrial zone is to provide for the location of needed industrial uses which are not dependent upon urban services. The “RC-TV-M2” zone encourages orderly and compatible development of industrial uses while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-M2” Tygh Valley Medium Industrial zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses and activities are permitted on lands designated “TV-M2” Tygh Valley Medium Industrial zone without review.

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated “TV-M2” Tygh Valley Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new industrial use listed in D of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana processing shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. If the building(s) is accessory to an industrial use the combined footprint of all industrial buildings and all accessory buildings shall not exceed 10,000 sq. ft. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated TV-M2” Tygh Valley Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards:

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft: (Added 4/12)

3. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats. *Marijuana processing and wholesaling shall comply with Chapter 11.*
  4. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
  5. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
  6. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
  7. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
  8. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
  9. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
  10. Transfer company and trucking companies.
  11. Laundry and cleaning service industries.
  12. Circus, rodeo or like activity.
  13. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling shall comply with Chapter 11.*
  14. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
  14. 15. Veterinary clinic or kennel.
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "TV-M2" Tygh Valley Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street

loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Utility facilities (Major) except landfill. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft: (Added 4/12)

5. Concrete batching plants and the manufacture and sale of concrete products.
6. One mobile home or watchman's quarters accessory to a permitted or conditional use.
7. Mobile homes or recreational vehicles, as defined in Section 1.090, accessory to a permitted industrial use for the purpose of providing housing for personnel subject to the following additional criteria:
  - a. The request for the mobile home or recreational vehicle shall be submitted in writing. Such request shall state the roles of the persons who will occupy the mobile home or recreational vehicle and provide documentation of employment with the permitted industrial use by at least one member of the household.
  - b. The request shall meet all applicable County health and sanitation requirements.
  - c. The location and use of the mobile home or recreational vehicle shall meet all other requirements of the zoning district.
  - d. No conditional use for a mobile home or recreational vehicle shall be transferable to any other owner or occupant.
  - e. Upon termination of the permitted industrial use or conditional use holders termination of employment with the permitted industrial use the conditional use mobile home or recreational vehicle shall be removed within sixty (60) days.
8. Automobile Service Stations.
9. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.
10. Recreation areas and facilities, including but not limited to: golf courses.
11. Bulk storage of petroleum or gas.



12. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

13. A campground as defined by OAR 660-033-0130.

E. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, maintenance of setbacks and compatibility with adjacent areas.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.

b. Side Yard - Where the side of a lot in the Medium Industrial Zone abuts the side of a lot in an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all structures shall be seventy-five (75) feet.

15. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
16. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall pertain only to goods and services sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Outdoor Storage - All outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

### **SECTION 3.606 “TV-AG” TYGH VALLEY AGRICULTURAL ZONE**

- A. Purpose:** The purpose of the “TV-AG” Tygh Valley Agriculture zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.
- B. Uses Permitted Without Review:** The following uses are permitted on lands designated “TV-AG” Tygh Valley Agriculture zone without review:
1. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Section 1.080 (Definitions). *Marijuana production is subject to compliance with Chapter 11.*
  2. Forest uses, including the propagation and harvesting of forest products.
  3. Creation, restoration and enhancement of wildlife habitat and wetlands that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section D(5) below. (Added 4/12)
  4. Minor Home occupation that:
    - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
    - b. Does not serve clients or customers on-site;
    - c. Does not produce odor, dust, glare, flashing lights or noise;
    - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
    - e. Does not include the on-premises display of sale of stock in trade.
    - f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.
    - g. Does not include the production, processing, wholesaling or retailing of marijuana.*
  5. Utility Facilities (Minor). (Added 4/12)
- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “TV-AG” Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 - Supplemental Provisions - Section 4.120.
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
4. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “TV-AG” Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
3. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers.
4. Dude ranches and hunting and fishing lodges. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
5. Creation, restoration or enhancement of wildlife habitat or wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). (Added 4/12)

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “TV-AG” Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the

request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Major Home Occupations, subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Bed and breakfast Inn in an existing residence. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
3. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone. (Amended 4/12) *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
4. Dog kennels, except that such uses are prohibited on high value farmland.
5. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.
6. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and Section 3.800 - Mineral & Aggregate Overlay (EPD 5).
8. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
9. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
10. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
11. Utility facilities (Major). (Added 4/12)

F. Property Development Standards

1. Property Size - New lots or parcels shall have a minimum average width of 500 feet and a minimum area of 20 acres.
2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.
  - b. Side Yard - No structure other than a fence shall be located closer than twenty-five (25) feet from side property.
  - c. Rear Yard - No structure other than a fence shall be located closer than forty (40) feet from the rear property line.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  - e. Agricultural setbacks - Any new structures requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.
  5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
  6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
    - a. Signs shall not extend over a public right-of-way or project beyond the property line.
    - b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
    - c. Signs capable of movement shall be prohibited
    - d. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
    - e. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
  7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division manufactured dwellings shall:
  - a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
  - b. 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. If the home is placed on a basement, the 12 inch limitation shall not apply.
  - c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
  - d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

**SECTION 3.611 “Wam-R-2” WAMIC RESIDENTIAL ZONE**

- A. Purpose: The purpose of the "Wam-R-2" Wamic Residential 2 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-R-2" Wamic Residential 2 zone shall comply with the following regulations.

- B. Uses Permitted Without Review: The following uses are permitted on lands designated “Wam-R-2” Wamic Residential 2 zone without review.

1. Utility Facilities (Minor). (Added 4/12)
2. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

- C. Uses Permitted Subject to Type I Review: The following uses are permitted on a legal parcel on lands designated “Wam-R-2” Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling, including mobile homes except single-wides on each legal lot/parcel provided that the minimum average density is maintained. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.
2. Buildings accessory to a lawfully established use. This also includes buildings less than



200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)

3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-2” Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)
3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-2” Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.
4. Public parks, recreation areas and community or neighborhood centers.
5. Public and semi-public buildings and uses not otherwise specified in this section.

6. Golf courses.
7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
9. Utility facilities (Major) except landfill. (Added 4/12)
10. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

F. Property Development Standards

1. Property Size

- a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of two (2) acre with a one hundred twenty-five (125) foot average lot width.
- b. New lots or parcels served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum property size of two (2) acres with a one hundred twenty-five (125) foot average lot width.
- c. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres In addition, an applicant shall demonstrate that:
  - (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20)

feet from the rear yard property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

- a. Signs shall not be illuminated or capable of movement.

- b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

- c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River.

**SECTION 3.612 “Wam-R-5” WAMIC RESIDENTIAL ZONE**

- A. Purpose:** The purpose of the " Wam-R-5" Wamic Residential 5 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-R-5" Wamic Residential 5 zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated “Wam-R-5” Wamic Residential 5 zone without review:

1. Utility Facilities (Minor). (Added 4/12)
2. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “Wam-R-5” Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling, including mobile homes except singlewides, on each legal lot/parcel including mobile homes with a minimum of eight hundred (800) square feet of floor area subject to Chapter 4 - Supplemental Provisions - Section 4.160 provided that the minimum average density is maintained. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.

2. Buildings accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Amended 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-5” Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

**E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-5” Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090. (Amended 4/12) *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

4. Public parks, recreation areas and community or neighborhood centers.
5. Public and semi-public buildings and uses not otherwise specified in this section.
6. Golf courses.
7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
9. Utility facilities (Major) except landfill.
10. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

F. Property Development Standards

1. Property Size

- a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of five (5) acres with a three hundred (300) foot average lot width.
- b. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres. In addition, an applicant shall demonstrate that:
  - (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

a. Signs shall not be illuminated or capable of movement.

b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

**SECTION 3.613 "Wam C-2" WAMIC COMMERCIAL ZONE**

- A. Purpose:** The purpose of the "Wam-C-2" Wamic Commercial Zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-C-2" Wamic Commercial Zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses and activities are permitted on lands designated "Wam-C-2" Wamic Commercial Zone without review.

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards:

1. Any new commercial service, or retail use that will be located within an existing building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. (Amended 4/12) *Marijuana retail uses shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact may be permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)



2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft: (Amended 4/12)

3. Retail or service business. *Marijuana retail businesses shall comply with Chapter 11.*
4. Eating or drinking establishment
5. Offices
6. Veterinary clinic and kennel entirely within an enclosed building
7. Public garage, including usual automobile repairs and servicing enclosed within the building that:
8. When within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
9. Residential use in the same building as a use permitted in this subsection (B).

E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following small scale low impact may be permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major). (Added 4/12)
5. Church.
6. Public or semi public buildings.
7. Public or private school.
8. Medical center. *Medical marijuana dispensaries shall comply with Chapter 11.*

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
10. Automobile service stations.
11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
12. Place of public assembly (stadium, auditorium, recreation building or natatorium).
13. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre). *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
14. Child care center.
15. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

F. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, landscaped area, maintenance of setbacks and compatibility with adjacent uses.
2. Sewer and water requirements - Applicant must obtain approval for an on-site sewage disposal system or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.
3. The county shall notify the Wamic Water and Sewer District of land use action made under this chapter.
4. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "Wam-C-2" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Height - Maximum height for all structures shall be thirty-five (35) feet.
7. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
8. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
9. Signs - Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
11. Site Plan Review - Provisions of Chapter 20 shall apply to Subsections B and C of this section.
12. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

**SECTION 3.614 "Wam-M-2" WAMIC MEDIUM INDUSTRIAL ZONE**

- A. Purpose: The purpose of the "Wam-M-2" Medium Industrial Zone is to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-M-2" Medium Industrial Zone shall comply with the following regulations.

- B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "Wam-M2" Wamic Medium Industrial zone without review.

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-M-2" Wamic Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to an industrial use the combined footprint of all buildings and all accessory buildings shall not exceed 10,000 sq. ft. (Added 4/12)

2. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)

3. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review: The following small scale low impact uses may be permitted on a legal parcel on lands designated Wam-M-2" Wamic Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards:

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

3. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats. *Marijuana processing and wholesaling shall comply with Chapter 11.*
  4. Railroad yard, shipyard and barge docking facilities.
  5. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
  6. Wholesale business, storage warehousing, transfer company and trucking companies.
  7. Contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
  8. Light manufacturing, compounding or assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
  9. Welding and machine shop.
  10. Laundry and cleaning service industries.
  11. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
  12. Retail or combination retail whole lumber and building materials yard, not including concrete mix.
  13. Outdoor storage when enclosed by a fence, wall or sight obscuring landscaping; all of which shall be maintained.
  14. Circus, rodeo or like activity.
  15. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling shall comply with Chapter 11.*
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "Wam-M-2" Wamic Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major) except landfill. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

5. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.
6. Concrete batching plants and the manufacture and sale of concrete products.
7. Automobile Service Stations.
8. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.
9. Recreation areas and facilities, including but not limited to golf courses.
10. Bulk storage of petroleum or gas.
11. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, landscaped area, maintenance of setbacks and compatibility with adjacent areas.
2. Sewer and water requirements – Applicant must obtain approval for an on-site disposal system or if applicable obtain a Department of Environmental Quality (DEQ) Waste water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.
3. The County shall notify the Wamic Water and Sewer District of land use actions made under this chapter.
4. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.
  - b. Side Yard - Where the side of a lot in the "Wam-M-2" Medium Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height;

for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Height - Maximum height for all structures shall be seventy-five (75) feet.
7. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.
8. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
9. Signs - No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.
10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
11. Site Plan Review - Provisions of Chapter 20 shall apply.
12. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

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**CHAPTER 11 MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND  
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(Adopted **mm/dd/yy**)

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**CHAPTER 11**      **MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND RETAILING**

**SECTION 11.010**      **PURPOSES**

*This chapter describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Wasco County. The goals of this chapter are to:*

- *Establish reasonable time, manner and place requirements for new business that produce, process, wholesale or retail marijuana.*
- *Provide clear and objective standards for marijuana businesses;*
- *Minimize conflict with other permitted uses in underlying zones;*
- *Protect resources identified in the Wasco County Comprehensive Plan; and*
- *Protect the public health, safety, and general welfare of the citizens of Wasco County.*

**SECTION 11.020**      **APPLICABILITY**

- A. *Marijuana production, processing, wholesaling and retailing uses are only allowed if they are specifically listed as an allowed use in Chapter 3 under the zoning section that directly applies to the subject (legally created) property(ies).*
- B. *Marijuana production, processing, wholesaling, and retailing are prohibited uses in all Wasco County Residential or Rural Residential zones (R-R (2), R-R (5), R-R (10), RC-TV-R, RC-Wam-R2, and RC-Wam-R5), Farm Forest zones (F-F) and Agriculture Recreation zones (A-R).*
- C. *Marijuana production, processing, wholesaling and retailing are prohibited as a home occupation in any zone.*
- D. *Marijuana production in the Exclusive Farm Use zone (A-1) must comply with all provisions of Chapter 11.*

**SECTION 11.030**      **PROCEDURES**

*Marijuana uses are allowed as specified in the applicable zone.*

**SECTION 11.040**      **MARIJUANA PRODUCTION AND MARIJUANA PROCESSING**

*Marijuana production and marijuana processing shall be subject to the following standards and criteria:*

- A. **Minimum Yard Depth.** *No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.*
- B. **Access.** *The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or*

*easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.*

**C. Security Cameras.** *If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.*

**D. Odor.** *A building used for marijuana production or marijuana processing shall be equipped with a carbon filtration system for odor control.*

- 1. The system shall consist of one or more fans and filters.*
- 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).*
- 3. The filter(s) shall be rated for the applicable CFM.*
- 4. The filtration system shall be maintained in working order and shall be in use.*
- 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.*

**E. Lighting.** *Lighting shall be regulated as follows:*

- 1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.*
- 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.*
- 3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not spill onto adjacent lots.*

**F. Water.** *The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing. Proof could include, but is not limited to, a copy of a water right that serves the proposed use or a letter from the irrigation district, municipal water provider or the Watermaster.*

**G. Waste Management.** *Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.*

**SECTION 11.050 MARIJUANA RETAILING**

*Marijuana retailing shall be subject to the following standards and criteria:*

- A. **Hours.** A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 10 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 10 p.m.*
- B. **Odor.** A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control.
  - 1. The system shall consist of one or more fans and filters.*
  - 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to one-third of the square footage of the building floor space (i.e., one CFM per three square feet of building floor space).*
  - 3. The filter(s) shall be rated for the required CFM.*
  - 4. The filtration system shall be maintained in working order and shall be in use.*
  - 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.**
- C. **Window Service.** The use shall not have a walk-up window or drive-thru window service.*
- D. **Waste Management.** Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.*
- E. **Minors.** No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.*
- F. **Co-Location of Related Activities and Uses.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.*
- G. **Minimum Separation Distances.** Minimum separation distances shall apply as follows:
  - 1. The use shall be located a minimum of:
    - a. 1,000 feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property***

*used by the school;*

- b. 1,000 feet from a public park, public playground, government-owned recreational use, public library, licensed treatment center, or multifamily dwelling owned by a public housing authority.*
- c. 1,000 feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool;*
- d. 1,000 feet from an established church, including church schools;*
- e. 200 feet from any residentially zoned property; however, this provision shall not apply if the subject property has street frontage on a principal interstate, principal expressway, principal arterial, or major arterial.*
- 2. If the use is licensed by the Oregon Liquor Control Commission (OLCC) pursuant to [insert reference from Oregon Laws], it shall be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.*
- 3. If the use is registered with the Oregon Health Authority (OHA) pursuant to [insert reference from Oregon Laws], it shall be located a minimum of 1,000 feet from any other marijuana retailer so registered with the OHA.*
- 4. For purposes of Subsection 11.050(G)(1), distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For purposes of Subsections 11.050(G)(2) and (3), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.*
- 5. A change in use (including a zone change) to another property to a use identified in Subsection 11.050(G) after a complete application for marijuana retailing has been filed, shall not result in the marijuana retailer being in violation of Subsection 11.050(G).*
- 6. Subsection 11.050(G) does not apply to:*
  - a. Any marijuana retailer that applied for a registration with the Oregon Health Authority and has subsequently obtained full, unconditional approval on or before the adoption date of this ordinance (Chapter 11).*
  - b. Any marijuana retailer operating in a building space that was approved for operation by the Oregon Health Authority on or before the adoption date of this ordinance (Chapter 11) and where approved marijuana retailing activities have been continuously occurring in that building space since approval.*
- 7. In case of a conflict under Subsection 11.050(G)(2) or (3), any person who has received approval of a land use permit for marijuana retailing, shall be deemed to have established marijuana retailing at the approved location, so long as the marijuana retailer begins operation within two years of the date of the County's final*

*decision on land use permit application. If more than one application is in process with the County at one time, the County shall issue decisions in the order in which complete applications were filed.*

**SECTION 11.060 APPROVAL PERIOD**

- A. Approval of a permit under Chapter 11 is valid for two (2) years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented, or the approval will become void.*
  - 1. Implemented for production and processing means all major development permits shall be obtained and maintained for the approved conditional use. If no major development permits are required to complete the development contemplated by the approved conditional use, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
    - a. A building permit for a new primary structure that was part of the approved development; or*
    - b. A permit issued by the County for parking lot or road improvements required by the approved development.**
  
- B. Approval of a permit under Subsection 11.050 (retailing) is valid for two years from the date of the County's final decision. During this two-year period, the approval shall be implemented, or the approval will become void. Implemented means that the marijuana retailer has begun operation and is open for consumer business. Notwithstanding this two-year implementation period, a complete application for a marijuana retailing license shall be filed with the Oregon Liquor Control Commission, or a complete application for a medical marijuana dispensary registration shall be filed with the Oregon Health Authority, within three months of the date of the County's final decision, or the approval will become void.*

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DWELLING (PRIMARY STRUCTURE) ON A  
NON-CONFORMING LOT-OF-RECORD IN THE "A-1"  
EXCLUSIVE FARM USE OR "FF" FOREST-FARM ZONES**

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**CHAPTER 12 APPLICATION FOR A FARM OR FOREST RELATED DWELLING  
(PRIMARY STRUCTURE) ON A NON-CONFORMING LOT-OF-RECORD  
IN THE "A-1" EXCLUSIVE FARM USE OR "FF" FOREST-FARM ZONES**

**SECTION 12.010 Purpose**

The purpose of this chapter is to establish a mechanism for review action on farm or forest related dwelling requests located on parcels not meeting the minimum lot area required by the applicable zoning classification and qualifying as a lot-of-record under this Ordinance.

**SECTION 12.020 Building Permits**

A. In accordance with Section 3.210(B) and Section 3.220(B) of this Ordinance, one single-family dwelling is permitted in the "A-1" Exclusive Farm Use and "FF" Forest-Farm zones. In those instances in which a lot-of-record contains less than minimum acreage required of that zone and the dwelling requested will be in conjunction with farm or forest activities, the following apply:

1. A building permit on a nonconforming lot-of-record, which is less than the minimum lot area, shall be issued provided that the applicant makes assurances that the dwelling will be in conjunction with farm or forest activities. Approval of a single-family dwelling in conjunction with a farm use shall conform to the following criteria:
  - a. The farm will be appropriate for the continuation of existing commercial agricultural enterprise in the area;
  - b. The farm will contribute in a substantial way to the existing agricultural economy;
  - c. The farm will help maintain agricultural processors and establish farm markets;
  - d. The proposed use is compatible with the farm use in the area and does not interfere either in itself or in the location of improvements, with "current accepted practices" as that term is defined in O.R.S. 215.203(2)(c) which characterizes such use;
  - e. The proposed use is consistent with the agricultural land use policy for the State of Oregon expressed in O.R.S. 215.243;
  - f. The proposed use would not materially alter the stability of the overall land use pattern of the area, nor would substantially add to the demand for increased use of roads, ground water during growing seasons, or public facilities and services; and

**g.** The parcel is typical of the existing commercial agricultural operations in the surrounding area and is of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in O.R.S. 215.203(2)(c) and taking into account:

(1) soil types and patterns in the area and typical yields;

(2) type of crops grown in the area and typical yields;

(3) potential markets;

(4) other relevant information included in the agricultural element of the Wasco County Comprehensive Plan; and

(5) average size of parcels conducting agricultural farming practices in the area.

***h. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling in Exclusive Farm Use zones. (See Section 34, Chapter 614, Oregon Laws 2015.)***

**2.** In an instance in which an applicant for a building permit for a nonconforming lot-of-record does not intend to construct or place a dwelling that is in conjunction with farming or forest activities, the applicant must apply for a Conditional Use Permit for a non-farm or non-forest dwelling in a resource land.



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## CHAPTER 20 SITE PLAN REVIEW

### **SECTION 20.010 Purpose**

The purpose of the Site Plan Review procedure is to enable the Approving Authority to review development proposals for conformity with the provisions of this ordinance and to allow the imposition of such conditions on the development or projects as are necessary to bring it into conformity with the Comprehensive Plan and surrounding development.

### **SECTION 20.020 Approval, Rejection and Modification**

Any such site plan may be approved, rejected and modified, or approved subject to conditions. Any such site plan, after approval, shall be amended through the same procedure as in the initial approval of such site plan; except, that minor alterations or modification to a previously approved site plan may be approved by the Planning Director; provided that, in the judgment of the Planning Director, such modifications or alterations do not represent deviations of a substantial nature.

### **SECTION 20.030 Contents of the Site Plan**

The Site Plan shall clearly indicate the following information:

- A. Lot dimensions.
- B. Location, size, height, of all existing or proposed buildings and structures, and illustrating the buildings and parking facilities on abutting properties.
- C. Location, size and dimension of all yards and setbacks and all spaces between buildings.
- D. Walls and fences: Location, height and materials.
- E. Off-street parking:
  - 1. Location, dimensions and method of improvement of all driveways and parking areas consistent with Sections 20.050 & 20.080.
  - 2. Number of spaces consistent with Section 20.050 & 20.080 and internal circulation pattern.
  - 3. Size and location of existing and proposed curb openings.
- F. Access: Pedestrian, vehicular, service; and definitions of all points of ingress and egress.

- G. Signs: Location, size, height, material and method of illumination.
- H. Loading: Location, dimensions, number of spaces, internal circulation and access from public right-of-way consistent with 20.070 & 20.080.
- I. Lighting: General nature, location and hooding devices (not including interior building lighting).
- J. The location, dimensions and methods of improvement for all property to be dedicated to general public purposes or to public utilities.
- K. A detailed plan for landscaping, if determined necessary by the Planning Director which shall clearly illustrate:
  - 1. Plants and tree species, their initial sizes and other proposed landscaping materials.
  - 2. The location and dimensions of all areas to be devoted to landscaping, and location of automatic sprinkler systems.
- L. Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices.
- M. Drainage and grading plan.
- N. Identification of proposed trash storage locations, including proposed enclosure design construction and access for pick-up purposes.
- O. Location of existing utility poles.
- P. Such data as may be required by the Planning Director to act on the application.

**SECTION 20.040 Approval Standards**

Upon completion of the Site Plan Review, the Approving Authority shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Approving Authority shall find that:

- A. All provisions of this ordinance and other applicable ordinances are complied with.
- B. Elements of the site plan are arranged so that:
  - 1. Traffic congestion is avoided.

2. Pedestrian and vehicular safety and welfare are protected.
  3. Significant features and public amenities are preserved and maintained.
  4. There will be minimal adverse effect on surrounding property.
- C. Proposed lighting is arranged to direct light away from adjoining properties.
- D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.

### **SECTION 20.050 Off-Street Parking**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off-street parking:

#### **A. Residential**

1. Single-family dwelling: One (1) space per dwelling unit.
2. Residential hotel, rooming or boarding house: Four (4) spaces per five (5) guest accommodations, plus one (1) space per two (2) employees.
3. Two family or multi-family dwellings: Three (3) spaces per two (2) dwelling units.

#### **B. Commercial Residential**

1. Motel: One (1) space per guest room plus one (1) space for owner or manager.
2. Club or Lodge: One (1) space per five (5) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly, whichever is greater.

#### **C. Institutional**

1. Welfare or correctional institutions: One (1) space per five (5) beds for patients or

inmates, plus one (1) space per employee.

2. Convalescent hospital, nursing home, sanitarium, rest home for the aged: One (1) space per five (5) beds for patients or residents, plus one (1) space per employee.
3. Hospital: Three (3) spaces per two (2) beds.

**D. Places of Public Assembly**

1. Church: One (1) space for four (4) seats or every eight (8) feet of bench length in the main auditorium.
2. Library, reading room, museum, art gallery: One (1) space per four hundred (400) square feet of floor area plus one (1) space per two employees.
3. Pre-school, nursery, kindergarten: Two (2) spaces per teacher; plus off-street loading and unloading facility.
4. Elementary or junior high school: One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or every eight (8) feet of bench length in the main auditorium, whichever is greater.
5. High School: One (1) space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
6. Other auditorium, meeting room: One (1) space per four (4) seats or every eight (8) feet of bench length.

**E. Commercial Amusement**

1. Stadium, arena, theater: One (1) space per four (4) seats or every eight (8) feet of bench length or equivalent capacity if no seating is provided.
2. Bowling alley: Five (5) spaces per alley plus one (1) space per two (2) employees.
3. Dance hall, skating rink: One (1) space per one hundred (100) square feet of floor area plus one (1) space per two (2) employees.

**F. Commercial**

1. Retail store except as provided in subsection (2): One (1) space per two hundred (200) square feet of floor area plus one (1) space per employee.

2. Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture: One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.
3. Bank, office (except medical and dental): One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.
4. Medical and dental clinic: One (1) space per three hundred (300) square feet of floor area plus one (1) space for every four (4) seats.
5. Eating and drinking establishment: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for every four seats.
6. Mortuaries: One (1) space per four (4) seats or every (8) feet of bench length in chapels.

**G. Industrial**

1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal: One (1) space per employee.
2. Wholesale establishment: One (1) space per employee plus one (1) space per seven hundred (700) square feet of patron serving area.

**SECTION 20.055 Bicycle Parking Requirements**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

- A. Number of Bicycle Parking Spaces - A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:
  1. Multi-Family Residences - Every residential use of four (4) or more dwelling units provides at least one (1) sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
  2. Parking Lots - All public and commercial parking lots and parking structures provide a minimum of one (1) bicycle parking space for every 10 motor vehicle

- parking spaces.
3. Schools - Elementary and middle schools, both private and public, provide one (1) bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  4. Colleges and trade schools provide one (1) bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent (50%) of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  5. County Commercial - Within the County commercial and employment zones (Rural Commercial, Rural Industrial, Wamic Commercial, Tygh Valley Commercial, Tygh Valley Light Industrial/Commercial, Tygh Valley Medium Industrial/Commercial), where the proposed use is commercial, bicycle parking for customers shall be provided along the roadway at a rate of at least one (1) space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be located in front of the stores along the roadway, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. 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. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure shall be provided at a rate of one (1) space per 10 employees, with a minimum of one space per store.
  6. Multiple Uses - For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces is required.
- B. Exemptions** - This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.
- C. Location and Design** - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other

pedestrian amenities.

- D. Visibility and Security - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- E. Options for Storage - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- F. Lighting - Bicycle parking shall be least as well lit as vehicle parking for security.
- G. Reserved Areas - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards (Section 4.090 Vision Clearance).

#### **SECTION 20.060 Public Parking Area**

Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows:

- A. Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be properly maintained. Where such public parking area abuts or lies within an "A" and "R" zone, the required wall, fence or hedge shall not be less than six (6) feet in height on the sides or rear yards abutting or within such "A" or "R" zone.
- B. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be fixed so as to reflect away from adjoining premises in residential zones.

#### **SECTION 20.070 Off-Street Loading**

- A. Schools: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and



maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

**SECTION 20.080 General Provisions - Off-Street Parking and Loading**

- A.** The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- B.** Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.
- C.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D.** Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.
- E.** Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.
- F.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G.** Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.

**H. Design requirements for parking lots:**

1. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.
  2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
  3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
  4. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
  5. Lighting of the parking area shall be deflected from a residential zone.
- I. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

**SECTION 20.090 Home Occupations**

Home occupations, as defined in Section 1.090 shall be subject to Sections 2.040 – 20.080 as well as the following criteria:

- A. Will be operated by a resident of the property on which the business is located;
- B. Will employ no more than five full or part-time persons.
- C. Will be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.
- D. Will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- E. Will have retail sales only as an activity incidental or secondary to the primary home occupation use;
- F. Will not display, or create outside the structure, any external evidence of the operation of the home occupation other than one non-animated, non-illuminated name plate, on premises, and in conformance with the size restrictions of the underlying zone;
- G. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

- H. Construction of a structure that would not otherwise be allowed in the zone is not permitted.
- I. Will be reviewed annually by the Approving Authority. The approval shall continue if the home occupation continues to comply with the requirements of this section.

On High Value Lands in the Exclusive Farm Use Zone (Not Applicable to Section 20.100)

- J. Home occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.
- K. Home occupations may not be authorized in structures accessory to resource use.
- L. A home occupation located on high-value farmland may employ only residents of the home.

**M. *The following uses are prohibited from all minor and major home occupations:***

- (a) Marijuana production;*
- (b) Marijuana processing;*
- (c) Marijuana wholesaling; and*
- (d) Marijuana retailing.*

**Section 20.100 Home Occupation to Host Commercial Events** (Exclusive Farm Use Zone only)

The section is not intended to apply to events hosted at such public gathering places as churches, community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit organizations for charitable purposes. Nor is this Ordinance intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770). *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

In addition to meeting Sections 20.010 – 20.090 above, home occupations to host commercial events must meet the following criteria:

- A. Frequency of Events:** This shall be determined through the review process to minimize the potential impact to the local agricultural region.

- B. Maximum Number of Guests:** Shall be based on the capacity of the site, but shall not include more than 300 guests at any one event.
- C. Duration of Event:** This shall be determined based on the potential impact to adjacent properties but no event shall take place outside the hours of 7:00 am – 10:00 pm.
- D. Noise:** It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area. Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:
- The volume of the noise;
  - The intensity of the noise;
  - The duration of the noise;
  - Whether the noise is recurrent, intermittent, or constant;
  - The time of day or night the noise occurs;
  - Whether the nature of the noise is usual or unusual;
  - Whether the origin of the noise is natural or unnatural;
  - The nature and zoning of the area within which the noise emanates and where it is received;
  - Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this Section if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or
  2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant's property lines within a residential district or near a residential area.
- F. Parking:** At least 200 square feet of parking space shall be required for each vehicle. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
- G. Fire & Emergency Vehicle Access:** Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.

- H. Catering: Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.
- I. Alcohol *and Marijuana*: Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol *or marijuana* is served during an event. *A commercial activity carried on in conjunction with marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- J. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling's on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.
- K. Sign: One temporary sign may be allowed in addition any other sign allowed as part of a prior approval. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the event and shall be removed within 24 hours after the event.
- L. Contents of the Site Plan: In addition to the requirements of Section 20.030 above, the applicant shall submit a written narrative and site plan addressing the following issue:
1. Designated area and existing structures to be used for the events
  2. Number of events anticipated per season
  3. Frequency of events
  4. Maximum number of guests intend to serve
  5. Noise
  6. Infrastructure – How will you provide electricity and utilities to the event?
  7. Parking & Circulation – Need to provide one (10' x 20') parking space per vehicle; estimate 3 people per car.
  8. Traffic and Access
  9. Environmental Health Aspects
    - a. How will food be provided? Where will it be served?
    - b. What is your domestic water source?

- c. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.

**10. Safety & Insurance**

- 11. Are alcoholic beverages being served? If so, are OLCC requirements being met?

- M. Expiration of Approval: Land use approvals for home occupations to host commercial events shall not be valid for more than four years from the original date of approval. Landowners must reapply for the use after a land use approval expires.



**Wasco County Planning Department**  
*"Service, Sustainability & Solutions"*

2705 East Second St. • The Dalles, OR 97058  
(541) 506-2560 • [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

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# **WASCO COUNTY BOARD OF COMMISSIONERS SUPPLEMENTAL PACKET (COMMENTS & EXHIBITS)**

**FOR**

**Hearing Date: December 28, 2015**

**Hearing Time: 5:30 pm**

**Hearing Location: Wasco County Courthouse, Rm 302  
511 Washington St  
The Dalles, Oregon 97058**

**Action Item(s):**

**LEGISLATIVE HEARING:**

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.



## Wasco County Planning Department

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[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

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Date: December 23, 2015  
To: Wasco County Planning Commission  
From: Wasco County Planning Office  
Subject: Supplemental Submittal for Hearing dated December 28, 2015

#### **LEGISLATIVE HEARING:** - COMMENTS RECEIVED

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.

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WASCO COUNTY

Angie Brewer <angieb@co.wasco.or.us>

Fwd: Wasco Co. hearing response

1 message

Olen <oc@dozico.com>  
To: angieb@co.wasco.or.us

Wed, Dec 23, 2015 at 12:55 PM

Hi Angie,

The other night at the second hearing, you asked me to resend the email I initially sent as a response to the first hearing. It is below.

- Olen

----- Forwarded Message -----

**Subject:**Wasco Co. hearing response  
**Date:**Thu, 17 Dec 2015 20:52:21 -0800  
**From:**Olen <oc@dozico.com>  
**To:**angieb@co.wasco.or.us  
**CC:**John Pearson <mosierhighlands@gmail.com>

Hi Angie,

Thanks again for your time last night hosting the hearing regarding Wasco's response to Measure 91 and HB 3400. I would also like to thank the commission for its willingness to accept input from the local community. It's apparent that the commission is eager to learn from the community and wants to do what is appropriate for all residents.

Before leaving the hearing, you and Russ Hargrave asked that I send an email regarding some of the points I brought up yesterday. He mentioned that an email sent to you, Angie, will be forwarded to the rest of the commission.

To provide some context to the following request; our family has 1,300 acres of F2-80 land just south of Mosier. We are going to be applying for a recreational producer license at the end of 2016. Additionally, we are familiar with many of the local medical cannabis growers in Mosier.

Draft ordinance alteration recommendations:

1. Regarding the draft ordinance's authority over medical cannabis, we request that any mention of medical cannabis be removed from the draft ordinance.
  - a. The changes to the draft ordinance have been proposed in response to Measure 91 and HB 3400, which pertain to recreational cannabis.
  - b. Oregon medical cannabis has been allowed state-wide since 1998. Wasco county has never had to restrict medical cannabis cultivation in the past. (As far as I know.)
  - c. If the commission proceeds to restrict medical cannabis cultivation in Wasco County, it would appear that the commission is taking advantage of the opportunity to define time, manner, and place for recreational cannabis as a way to restrict medical cultivation as well. Given the number of medical growers and patients in the county, the commission could expect a great deal of public outcry if the medical cannabis language remains in the changes to the ordinance.
  - d. Additionally, on a fundamental level, to restrict medical patients access to their medicine from

local growers appears inhumane.

- e. Again, We encourage the council to remove any mention of medical cannabis from the ordinance text modifications.
2. Regarding forest zoning, we would like to request that processing and wholesaling be allowed for cannabis businesses in such land areas.

- a. **Wholesaling:** In addition to having our own production at the F2-80 zoned ranch, we plan to host 1-2 other cannabis growers with similar values; who are committed to organic growing. Ideally, we would have one central, secure location where all of the producers can trim, dry, and store their product until it is ready to be shipped off-property to processors, wholesalers, and retailers.

Without the ability to obtain a wholesale license for our property, we will not be able to have a central, secure location on the property to trim, dry, and store for the other producers in our cooperative. Without a wholesale license, we will have to obtain permits for new buildings at each licensed premises and would also require a greater upfront investment to ensure that each producer has a safe, secure location to dry, trim, and store their product. This poses an unnecessary burden on us and the other producers to whom we lease.

- b. **Processing:** At the hearing, I requested an explanation for why processing is disallowed in F2-80 and similar zones. The given reason is that processing facilities for timber and other agricultural industries requires a great amount of space and resources to operate.

Cannabis processing, however, can take place in more compact areas. A size of 2,000 sq. ft. would be completely ample for a cannabis processing operation. In the current housing market, the average home size available in Wasco County is 1,961 sq. ft., evidencing that any cannabis processing operation should not require any more space than the average home size available on the market today. When compared to a timber or hay processing operation, it seems apparent that a cannabis/lavender/herbal extraction processing operation should not require anywhere near the amount of space or resources that a timber or hay processing operation would require.

To apply processing ordinances to the cannabis industry, or that of other herbal extracts, which were designed to be applicable to other industries such as timber and hay seems inappropriate, and will create an undue burden and revenue loss for local, Wasco County producers/processors.

A fairness recommendation for the commission in allowing processing for cannabis related industries; Do not create an exemption to the ban on processing in forest zones based on crop type, but on size of processing operation. Other crop types, beside cannabis are unduly restricted by the current land use ordinances.

Again, thank you for the opportunity to provide input for the commission's consideration of Measure 91 and HB 3400.

Please feel free to reach out to me directly with any questions and/or comments.

--

Olen Christianson  
oc@dozico.com  
828-450-1744



Angie Brewer <angieb@co.wasco.or.us>

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## measure 91 meeting 12/21/15

1 message

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**joshua fry** <thefrypharm@gmail.com>  
To: angieb@co.wasco.or.us

Wed, Dec 23, 2015 at 12:07 PM

Hello Angie,

My name is Joshua Fry. I attended the meeting at the discovery center in the dalles the other day. I have a couple of comments concerning what was discussed at the meeting.

First off. I would like to apologize on behalf of my father and his emotional speach. He is going through a really rough time right now. His wife/my mother is battling cancer for her fourth time. Cannabis is one of the only things that brings her relief. pain meds., the ones that don't make her sick are non affective. She has had blood work done recently, and I have asked for her cancer markers. she is starting a phoenix tears program. phoenix tears is concentrated cannabis oil which is said to cure cancer. I am planning on monitoring her cancer levels throughout this process to see if it is affective. I would be happy to keep you informed of the results.

I would like to touch on the picture of the grow facility with the large plants that was in the presentation. to achieve plants of that size and stature, for most is not likely. I happen to know where allot of these growers in the area are and the growing season is to short to get 10# per plant. our average last year was 1# per plant. I feel as though the most extreme scenarios were focused on in the meeting. not all growers are consuming tons of electricity, water, dirt etc. inside of a large warehouse. we are planning on a green garden. no pun intended. we have a hoop house so we use sun light instead of artificial light. we would like to implement a rain capture system to reduce an already minimal water usage footprint. we are looking in to solar powered fans as to use zero electricity on the garden. we recondition our dirt so it can be reused every three years. there are many ways to keep this venture environmentally/socially friendly.

I do not recall the name of the gentleman that was speaking toward the end of the meeting. jeff hanndley asdked him if you could sell excess medical marijuana to the dispensaries, and he answered very quickly, yes. this is inaccurate. you can not "sell" marijuana to a dispensary. you can only seek reimbursement for costs.

I would also if not to late like the planners comm. to consider secondary processing in rr-10 zones, and should be circumstantial to the method used for processing. I think that that is a very scary subject for someone that is uneducated in processing because all you hear about is butane explosions. that is only one method of extracting. there are many safer alternatives. I use a heated pneumatic press, where there is no chance of explosion or suffocation. the worst case is I get a finger pressed with 3000 lbs of pressure. while not the most fun sounding. many people face much grater dangers in there day to day employment.

I am more than happy to sit down and answer any questions you may have. I will be totally open with you. we have been growing medically for nearly ten years now with no hitches. we have lots of experience/knowledge. I, unfortunately, am still hesitant to get up and speak on the subject at hand in front of a bunch of people i do not know. my phone number is 503 560 1389. if you would like to chat at all over the next couple of days i am open to that. i am at work and have low cell service. if you text me, ill promptly call u back from our landline. this will save you jumping extensions.

Thank you for your time and effort put in to all of this process.  
sincerely,  
Joshua fry



Angie Brewer <angieb@co.wasco.or.us>


---

## Zoning for marijuana farming

1 message

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Tue, Dec 22, 2015 at 8:51 AM

  
To: angieb@co.wasco.or.us

First of all I would like to thank all that have been dealing with this issue, I know it's very involved. I have lived in Oregon for 62 years and Wasco County for 44 years. My feelings on the matter are that rural residential zoning should be off limits to marijuana growing whether it be medical or recreational. There are hundreds of thousands of acres in the state that are already zoned for farm and agriculture and I personally see no need whatsoever to expand this, especially into areas where people have lived and followed the rules for many years and built up their properties for what it was intended for. I have friends that live in the seven mile area and I have gone to visit them many times and the odor from neighboring greenhouse growing operations have been so strong we could not be outside. I think that zoning this rural residential area for marijuana grows would be a huge step backwards for the intention of this designation. I've attended a couple of the public meeting on this issue and it seems that the reasons that some people give for letting these grows exist in rural residential areas are very weak and it is my hope that the commission denies allowing these grows in rural residential zones. The state of Oregon has legalized marijuana in the state and I have no problem with that, also I think that if it can help people medically its great. I just think it should be done in a way that it doesn't cause a problem for people in residential areas rural or otherwise. I prefer to remain anonymous, but I hope you will consider these thoughts, Thank you all for your time and efforts on this matter.

citizen of Wasco County

a concerned

Eric Smith 541-993-1353  
Taylor Farris and Nursicles

RECEIVED

DEC 22 2015

(Dutful  
DN)

- (1) Does Wasco Co. have a proposed processing site?
- (2) How many people own the EFU land in Wasco Co? I would like a population of W.C.
- (3) If in house processing isn't allowed on site in a secure area, ~~how~~ is the county going to provide security to move product to a secure area then back?



Angie Brewer <angieb@co.wasco.or.us>

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## Testimony for Planning Commission

1 message

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**Molly Rogers** <mollyr@co.wasco.or.us>  
To: Angie Brewer <angieb@co.wasco.or.us>

Fri, Dec 18, 2015 at 3:20 PM

Angie,

Please see attached. Thank you for shepherding this process.

--

**Molly Rogers, MJM**  
Director  
Wasco County Youth Services  
202 East Fifth Street  
The Dalles, OR 97058  
(541) 506-2660  
(541) 506-2661

---

 **Marijuana Testimony.docx**  
200K



## WASCO COUNTY

### DEPARTMENT OF YOUTH SERVICES

Juvenile Justice Division  
202 East Fifth Street  
The Dalles, Oregon 97058-2220  
(541) 506-2660  
Fax: (541) 506-2661

Molly Rogers  
Director

Date: December 18, 2015

To: Angie Brewer, Director  
Wasco County Planning Department

Wasco County Planning Commission

From: Molly Rogers, MJM  
Director, Wasco County Youth Services

Re: Testimony for Wasco County Land Use Ordinances

I appreciate the opportunity to provide feedback and testimony on the proposed updates and changes to the Wasco County Planning Ordinances and the addition of Chapter 11 reflecting Oregon's legalization of marijuana for adults over the age of 21.

I have attended town hall forums, several meetings of The Dalles City Council, and numerous other public settings where both policy makers and the public have been able to present information. In many of these settings I have observed that there are misconceptions about the actual changes in law and how laws are codified and implemented. I am impressed with the Wasco County Planning Department's research of other counties ordinances and agree that by using the templates we can create some consistency within similar areas.

As the Director of Youth Services, I encourage us all to keep the message before all audiences that marijuana for personal use is only legal for adults over the age of 21 and is not allowed in public places. I also oppose any policy decision that compromises our community's ability to protect our children and youth.

Marijuana has been recognized as an "Ag-Related" industry and I strongly support that Wasco County maintain that designation for the commercial growing of marijuana. These zones are designated to take into consideration the impacts of crops and the environmental impacts that can come with farm related practices. I can appreciate the likeness of the forest designations as similar in nature to the Exclusive Farm Use for growing, but appreciative the limits on production and wholesale.

The transition occurs from my perspective when the ordinances address Rural "Residential" zones. The title of the RR zoning puts a primary intent of the property for residential use. Many of the proponents have testified as to their intent to be good stewards of the growing, but my concerns bear out that often intentions are not able to be fulfilled and definitely not maintained.

The other key element is maintaining the restrictions on home occupations. Home occupations concern because the lack of oversight for any processing and resale of products outside of the strict regulations. With the current OLCC rules this seems to be covered, but I support the restrictions as good stewards of the future.

Oregon did not legalize marijuana for youth, and in fact nuances to the laws to expand the definition of possession and strengthened potential fines against youth. Since marijuana became legal for adults over the age of 21, the instances of marijuana offenses has increased – primarily the possession of marijuana at school. Two youth were charged with the most severe felonies because they stole marijuana from a grow in a residential setting. The owner of the grow had taken steps to secure his product with cameras, fences, and lighting. The response from proponents has been, “kids will find it anywhere”, which is simply a justification. Adolescent brain development clearly demonstrates that out of sight, out of mind is a clear deterrent of youth. Adolescents are impulsive and risk takers – this has direct implications on where marijuana is grown and how it will impact our youth. Taking a look at actual data between the same time frame in 2014 and 2015 there is at least 25% increase in the number of marijuana related referrals to the Department of Youth Services.

At many of the meetings the notion of “taxes” keeps coming up, and I quickly want to address this issue. The Oregon Legislature will be modifying and refining the laws around the taxes related to marijuana for at least the next two if not more legislative sessions. There are even legislative concepts for the short 2016 session to modify and equalize some of the tax distribution formulas. While not pertinent to the Planning Commission Process we have been sharing information about how any additional taxes should be directed to prevention and marijuana education programs within our county.

Finally, I would like to address the actual hearings and testimony received at the many public events. In private conversations with professional colleagues and citizens I have heard a great deal of opposition to expanding current zoning to include residential areas. These colleagues have attended some of the meetings, but have felt intimidated or pressured to remain silent because of a few vocal residents. While some youth who are referred to our office access marijuana from family members, there are a great deal of parents who really want their children to refrain from marijuana use and need our help in creating a safe environment for their children.

I thank each of you for your time as a volunteer board supporting our lifestyles and protection our property livability. I would be glad to answer any questions.





Angie Brewer <angieb@co.wasco.or.us>

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## Marijuana Grow Meeting follow-up

1 message

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[REDACTED] ay <[REDACTED]> >m>  
To: "angieb@co.wasco.or.us" <angieb@co.wasco.or.us>

Fri, Dec 18, 2015 at 11:12 AM

Angie,

This a follow-up of our concern with right-of-way thru marijuana grow property.

I have property with right-of-way thru a property that was being used for medical marijuana grow operation.

I was driving on the right-of-way and stopped by [REDACTED] and accused of trespassing.

- 1: The gate was taken off hinges by [REDACTED] n people.
- 2: I was accused of taking the gate off the hinges, however I have, as do others who are authorized access.
- 3: There were two who said they were working for [REDACTED] and his mother.

My concern is what are the rules for traversing a marijuana grow property on a right of way.

Another concern is that the two hired were living on the property in violation of the time limits for the property.

Thank you for your time.

[redacted] ay

[redacted] ay

[redacted] id.

Ph: [redacted]

Cell: [redacted]

Cell: [redacted]

[redacted] et (currently not working because of Sky Link Fiber problems)

[redacted] (alternate)



Angie Brewer <angieb@co.wasco.or.us>

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## Wasco Co. hearing response

1 message

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Olen <oc@dozico.com>  
To: angieb@co.wasco.or.us  
Cc: John Pearson <mosierhighlands@gmail.com>

Thu, Dec 17, 2015 at 8:52 PM

Hi Angie,

Thanks again for your time last night hosting the hearing regarding Wasco's response to Measure 91 and HB 3400. I would also like to thank the commission for its willingness to accept input from the local community. It's apparent that the commission is eager to learn from the community and wants to do what is appropriate for all residents.

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1. Regarding the draft ordinance's authority over medical cannabis, we request that any mention of medical cannabis be removed from the draft ordinance.
  - a. The changes to the draft ordinance have been proposed in response to Measure 91 and HB 3400, which pertain to recreational cannabis.
  - b. Oregon medical cannabis has been allowed state-wide since 1998. Wasco county has never had to restrict medical cannabis cultivation in the past. (As far as I know.)
  - c. If the commission proceeds to restrict medical cannabis cultivation in Wasco County, it would appear that the commission is taking advantage of the opportunity to define time, manner, and place for recreational cannabis as a way to restrict medical cultivation as well. Given the number of medical growers and patients in the county, the commission could expect a great deal of public outcry if the medical cannabis language remains in the changes to the ordinance.
  - d. Additionally, on a fundamental level, to restrict medical patients access to their medicine from local growers appears inhumane.
  - e. Again, We encourage the council to remove any mention of medical cannabis from the ordinance text modifications.
2. Regarding forest zoning, we would like to request that processing and wholesaling be allowed for cannabis businesses in such land areas.
  - a. **Wholesaling:** In addition to having our own production at the F2-80 zoned ranch, we plan to host 1-2 other cannabis growers with similar values; who are committed to organic growing. Ideally, we would have one central, secure location where all of the producers can trim, dry, and store their product until it is ready to be shipped off-property to processors, wholesalers, and retailers.

Without the ability to obtain a wholesale license for our property, we will not be able to have a central, secure location on the property to trim, dry, and store for the other producers in our

P 3-11

cooperative. Without a wholesale license, we will have to obtain permits for new buildings at each licensed premises and would also require a greater upfront investment to ensure that each producer has a safe, secure location to dry, trim, and store their product. This poses an unnecessary burden on us and the other producers to whom we lease.

- b. **Processing:** At the hearing, I requested an explanation for why processing is disallowed in F2-80 and similar zones. The given reason is that processing facilities for timber and other agricultural industries requires a great amount of space and resources to operate.

Cannabis processing, however, can take place in more compact areas. A size of 2,000 sq. ft. would be completely ample for a cannabis processing operation. In the current housing market, the average home size available in Wasco County is 1,961 sq. ft., evidencing that any cannabis processing operation should not require any more space than the average home size available on the market today. When compared to a timber or hay processing operation, it seems apparent that a cannabis/lavender/herbal extraction processing operation should not require anywhere near the amount of space or resources that a timber or hay processing operation would require.

To apply processing ordinances to the cannabis industry, or that of other herbal extracts, which were designed to be applicable to other industries such as timber and hay seems inappropriate, and will create an undue burden and revenue loss for local, Wasco County producers/processors.

A fairness recommendation for the commission in allowing processing for cannabis related industries; Do not create an exemption to the ban on processing in forest zones based on crop type, but on size of processing operation. Other crop types, beside cannabis are unduly restricted by the current land use ordinances.

Again, thank you for the opportunity to provide input for the commission's consideration of Measure 91 and HB 3400.

Please feel free to reach out to me directly with any questions and/or comments.

--

Olen Christianson  
oc@dozico.com  
828-450-1744



Angie Brewer <angieb@co.wasco.or.us>

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**please forward to Brenda**

1 message

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**ernest smith** <mastergrower48@gmail.com>

Thu, Dec 17, 2015 at 2:16 PM

To: angieb@co.wasco.or.us

Eric[Ernest]Smith

Dec 16,2015 meeting at Discovery ctr

My dialog...

Taylor Farms and Nurseries LLC

[ I have provided full company spread sheet]

First off I want to respectfully request the reconsideration of the RR-10 zoning to be a option for commercial grow site with approval of nearest residences..

Our goal is to follow OLLC guidelines and provide local jobs with full benefits.

Give a percentage of profits to Schools,County,non-profit organizations.

Our proposed property is at the end of the spur road,and on over 20 acres of property,in a draw not viewable from paved road.

We would like to do [ processing on the same site in full compliance of the OLCC guidelines.

We plan to implement programs that will educate youth on the consequences of premature cannabis use.We also will ensure the program provides education of the danger of driving under the influence of marijuana.Ideas have been tossed around to provide technology based resource centers in libraries of schools.Supply funds to expand or update athletic programs and after school programs to keep kids active & engaged in positive environments with positive leaders.

Feel free to read the full spread sheet to inform all interested party's with our projected business goals and agenda...Thank you Eric



Angie Brewer <angieb@co.wasco.or.us>

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## Chris Olson from planning meeting on 12/16

1 message

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Chris Olson <rootednw@gmail.com>

Wed, Dec 16, 2015 at 11:57 PM

To: "angieb@co.wasco.or.us" <angieb@co.wasco.or.us>

Angie,

First of all I want to thank everyone in the commission for your hard work. It is not easy to plan for such a controversial subject.

I wanted to reach out and give you and the rest of the planning commission my info. I have grown marijuana for 12 years and am very close in most aspects of the marijuana industry. It is a complicated subject which I take very seriously. I am going through many of the same things in Portland as far as planning zoning etc. and am happy to share some of the experiences I'm having. I would like to better explain some of the aspects such as wholesale and processing. And any other aspects of marijuana that I may be able to help give in site as to how things work as far as the production, processing, wholesaling, and retailing of marijuana goes. Looking at the zoning maps I am somewhat surprised on proposed amendments. As I see it, Dufur which from what I heard tonight has a very different view then that of the Mosier area which I can understand. Where I am surprised is that Dufur is mainly in ag1 so what made the commission decide that rural residential and farm forest should not be able to grow recreational marijuana? I understand these are smaller parcels but I don't think it should just be no for the answer. I believe that marijuana can be grown under circumstances that don't affect those around us. So just some Ideas but as I said tonight it's a complicated subject and their is a lot of knowledge to take in so I want to lend a hand if that would be helpful.

Thank you

Chris Olson

2240 Osburn Cutoff Rd

5037804834



Angie Brewer <angieb@co.wasco.or.us>

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## FW: Cannabis Production in Wasco County

1 message

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Dustin Nilsen <dustinn@co.wasco.or.us>

Wed, Dec 16, 2015 at 12:27 PM

To: Angie Brewer <angieb@co.wasco.or.us>, Brenda Jenkins <brendaj@co.wasco.or.us>

That is an interesting question that I would like to investigate. I don't have an answer for you on interpretations on the drafts as they sit now, but I see it would have a large impact to your decisions. Please allow us a little time to look into it and get back to you. We have the hearing tonight, again on Monday, and are fielding a large number of related calls on the initial draft.

Dustin

**From:** Jon Paull [mailto:jonpaull@gmail.com]  
**Sent:** Wednesday, December 16, 2015 11:33 AM  
**To:** Dustin Nilsen  
**Subject:** Re: Cannabis Production in Wasco County

Hi Dustin,

I'm hoping to make the meeting this evening, but am out of town, so there's a chance I won't be there. I've had some time to look over the draft rules concerning cannabis production in Wasco County. One thing stood out to me that may put us in a situation to look at other land options. The current tract of land that we are hoping to use is in the County on E 13th/Old Dufur Rd. It is zoned "exclusive farm use". I noticed the proposed regulations would prohibit a farm from being established with 1,000 feet of an 'established' church and/or church school. Our property is within 1,000 feet of a church school, however, the school is not operating. The church that owns the school is temporarily using the school and associated gymnasium for church services until their new church is constructed off site. Would this church qualify as an 'established' church? In addition, if the school is not operating, would that still prohibit us from establishing a cannabis farm within 1,000-feet?

Looking forward to your response!

Jon Paull

On Wed, Dec 2, 2015 at 10:44 AM, Dustin Nilsen <dustinn@co.wasco.or.us> wrote:

Jon Paull

Attached is a link to our active marijuana regulations and meeting schedules. It includes upcoming meetings and the draft ordinance. Note December 16th, 21st, and 28th are targeted as our upcoming meetings.

[http://co.wasco.or.us/planning/Marijuana\\_Updates.html](http://co.wasco.or.us/planning/Marijuana_Updates.html)

DN-

Dustin Nilsen, AICP  
Senior Planner  
Wasco County Planning and Development  
2705 East Second Street  
The Dalles, Oregon 97058  
541-506-2560

-----Original Message-----

From: Jon Paull [mailto:[jonpaull@gmail.com](mailto:jonpaull@gmail.com)]  
Sent: Wednesday, December 02, 2015 10:22 AM  
To: [dustinn@co.wasco.or.us](mailto:dustinn@co.wasco.or.us); [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
Cc: [angieb@co.wasco.or.us](mailto:angieb@co.wasco.or.us)  
Subject: Re: Cannabis Production in Wasco County

Good Morning,

I'm just following up on my previous email. Does Wasco County have any proposed regs for cannabis farming, and are there any upcoming public meetings? If you're not the appropriate contact, please forward my request on to the person that is.

Thank you,

Jon Paull  
Gorge Grass, LLC

> On Nov 17, 2015, at 3:18 PM, Jon Paull <[jonpaull@gmail.com](mailto:jonpaull@gmail.com)> wrote:  
>  
> Hello,  
>  
> I'm looking to get some information on Wasco County's plan for cannabis producers. Are there any upcoming meetings regarding this topic? I've been to couple of workshops with the State, and assuming Wasco County is going to allow production licenses, I am now hoping to work with the County on navigating their process.  
> Thank you,  
> Jon



Nathan Little

12/16/15

Received by RJ

## Safety Guidelines for Manufacturing Butane Hash Oil

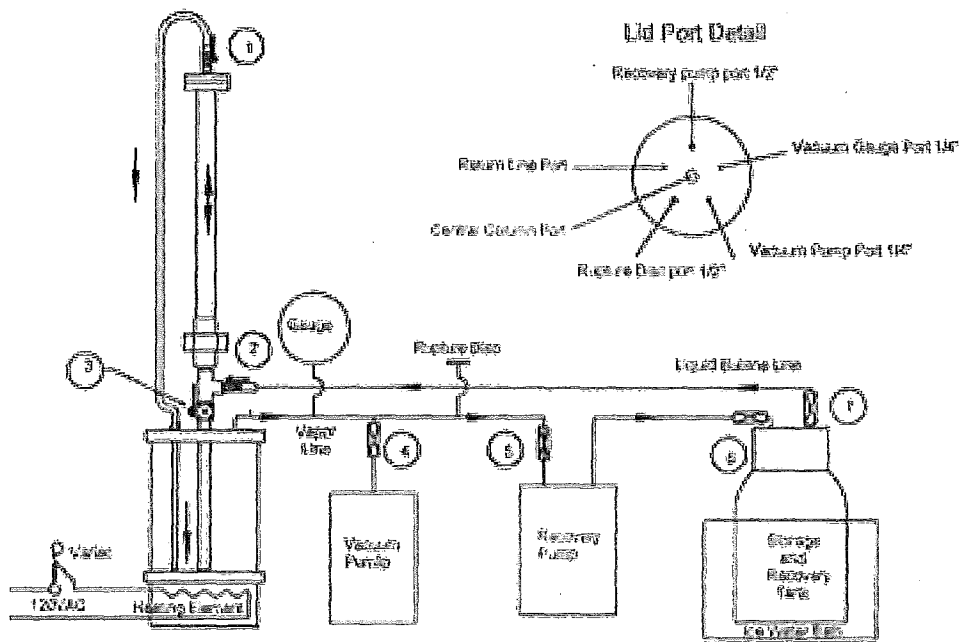
1. The facilities should have adequate Airflow and Ventilation.
  - Butane is heavier than air so ventilation should be at ground level to pull out as much gas as possible
  - Air in room needs to be exchanged with fresh air periodically and if ppm meter alerts that the gas level is too high
  - Spark proof fans should be used when expelling gas
2. The facilities should have ppm meter to monitor butane level in the processing area.
  - Non-odorized butane is hard to detect without a ppm meter
3. The facilities should use a closed loop system extractor.
  - Lowers the risk of danger by recovering 80% of butane back into a butane storage tank
4. The facilities should be inspected by the Fire Marshalls office.
  - Annual inspection to make sure fire safety is followed
  - Normal inspection with the safety guidelines checked off for safety
5. The facilities should have no open flames within 100 ft of the processing facilities.
6. The facilities should have fire extinguishers and a safety evacuation plan and train employees on the proper procedure and have continued fire safety meetings

Nathan Little

12/16/15

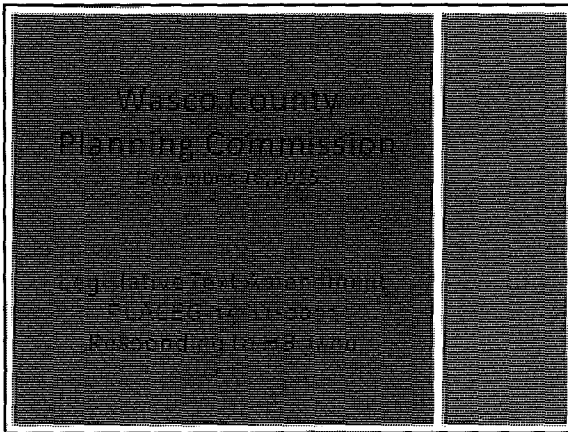
Received by Bf

### Butane Extraction and Recovery System Flow Diagram



Stark Pharm Research, LLC  
SOP# 11-0301

12/16/15 Received by *Bl*  
12/16/2015




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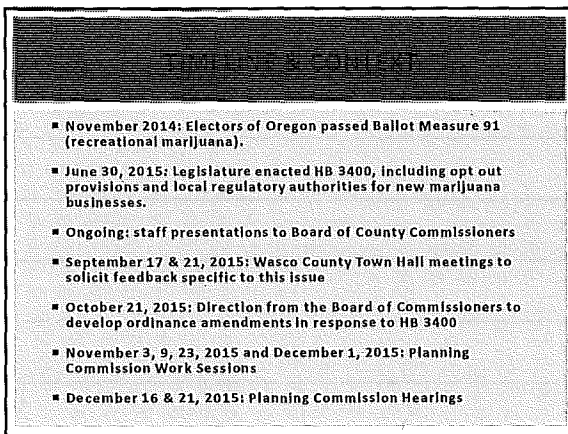
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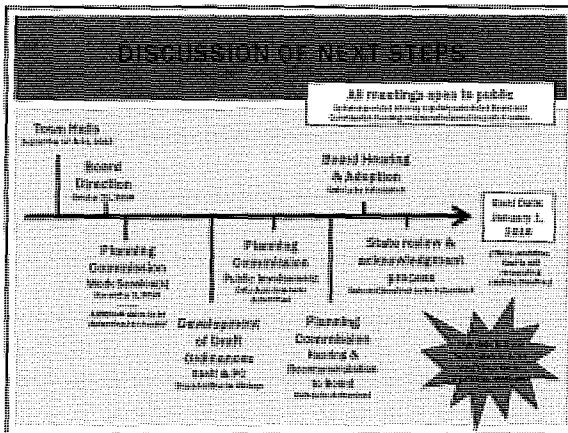
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**ROLE OF PLANNING COMMISSION**

- Facilitate the public involvement process to modify the Wasco County Land Use & Development Ordinance
- Timelines -
  - OLCC January 4, 2016
  - State process for amending Ordinances
- Public Involvement and advisory teams
- Consider the good works of other Counties (handout)
- Provide recommendation to the Board for adoption




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**APPLICABLE RULES & REGULATIONS**

- There's nothing contained within this report or the proposed amendments that constitute a departure from the adopted Wasco County Comprehensive Plan or Statewide Planning Goals (*there are no changes to the Comprehensive Plan or Zoning Map associated with this amendment*).
- Applicable rules and regulations for the proposed amendments are therefore limited to the process defined in Chapters 2 and 9 of the Wasco County Land Use & Development Ordinance (LUDO).

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**APPLICABLE RULES & REGULATIONS  
WASCO COUNTY LUDO**

- Chapter 2 – Development Approval Procedures
  - Section 2.060 Application
  - Section 2.080 Notice
  - Section 2.090 Contents of Notice
  - Section 2.130 Establishment of Party Status
  - Section 2.140 Hearing Procedure
  - Section 2.150 Official Notice
  - Section 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-judicial
- Chapter 9 – Zone Change Ordinance Amendment
  - Section 9.050 Amendments to the Zoning Ordinance
  - Section 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
  - Section 9.070 Notice of Planning Commission Recommendation
  - Section 9.080 Action by County Governing Body

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**Slide 4**

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**WC4** Remove the Deschutes emblem bottom right  
Wasco County, 9/11/2015

12/16/2015

**CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES**

- **WCLUDO Chapter 2 – Development Approval Procedures**
  - Newspaper Notice In *The Dallas Chronicle* was provided November 24, 2015.
  - Proposed amendment documents available for review November 25, 2015 and Staff Report complete and available December 9, 2015.
  - Agency coordination notice sent November 25, 2015.
- **Measure 56 Notice requirements**
  - Written notice of proposed changes, process, and hearing dates sent to all County landowners (mailed November 24, 2015; meets 20 day requirement)
- **DLCD Post Amendment Plan Amendment Notice Requirements**
  - Notice provided November 11, 2015 (met 35 day pre-notice requirement)

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**CHAPTER 9 - ZONING ORDINANCE**

- **Chapter 9 – Section 9.050**

*“...amendments to the ordinance may be initiated through the following actions:*

A. *By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;...”*

The Board provided direction on October 21, 2015; a formal resolution was signed December 2, 2015.

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**CHAPTER 9 - AMENDMENTS TO MDO**

- **Section 9.060**

*“After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.”*

- **Section 9.070**

*“Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.”*

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**CHAPTER 9 - AMENDMENTS TO LUDD**

- **Section 9.080**

*"Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed."*

- To meet the 20 day requirement, the December 28, 2015 Board of County Commissioner's Hearing will be continued. It is tentatively scheduled for January 11, 2016.

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**OVERVIEW OF PROPOSED AMENDMENTS**

- **Legislative text amendments to:**

- Regulate the time, place and manner of marijuana businesses in Wasco County on non-federal, non-tribal trust lands, outside of the Columbia River Gorge NSA and incorporated communities.

- **Changes Include:**

- New Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing)
- Changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

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**SCOPE OF REGULATORY AUTHORITY**

- **Wasco County Planning cannot legally address:**

- Measure 91 (It's the law).
- Marijuana businesses in the Cities of The Dalles, Mosier, Dufur, Maupin, Shaniko or Antelope.
- Marijuana inside the Columbia River Gorge National Scenic Area – that policy is set by the Columbia River Gorge Commission and US Forest Service NSA Office
- Personal grow, use or possession of recreational marijuana. Recreational use and production will not be effected by a decision to opt out or by a vote to ban in November, 2016.

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**■ This draft DOES NOT regulate**

- personal (non-commercial) growing or processing of up to four plants per household as specified by State Law and OLCC regulations;
- the growing of medical marijuana by a medical marijuana cardholder at the cardholder's residence, as long as no more than 12 mature plants are grown at that address (up to six mature plants per cardholder are permitted by state law);
- the processing of medical cannabinoid products or concentrates by a medical marijuana cardholder or a designated primary caregiver for a cardholder;

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**■ This draft DOES**

- Address both medical and recreation marijuana businesses regulated by the OLCC;
- Prohibits all marijuana businesses regulated by OLCC from Rural Residential, Farm-Forest and Agriculture-Recreation zones;
- Require the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11.
- Requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- Prohibits the use of marijuana in conjunction with home occupations in all zones;

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**■ This draft DOES**

- Provide 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- Provide a 200 foot setback from all residential zoned properties;
- Addresses odor, water, lighting, waste management, access, and several other significant issues;
- Provide applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department;
- Require confirmation of OLCC license within 30-days of the date of the Planning Department's decision to comply with conditions of approval.

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**DISCUSSION & FEEDBACK**

- Questions from the Planning Commission
- Public Hearing – questions or comments from the audience?
- Requests from the Commission to facilitate the December 21, 2015 hearing?

**Contact Mel**  
Angle Brewer, AICP  
Planning Director  
[angleb@co.wasco.or.us](mailto:angleb@co.wasco.or.us)  
(541) 506-2566

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**ZONING – NORTH COUNTY**

See Matrix Handout

- Zone
- A-3000
- A-3400
- A-3
- A-3-300
- F-200
- LAH
- F-3000
- F-300
- DC
- R
- R-2
- TV-4
- TV-2
- TV-4B
- TV-4D
- TV-6
- TV-6B
- A-2000-2
- A-2000-1
- A-2000-3
- A-2000-5

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**ZONING – CENTRAL COUNTY**

- Zone
- A-3000
- A-3400
- A-R
- F-3000
- F-300
- LAH
- F-3000
- F-300
- JC
- HE
- FR-1
- TV-4
- TV-2
- TV-4B
- TV-4D
- TV-6
- TV-6B
- WA300-2
- WA300-1
- WA300-3
- WA300-5

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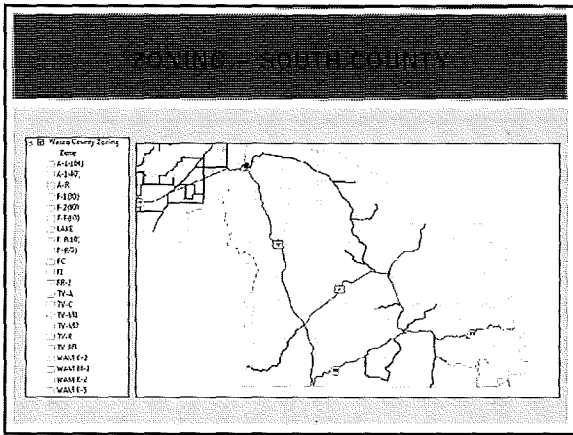
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David Wehrly  
Dufur, OR

12/16/15 Received by BF  
Wasco County

**While the Board and staff deliberate and make decisions regarding the various aspects of the marijuana issue, you should not fail to consider several important elements, that have serious ramifications for not only the County, but individuals both elected and administrative as well as the citizenry as a whole.**

**While the State of Oregon has exercised through the State legislative process the legalization of marijuana, it is still a federally classified schedule-1 drug, and so controlled.**

**In assessing how the County wants to approach all aspects of production and sale, as well as consumption of this substance, take into account both the political and legal downside.**

**It is a given fact that the administration at the federal level will change next year, and in that change it is possible, some would contend probable, that an administration committed to the enforcement of Federal drug laws already on the books will emerge.**

**The fact that the State of Oregon has legalized marijuana, does not override Federal statutes on the subject, [US Code Title 21; Public Law 91-513] nor does it indemnify any individual or agency that is in violation of these laws.**

**US Attorney's have often built their careers on 'low hanging fruit'. Facilitating a criminal enterprise and RICO prosecution are not just matters of mob activities. Do your homework, and you will find that both elected and staffs of cities and counties across the country have been the subject of such actions over the years. At a minimum malfeasance or criminal facilitation.**

**By being complicit in the accommodation of state laws that are in conflict with federal laws in the area of drugs, you are exposing not only the governmental agencies and personnel of the County, but also the citizens that participate under the auspices of such actions, as part of illegal activities.**

**Lastly, given the legal limbo involved in permitting such activities, the attraction of organized crime and gang involvement is assured, with the inevitable negative results. It is already happening in Colorado and Washington, and Wasco County is unprepared for such confrontations.**

**The Dalles has already put itself in legal jeopardy, other cities such as Dufur have opted out entirely. For the Board to follow a path that potentially make Federal criminals out of not only yourselves and your staff, but also others in the County that may follow your guidance in this matter is irresponsible. You have no choice but to opt out of the marijuana business model, and put the issue on the November 2016 ballot where it will again be defeated.**

Received 12/21/15 By



# Wasco County Planning Department

*"Service, Sustainability & Solutions"*

2705 East Second St. • The Dalles, OR 97058  
Phone: (541) 506-2560 • [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

**To:** Wasco County Planning Commission

**From:** Angie Brewer, Planning Director

**Date:** December 21, 2015

**Re:** Responses to questions raised at December 16, 2015 Planning Commission Hearing

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As a result of the December 16, 2015 Planning Commission Hearing for PLALEG-15-11-0001, Marijuana Production, Processing, Wholesaling, and Retailing, the following research questions were conveyed to Staff to be discussed at the continued hearing scheduled for December 21, 2015:

1. Clarification of medical versus recreational marijuana businesses.
2. Rationale for regulating medical marijuana businesses by land use regulations.
3. Potential outcome if medical marijuana businesses are not regulated by land use regulations.
4. What are other counties doing for their Rural Residential zones?
5. What is the average size of RR-10 lots in Wasco County?
6. Define commercial, within the context of farming and businesses that will require permits.
7. Define production and processing.

**1. Clarification of medical versus recreational marijuana businesses.**

According to the Oregon Liquor Control Commission (OLCC) frequently asked questions page: *"Medical marijuana is for patients with qualifying medical conditions. Recreational marijuana, whether grown at a residence, obtained free from an acquaintance, or purchased legally is for personal use for adults 21 years of age or older. For more information on medical marijuana see [www.mmj.oregon.gov](http://www.mmj.oregon.gov)."*

As we understand it, HB 3400 is a comprehensive bill that provides local jurisdictions land use regulatory authority for both medical and recreational marijuana businesses, including production, processing, wholesaling and retailing (see section 33 of HB 3400). One of the distinguishing differences is that medical businesses will require licenses from the Oregon Health Authority (OHA) and recreational businesses will require licenses from the Oregon Liquor Control Commission (OLCC). The bill sets different maximum production sizes for medical and recreational, which are regulated by the OHA and OLCC – not by Wasco County. HB 3400 provides the County with regulatory authority to determine the appropriate time, place and manner for all new marijuana businesses (including growing) that exceed the personal allowance limits specified by state law.

**2. Rationale for regulating medical marijuana businesses by land use regulations.**

The land use issues for medical and recreational marijuana are the same. The customer may differ, but both marijuana business models include aspects of growing, processing, wholesaling and selling of marijuana. And, although the state will limit the size and productions maximums of the operations, nuisance concerns will be largely the same.

A summertime tour of a medical grow site by the Association of Oregon Counties Planning Directors group found that outdoor plants can be as large as ten feet wide by ten feet tall and indoor growing operations tend to produce smaller plants at a higher density. Marijuana grown for medical productions can be grown indoors or outdoors, as regulated by the Oregon Medical Marijuana Act and the OHA. Under HB3400, recreational grows can include indoor plants and outdoor plants, as regulated by the OLCC.

It should be noted that existing legal facilities in Wasco County are medical facilities. Over the last year, Wasco County Planning has received several concerns from adjacent property owners regarding the odor, visibility, lights, and general safety concerns of existing medical marijuana grow sites in non-EFU zones.

**3. Potential outcome if medical marijuana businesses are not regulated by land use regulations.**

Under state law, medical marijuana grow sites can be quite large through what is referred to as “card stacking”. Depending on the scale, medical grow sites can require large buildings (staff attended a recent tour of a medical facility located in a 10,000 square foot building with industrial scale electrical and HVAC needs, complex hydroponic systems and various processing needs). Without adopting land use regulations, the County will not be able to regulate new operations from occurring in any zone or location of concern.

If medical business models are not regulated the same as commercial agriculture uses in the County’s land use ordinance, then new buildings are by default an accessory use and would be subject to accessory building size limitations. This would limit many growers from meeting their desired business plans.

Also, regulating one marijuana business (the farmer) but not the other (medical grower) for the same use, buildings, and product, does not feel equitable.

**4. What are other counties doing for their Rural Residential zones?**

Please see the attached spreadsheet. In summary, there are several options being pursued at the County level for Rural-Residential zones.

**5. What is the average size of RR-10 lots in Wasco County?**

There are 3,157.14 acres of RR-10 in Wasco County, including 266 properties. The largest property is 155.58 acres; the smallest property is 0.03 acres. The average size property is 11.87 acres and the median is 9.98 acres.

In case it is needed, staff has identified the same information for Farm-Forest 10 (FF-10):

There are 3,656.80 acres of FF-10 in Wasco County, including 308 properties. The largest property is 164.40 acres; the smallest property is 0.01 acres. The average size property is 11.87 acres and the median is 9.97 acres.

**6. Define commercial, within the context of farming and businesses that will require permits.**

Subsection 34(1)(a) of HB 3400 identifies marijuana as a crop for the purposes of determining a “farm use” as defined at ORS 215.203 (see attached).

OLCC and OHA licenses will be required at thresholds those entities set.

Wasco County Planning is proposing to regulate all new marijuana businesses that exceed the personal grow limitations identified in HB 3400, which means:

- If you are a legal adult that is growing recreationally in your home and grow more than 4 plants, you will be required to comply with state regulations and local regulations for production.
- If you are a legal adult that is growing medical marijuana in your home for more than yourself as identified by state law, then you will be required to comply with state and local regulations for new production.

#### **7. Define production and processing.**

In Section 1, *Definitions*, HB 3400 defines process and produce:

“[(26)(a)] (25)(a) “Processes” means[:] [(A)] the processing, compounding[,], or conversion of marijuana into [marijuana products or marijuana extracts;] cannabinoid products, cannabinoid concentrates or cannabinoid extracts.

(b) “Processes” does not include packaging or labeling. [(B) The processing, compounding, or conversion of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;] [(C) The packaging or repackaging of marijuana items; or] [(D) The labeling or relabeling of any package or container of marijuana items.] [(b) “Processes” does not include:] [(A) The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise processing marijuana; or] [(B) The packaging and labeling of marijuana by a marijuana producer in preparation for delivery to a marijuana processor.]

[(27)(a)] (26)(a) “Produces” means the manufacture, planting, cultivation, growing[,], or harvesting of marijuana. (b) “Produces” does not include: (A) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or (B) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana wholesaler[,], or marijuana retailer if the marijuana processor, marijuana wholesaler[,], or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.”



**ORS 21.203 Farm Use**

Source: <http://www.oregonlaws.org/ors/215.203>

- (1) *Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993), 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) or 215.284 (Dwelling not in conjunction with farm use). Farm use zones shall be established only when such zoning is consistent with the comprehensive plan.*
  
- (2) (a) *As used in this section, farm use means 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, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. Farm use includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. Farm use does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3).*
  
- (b) *Current employment of land for farm use includes:*
  - (A) *Farmland, the operation or use of which is subject to any farm-related government program;*
  - (B) *Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;*
  - (C) *Land planted in orchards or other perennials, other than land specified in subparagraph (D) of this paragraph, prior to maturity;*
  - (D) *Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;*
  - (E) *Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;*
  - (F) *Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (1)(u) and 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (1)(r) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (Uses permitted in exclusive farm use zones in counties*

that adopted marginal lands system prior to 1993) (2)(c) and 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2)(a);

(G) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(H) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

(I) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmers immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

(J) Any land described under ORS 321.267 (Lands not eligible for special assessment) (3) or 321.824 (Lands not eligible for special assessment) (3); and

(K) Land used for the processing of farm crops into biofuel, as defined in ORS 315.141 (Biomass production or collection), if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or

(iii) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

(c) As used in this subsection, accepted farming practice means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

(3) Cultured Christmas trees means trees:

(a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

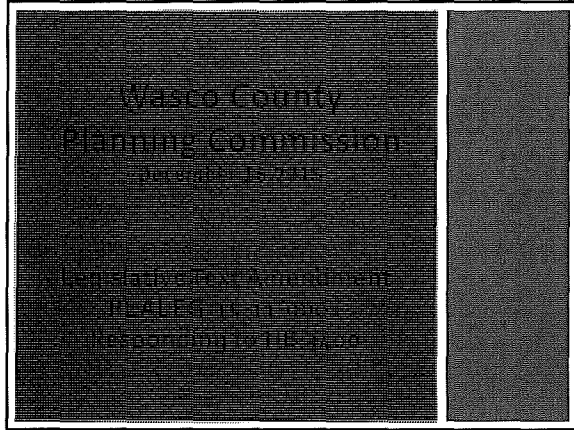
(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation. [1963 c.577 §2; 1963 c.619 §1(2), (3); 1967 c.386 §1; 1973 c.503 §3; 1975 c.210 §1; 1977 c.766 §7; 1977 c.893 §17a; 1979 c.480 §1; 1981 c.804 §73; 1983 c.826 §18; 1985 c.604 §2; 1987 c.305 §4; 1989 c.653 §1; 1989 c.887 §7; 1991 c.459 §344; 1991 c.714 §4; 1993 c.704 §1; 1995 c.79 §75; 1995 c.211 §1; 1997 c.862 §1; 2001 c.613 §18; 2003 c.454 §117; 2003 c.621 §67a; 2005 c.354 §1; 2007 c.739 §34; 2009 c.850 §4; 2012 c.74 §1]

High level summary of feedback from other counties since December 17, 2015:

County	Marijuana Uses allowed in RR-10?	Regulating Medical?	Secondary Processing in Forest zones?
Hood River	Growing only	No	No
Multnomah	Indoor growing only; w/size limitations	Yes, treated the same as recreational	No
Deschutes <i>(In progress)</i>	To be determined	Yes, as drafted	To be determined
Lane <i>(in progress)</i>	No; task force created to reconsider.	No	Yes, but new standards being created.
Washington	Growing; processing in home occupations	Yes, treated the same as recreational	No; some allowed as home occupations
Jackson	No	Yes, treated the same as recreational	No
Marion <i>(In progress)</i>	To be determined	To be determined	To be determined
Benton	No	Yes	No
Coos	Growing only	Yes, treated the same as recreational	Yes, but limited to small scale processing

Received 12/21/15

12/21/2015




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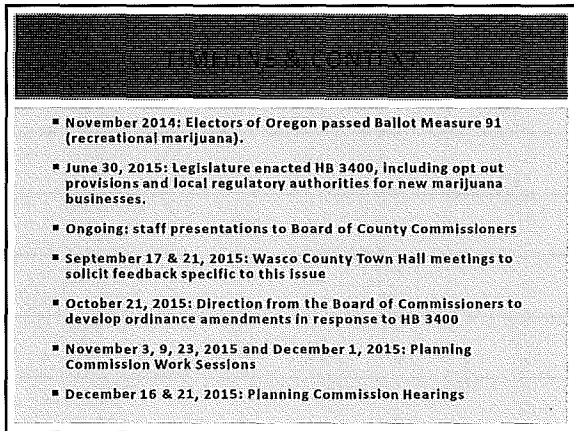
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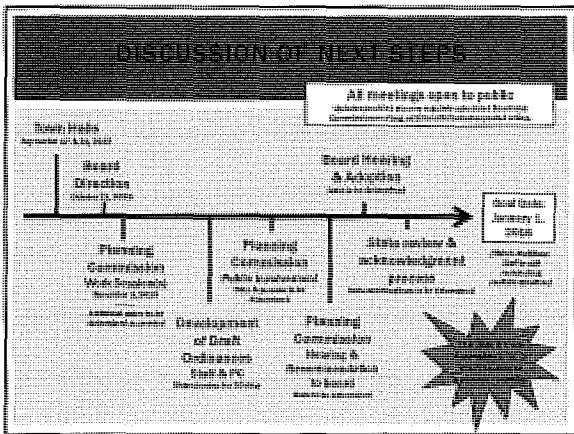
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**ROLE OF PLANNING COMMISSION**

- Facilitate the public involvement process to modify the Wasco County Land Use & Development Ordinance
- Timelines -
  - OLCC January 4, 2016
  - State process for amending Ordinances
- Public involvement and advisory teams
- Consider the good works of other Counties (handout)
- Provide recommendation to the Board for adoption




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**PLANNING COMMISSION  
APPLICABLE RULES & REGULATIONS**

- There's nothing contained within this report or the proposed amendments that constitute a departure from the adopted Wasco County Comprehensive Plan or Statewide Planning Goals (*there are no changes to the Comprehensive Plan or Zoning Map associated with this amendment*).
- Applicable rules and regulations for the proposed amendments are therefore limited to the process defined in Chapters 2 and 9 of the Wasco County Land Use & Development Ordinance (LUDO).

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**APPLICABLE RULES & REGULATIONS  
WASCO COUNTY LUDO**

- Chapter 2 – Development Approval Procedures
  - Section 2.060 Application
  - Section 2.080 Notice
  - Section 2.090 Contents of Notice
  - Section 2.130 Establishment of Party Status
  - Section 2.140 Hearing Procedure
  - Section 2.150 Official Notice
  - Section 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-judicial
- Chapter 9 – Zone Change Ordinance Amendment
  - Section 9.050 Amendments to the Zoning Ordinance
  - Section 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
  - Section 9.070 Notice of Planning Commission Recommendation
  - Section 9.080 Action by County Governing Body

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**Slide 4**

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**WC4** Remove the Deschutes emblem bottom right  
Wasco County, 9/11/2015

**CHAPTER 2 – DEVELOPMENT APPROVAL PROCEDURES**

- **WCLUDO Chapter 2 – Development Approval Procedures**
  - Newspaper Notice in *The Dallas Chronicle* was provided November 24, 2015.
  - Proposed amendment documents available for review November 25, 2015 and Staff Report complete and available December 9, 2015.
  - Agency coordination notice sent November 25, 2015.
- **Measure 56 Notice requirements**
  - Written notice of proposed changes, process, and hearing dates sent to all County landowners (mailed November 24, 2015; meets 20 day requirement)
- **DLCD Post Amendment Plan Amendment Notice Requirements**
  - Notice provided November 11, 2015 (met 35 day pre-notice requirement)

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**CHAPTER 9 – AMENDMENTS TO UDA**

- **Chapter 9 – Section 9.050**

*“...amendments to the ordinance may be initiated through the following actions:*

- A. *By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;...”*

**The Board provided direction on October 21, 2015; a formal resolution was signed December 2, 2015.**

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**CHAPTER 9 – AMENDMENTS TO UDDO**

- **Section 9.060**

*“After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.”*

- **Section 9.070**

*“Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.”*

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**CHAPTER 9 - AMENDMENTS TO ZONING**

- Section 9.080

*"Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed."*

- To meet the 20 day requirement, the December 28, 2015 Board of County Commissioner's Hearing will be continued. It is tentatively scheduled for January 11, 2016.

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**CHAPTER 11 - REGULATORY AUTHORITY**

- Legislative text amendments to:

- Regulate the time, place and manner of marijuana businesses in Wasco County on non-federal, non-tribal trust lands, outside of the Columbia River Gorge NSA and incorporated communities.

- Changes include:

- New Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing)
- Changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

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**SCOPE OF REGULATORY AUTHORITY**

- Wasco County Planning cannot legally address:

- Measure 91 (It's the law).
- Marijuana businesses in the Cities of The Dalles, Mosier, Dufur, Maupin, Shaniko or Antelope.
- Marijuana inside the Columbia River Gorge National Scenic Area – that policy is set by the Columbia River Gorge Commission and US Forest Service NSA Office
- Personal grow, use or possession of recreational marijuana. Recreational use and production will not be effected by a decision to opt out or by a vote to ban in November, 2016.

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**OVERVIEW – THIS DRAFT DOES NOT**

- This draft **DOES NOT** regulate
  - personal (non-commercial) growing or processing of up to four plants per household as specified by State Law and OLCC regulations;
  - the growing of medical marijuana by a medical marijuana cardholder at the cardholder's residence, as long as no more than 12 mature plants are grown at that address (up to six mature plants per cardholder are permitted by state law);
  - the processing of medical cannabinoid products or concentrates by a medical marijuana cardholder or a designated primary caregiver for a cardholder;

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**OVERVIEW – THIS DRAFT DOES**

- This draft **DOES**
  - Address both medical and recreation marijuana businesses regulated by the OLCC;
  - Prohibits all marijuana businesses regulated by OLCC from Rural Residential, Farm-Forest and Agriculture-Recreation zones;
  - Require the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11.
  - Requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
  - Prohibits the use of marijuana in conjunction with home occupations in all zones;

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**OVERVIEW – THIS DRAFT DOES**

- This draft **DOES**
  - Provide 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
  - Provide a 200 foot setback from all residential zoned properties;
  - Addresses odor, water, lighting, waste management, access, and several other significant issues;
  - Provide applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department;
  - Require confirmation of OLCC license within 30-days of the date of the Planning Department's decision to comply with conditions of approval.

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**DISCUSSION & FEEDBACK**

- Questions from the Planning Commission
- Public Hearing – questions or comments from the audience?
- Requests from the Commission to facilitate the December 21, 2015 hearing?

**Contact Me!**  
 Angle Brewer, AICP  
 Planning Director  
[angleb@co.wasco.or.us](mailto:angleb@co.wasco.or.us)  
 (541) 506-2566

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**RESEARCH FOR HEARING**

Questions:

- Clarification of medical versus recreational marijuana businesses.
- Rationale for regulating medical marijuana businesses by land use regulations.
- Potential outcome if medical marijuana businesses are not regulated by land use regulations.
- What are other counties doing for their Rural Residential zones?
- What is the average size of RR-10 lots in Wasco County?
- Define commercial, within the context of farming and businesses that will require permits.
- Define production and processing.

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**STATEWIDE TRENDS**

**Local Control of Marijuana Businesses in Oregon Counties**

Opt out of all  Opt out of all but third  Opt out of retail (medical)  
 Likely to adopt some/placement requirements Updated 11/15/2015  
 Likely to take no special action  
 Decision ruling in process

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**REGULATORY CONSIDERATIONS**

**Growers**

- A cardholder may grow for themselves, or register a grower
  - Only one grow site per patient
  - Up to 4 patients per grow site
  - No sale - only reimbursement of expenses
  - Up to 6 mature plants, 18 seedlings, and 24 ounces of usable marijuana per patient
  - Thus up to 24 mature plants, 72 seedlings, and 96 ounces (6 pounds) of usable marijuana per grow site for 4 patients

Source: Oregon League of Cities, May 2014 workshop

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**GROWING (PRODUCTION)**

**Mature plants can be big**



The large plant diameters are nearly the size of the cargo utility trailer parked in the driveway at the upper left side of the picture, and as tall as the fence.

Source: Oregon League of Cities, May 2014 workshop

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**FARM DEFERRAL PROGRAM - EXISTING**

**1.090 Definitions:**

**Agricultural Structure** - In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:

**All buildings and structures**

- a. The lot or parcel is enrolled in a farm deferral program with the County Assessor;
- b. The owner provides a farm management plan that is reviewed and approved by the Planning Department;

**Agricultural Exempt Buildings Only**

- c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and
- d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the lot will be used solely as will be solely used as an agricultural building as defined by ORS 465.315(2).

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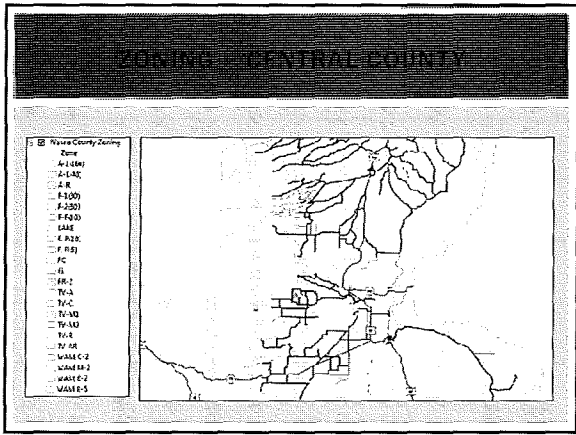
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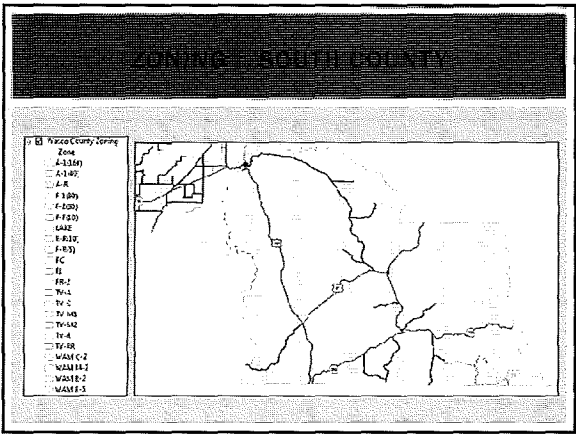
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# Wasco County

## Board of Commissioners

December 28, 2015 & January 11, 2016

Legislative Text Amendment  
PLALEG-15-11-0001  
Responding to HB 3400



# TIMELINE & CONTEXT

- **November 2014: Electors of Oregon passed Ballot Measure 91 (recreational marijuana).**
- **June 30, 2015: Legislature enacted HB 3400, including opt out provisions and local regulatory authorities for new marijuana businesses.**
- **Ongoing: staff presentations to Board of County Commissioners**
- **September 17 & 21, 2015: Wasco County Town Hall meetings to solicit feedback specific to this issue**
- **October 21, 2015: Direction from the Board of Commissioners to develop ordinance amendments in response to HB 3400**
- **November 3, 9, 23, 2015 and December 1, 2015: Planning Commission Work Sessions**
- **December 16 & 21, 2015: Planning Commission Hearings**
- **December 28, 2015 & January 11, 2016: Board of Commissioner Hearings**

# DISCUSSION OF NEXT STEPS

**All meetings open to public**

Updates provided at every regularly scheduled Board and Commission meeting; additional information posted online.

## Town Halls

September 17 & 21, 2015

**Board  
Direction**  
October 21, 2015

**Board Hearing  
& Adoption**  
Date to be determined

**Goal Date:  
January 1,  
2016**

**Planning  
Commission  
Work Session(s)**  
November 3, 2015

**Planning  
Commission  
Public Involvement**  
Date & process to be  
determined

**State review &  
acknowledgment  
process**  
Date and timelines to be determined

*[This is ambitious.  
Staff is still  
researching  
realistic timelines]*

*Additional dates to be  
determined as needed*

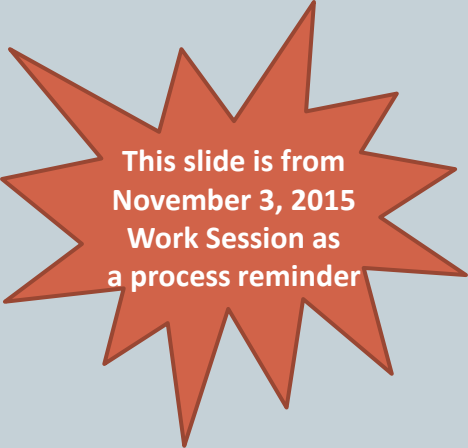
**Development  
of Draft  
Ordinances  
Staff & PC**  
Shared online for 20 days

**Planning  
Commission  
Hearing &  
Recommendation  
to Board**  
Date to be determined

**This slide is from  
November 3, 2015  
Work Session as  
a process reminder**

# ROLE OF PLANNING COMMISSION

- Facilitate the public involvement process to modify the Wasco County Land Use & Development Ordinance
  - Timelines -
    - OLCC January 4, 2016
    - State process for amending Ordinances
  - Public involvement and advisory teams
  - Consider the good works of other Counties (handout)
- Provide recommendation to the Board for adoption



This slide is from  
November 3, 2015  
Work Session as  
a process reminder

# PLALEG-15-11-0001

## APPLICABLE RULES & REGULATIONS

- There's nothing contained within this report or the proposed amendments that constitute a departure from the adopted Wasco County Comprehensive Plan or Statewide Planning Goals (there are no changes to the Comprehensive Plan or Zoning Map associated with this amendment).
- Applicable rules and regulations for the proposed amendments are therefore limited to the process defined in Chapters 2 and 9 of the Wasco County Land Use & Development Ordinance (LUDO).

# APPLICABLE RULES & REGULATIONS

## WASCO COUNTY LUDO

- Chapter 2 – Development Approval Procedures
  - Section 2.060 Application
  - Section 2.080 Notice
  - Section 2.090 Contents of Notice
  - Section 2.130 Establishment of Party Status
  - Section 2.140 Hearing Procedure
  - Section 2.150 Official Notice
  - Section 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-judicial
  
- Chapter 9 – Zone Change Ordinance Amendment
  - Section 9.050 Amendments to the Zoning Ordinance
  - Section 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
  - Section 9.070 Notice of Planning Commission Recommendation
  - Section 9.080 Action by County Governing Body

# NOTICE REQUIREMENTS MET

- **WCLUDO Chapter 2 – Development Approval Procedures**
  - Newspaper Notice in *The Dalles Chronicle* was provided November 24, 2015 and December 15, 2015.
  - Proposed amendment documents available for review November 25, 2015 and Staff Report complete and available December 9, 2015; Planning Commission Recommendation was available for review December 22, 2015.
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- **Measure 56 Notice requirements**
  - Written notice of proposed changes, process, and hearing dates sent to all County landowners (mailed November 24, 2015; meets 20 day requirement)
- **DLCD Post Acknowledgement Plan Amendment Notice Requirements**
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# CHAPTER 9 – AMENDMENTS TO LUDO

## ■ Chapter 9 – Section 9.050

*“...amendments to the ordinance may be initiated through the following actions:*

- A. *By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;...”*

**The Board provided direction on October 21, 2015; a formal resolution was signed December 2, 2015.**

# CHAPTER 9 – AMENDMENTS TO LUDO

## ■ Section 9.060

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# CHAPTER 9 – AMENDMENTS TO LUDO

- Section 9.080

*“Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.”*

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# OVERVIEW OF PROPOSED AMENDMENTS

- **Legislative text amendments to:**

- Regulate the time, place and manner of marijuana businesses in Wasco County on non-federal, non-tribal trust lands, outside of the Columbia River Gorge NSA and incorporated communities.

- **Changes include:**

- New Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing)
- Changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

# SCOPE OF REGULATORY AUTHORITY:

- **Wasco County Planning cannot legally address:**
  - **Measure 91 (it's the law).**
  - **Marijuana businesses in the Cities of The Dalles, Mosier, Dufur, Maupin, Shaniko or Antelope.**
  - **Marijuana inside the Columbia River Gorge National Scenic Area – that policy is set by the Columbia River Gorge Commission and US Forest Service NSA Office**
  - **Personal grow, use or possession of marijuana.**  
*Recreational use and production will not be effected by a decision to opt out or by a vote to ban in November, 2016.*

# OVERVIEW – “THIS ORDINANCE DOES NOT”

## ■ This draft DOES NOT regulate

- Personal growing, processing or use of up to four plants per household as specified by State Law and OLCC regulations;
- Personal growing, processing or use of medical marijuana by a medical marijuana cardholder at the cardholder’s residence, as allowed by State Law and OHA regulations;
- The personal recreational or medicinal use of marijuana products at a private residence, as allowed by State Law.

# OVERVIEW – “THIS ORDINANCE DOES”

## ■ This draft DOES

- Address both medical and recreation marijuana businesses regulated by the OLCC and OHA;
- Prohibits all new marijuana businesses from Rural Residential, Farm-Forest and Agriculture-Recreation zones;
- Require the growing of marijuana on **EFU lands** to comply with the setbacks and requirements of new Chapter 11.
- Requires the growing of marijuana on **non-EFU lands** to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- Prohibits marijuana businesses in conjunction with home occupations in all zones;

# OVERVIEW – “THIS ORDINANCE DOES”

## ■ This draft DOES

- Provide 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- Provide a 200 foot setback from all residential zoned properties;
- Addresses odor, water, lighting, waste management, access, and several other significant issues;
- Provide applicants with a two-year time frame to implement the business they’ve been approved for, consistent with existing permit timelines for the County Planning Department;
- Require confirmation of OLCC license within 30-days of the date of the Planning Department’s decision to comply with conditions of approval.

# MATERIALS FOR DISCUSSION

- **Proposed text amendments**
  - Posted online and available for review November 25, 2015
  - Post work session revisions were shared December 3, 2015
  
- **Staff Report & Recommendation**
  - Posted online and available for review December 9, 2015
  - Planning Commission Recommendation was made available December 22, 2015
  
- **LUDO Matrix – “existing” and “proposed”**
  - Posted online November 25, 2015
  - Incorporated into Staff Report
  - Shared at Board of County Commissioner meetings

*These documents are available for review at the Planning Office,  
on the Planning Website, and at this public hearing –  
on the table near the sign in sheet.*

# LUDO MATRIX KEY

## Key to Table: *PLEASE READ THIS FIRST*

	<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Water <u>Master</u> where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.



# EXISTING ORDINANCE TEXT (1 OF 2):

Based on a preliminary review, the uses listed above could potentially be applied for in the following zones:

Zone	Personal Grows	Producing + Primary Processing	Processing Secondary Processing	Wholesaling (Selling in bulk )	Retail (Individual sales)	Comments:
Forest (F-1)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Forest (F-2)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Maybe (D)(C)	Maybe (E)	Maybe (C)	Retail as Home Occ
Forest-Farm (F-F)	Yes (A)	Yes (B)	Maybe (E)	No	Maybe (E)	Retail as Home Occ
Agriculture-Recreation (A-R)	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (10))	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (5))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (2))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes	Retail or

# EXISTING ORDINANCE TEXT (2 OF 2):

Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)	Yes (D)	Maybe (E)	Retail or Medical
<b>Tygh Valley Rural Center Zones</b>						
Residential (RC-TV-R)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (C)	Maybe (E)	Retail or Medical
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No	No note.
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No	No note.
Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
<b>Wamic Rural Center Zones</b>						
Residential (RC-Wam-R2)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Residential (RC-Wam-R5)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No	No note.
<b>Overlay Zones</b>						
Big Muddy Limited Use	Yes (A)	No	No	No	No	
Badger Creek Limited Use	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Pine Hollow Airport	Yes (A)	No	No	No	No	
Camp Morrow Limited Use	Yes (A)	No	No	No	No	

# PROPOSED ORDINANCE TEXT (1 OF 2):

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>
Forest (F-1)	Yes (A)	Yes (C)	No	No	No
Forest (F-2)	Yes (A)	Yes (C)	No	No	No
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Yes (D)	Yes (D)	No
Forest-Farm (F-F)	Yes (A)	No	No	No	No
Agriculture-Recreation (A-R)	Yes (A)	No	No	No	No
Rural Residential (R-R (10))	Yes (A)	No	No	No	No
Rural Residential (R-R (5))	Yes (A)	No	No	No	No
Rural Residential (R-R (2))	Yes (A)	No	No	No	No
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes (C)
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)(E)	Yes (D)	Yes (E)
<b>Tygh Valley Rural Center Zones</b>					
Residential (RC-TV-R)	Yes (A)	No	No	No	No
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (D)	Yes (E)
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No

# PROPOSED ORDINANCE TEXT (2 OF 2):

Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	No	No	No
<b>Wamic Rural Center Zones</b>					
Residential (RC-Wam-R2)	Yes (A)	No	No	No	No
Residential (RC-Wam-R5)	Yes (A)	No	No	No	No
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No
<b>Overlay Zones</b>					
Big Muddy Limited Use	Yes (A)	No	No	No	No
Badger Creek Limited Use	Yes (A)	No	No	No	No
Pine Hollow Airport	Yes (A)	No	No	No	No
Camp Morrow Limited Use	Yes (A)	No	No	No	No

# RESEARCH FOR PC HEARING 2

## Questions raised at the Planning Commission Hearings:

- Clarification of medical versus recreational marijuana businesses.
- Rationale for regulating medical marijuana businesses by land use regulations.
- Potential outcome if medical marijuana businesses are not regulated by land use regulations.
- What are other counties doing for their Rural Residential zones?
- What is the average size of RR-10 lots in Wasco County?
- Define commercial, within the context of farming and businesses that will require permits.
- Define production and processing.



# GROWING (PRODUCTION)

## Mature plants can be big



The large plant diameters are nearly the size of the cargo utility trailer parked in the driveway at the upper left side of the picture, and as tall as the fence.

# FARM DEFERRAL PROGRAM – EXISTING

## 1.090 Definitions:

**Agricultural Structure** – In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:

### All buildings and structures

- a. The lot or parcel is enrolled in a farm deferral program with the County Assessor;
- b. The owner provides a farm management plan that is reviewed and approved by the Planning Department;

### Agricultural Exempt Buildings Only

- c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and
- d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).



# FARM DEFERRAL PROGRAM – RECOMMENDED CHANGE

## 1.090 Definitions:

**Agricultural Structure** – In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:

### All buildings and structures

- a. The owner provides a farm management plan that is reviewed and approved by the Planning Department; and
- b. The lot or parcel is enrolled in a farm deferral program with the County Assessor; or the farm management plan provides sufficient documentation to confirm compliance with the income capability requirements of state law.

### Agricultural Exempt Buildings Only

- c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and
- d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).

# RESEARCH FOLLOW UP

High level summary of feedback from other counties since December 17, 2015:

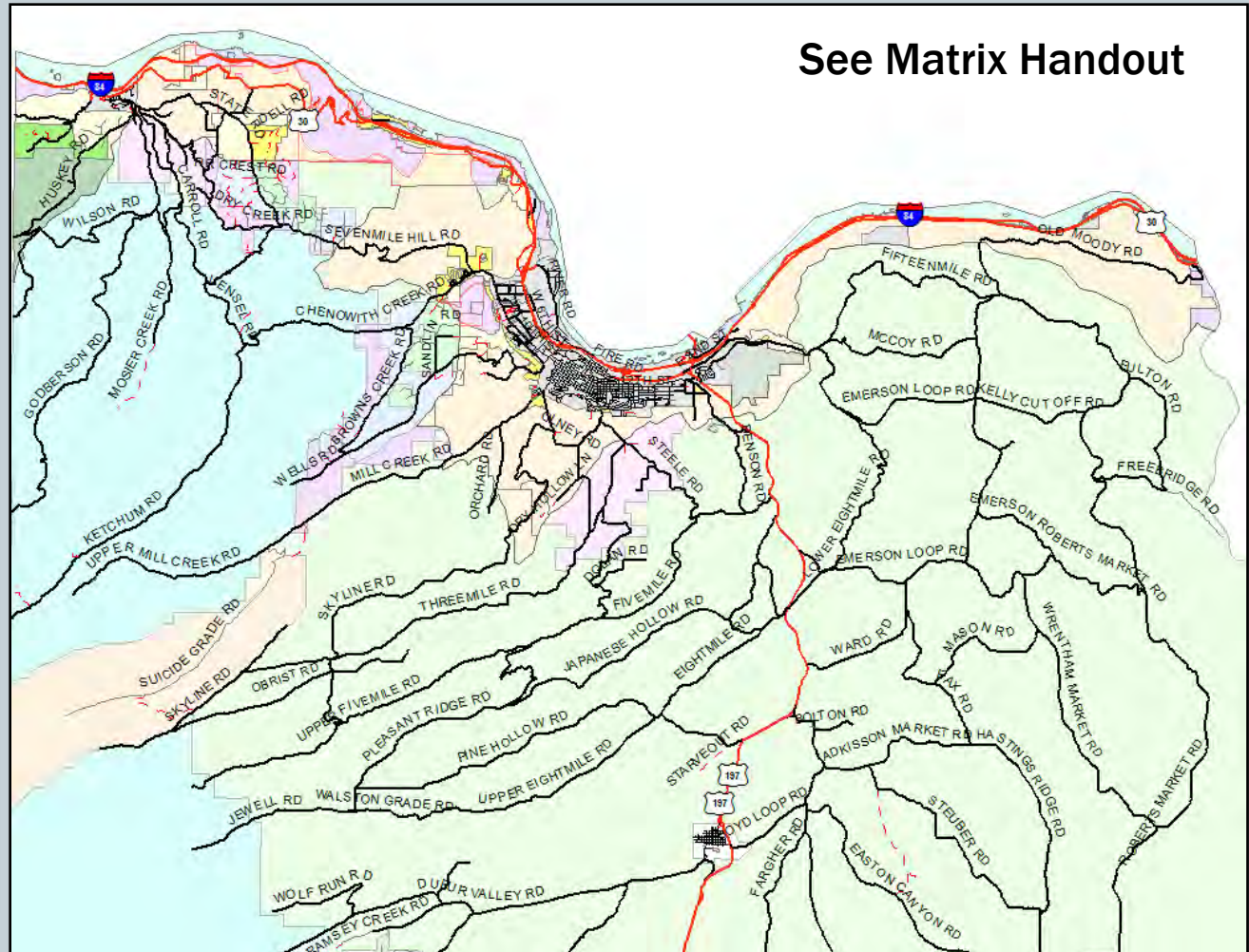


County	Marijuana Uses allowed in RR-10?	Regulating Medical?	Secondary Processing in Forest zones?
Hood River	Growing only	No	No
Multnomah	Indoor growing only; w/size limitations	Yes, treated the same as recreational	No
Deschutes <i>(In progress)</i>	To be determined	Yes, as drafted	To be determined
Lane <i>(in progress)</i>	No; task force created to reconsider.	No	Yes, but new standards being created.
Washington	Growing; processing in home occupations	Yes, treated the same as recreational	No; some allowed as home occupations
Jackson	No	Yes, treated the same as recreational	No
Marion <i>(In progress)</i>	To be determined	To be determined	To be determined
Benton	No	Yes	No
Coos	Growing only	Yes, treated the same as recreational	Yes, but limited to small scale processing

# ZONING – NORTH COUNTY

See Matrix Handout

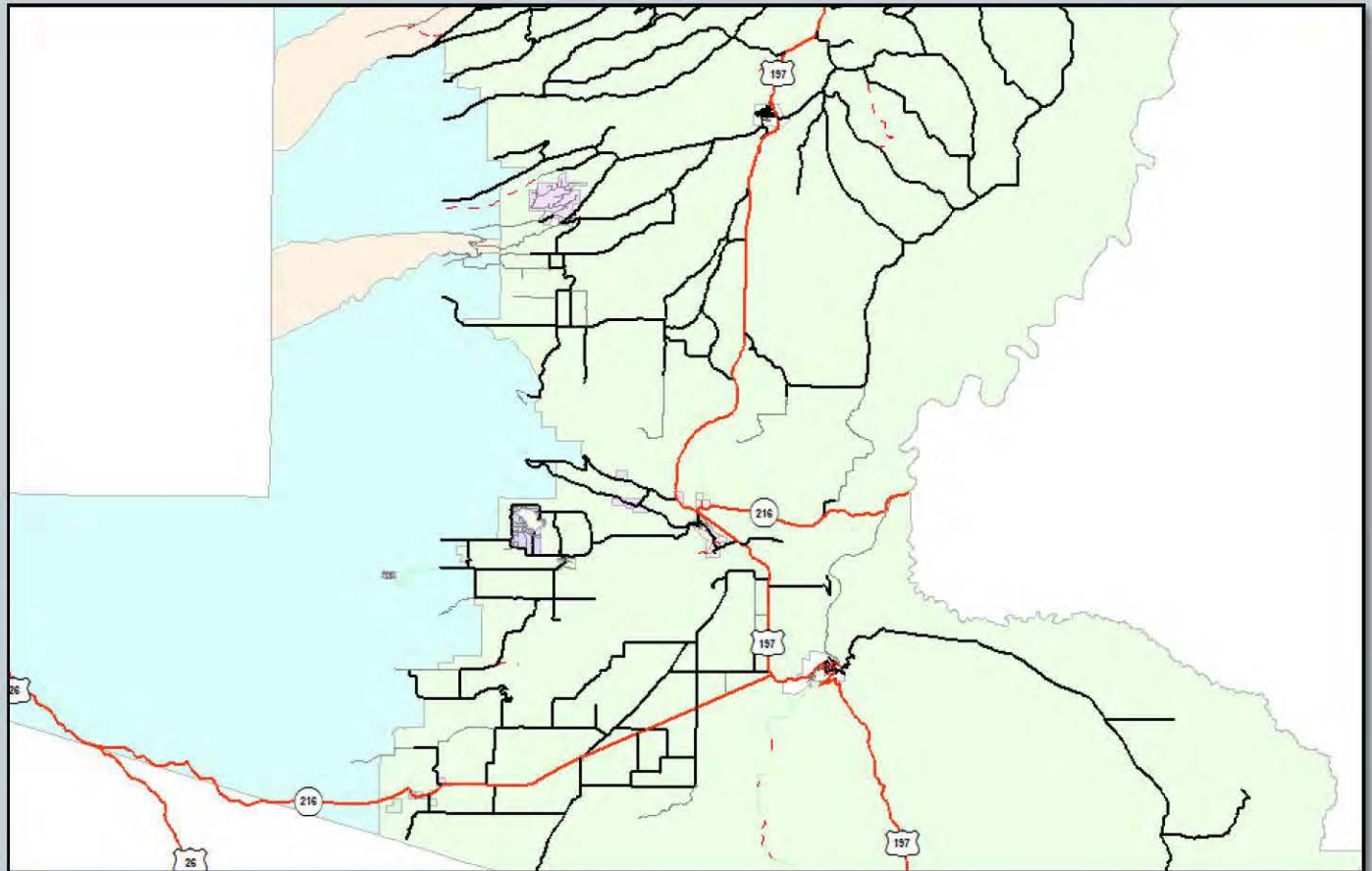
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<input type="checkbox"/>	A-1(160)
<input type="checkbox"/>	A-1(40)
<input type="checkbox"/>	A-R
<input type="checkbox"/>	F-1(80)
<input type="checkbox"/>	F-2(80)
<input type="checkbox"/>	F-F(10)
<input type="checkbox"/>	LAKE
<input type="checkbox"/>	R-R(10)
<input type="checkbox"/>	R-R(5)
<input type="checkbox"/>	RC
<input type="checkbox"/>	RI
<input type="checkbox"/>	RR-2
<input type="checkbox"/>	TV-A
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<input type="checkbox"/>	TV-M2
<input type="checkbox"/>	TV-R
<input type="checkbox"/>	TV-RR
<input type="checkbox"/>	WAM C-2
<input type="checkbox"/>	WAM M-2
<input type="checkbox"/>	WAM R-2
<input type="checkbox"/>	WAM R-5



# ZONING – CENTRAL COUNTY

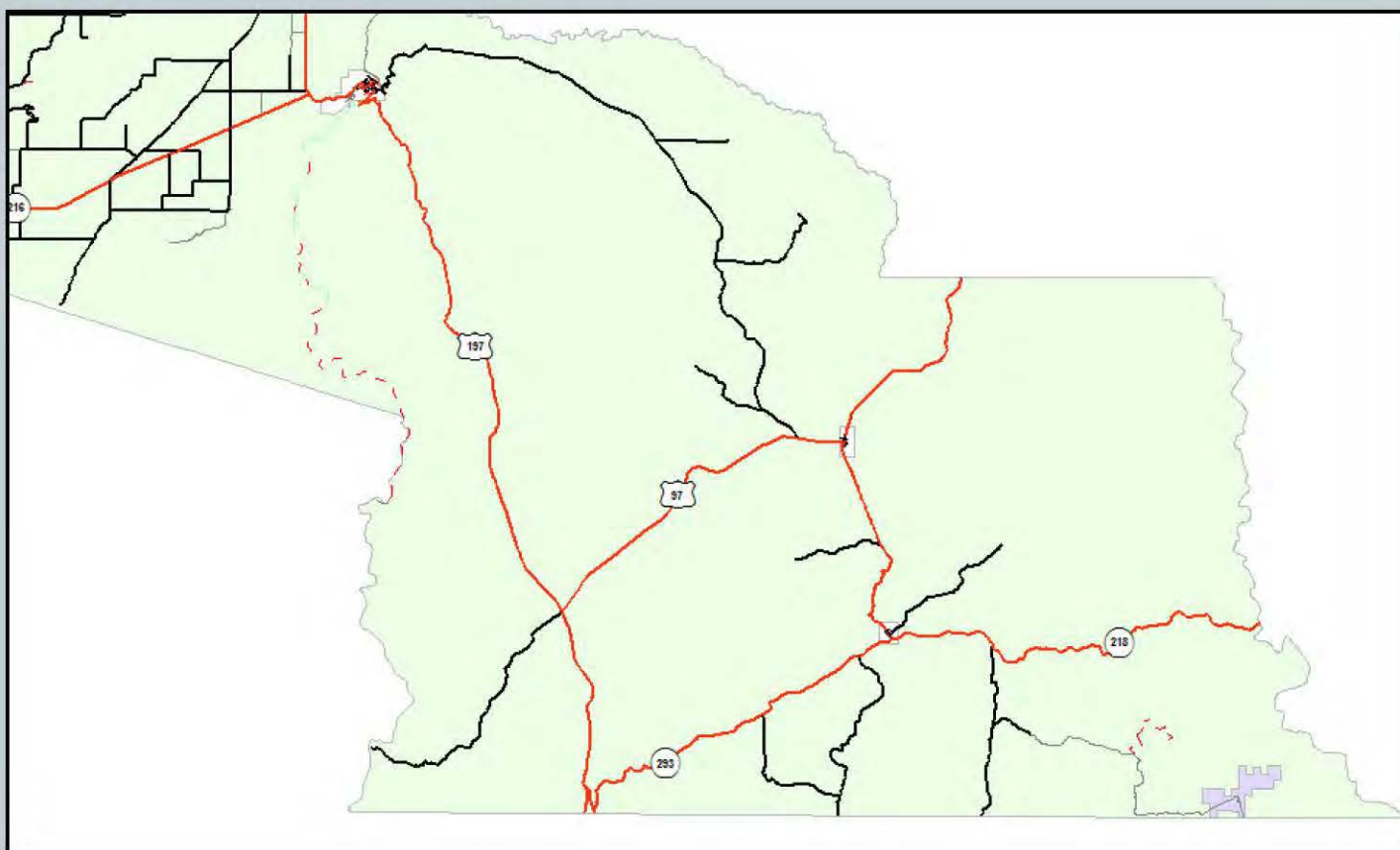
Wasco County Zoning

Zone
A-1(160)
A-1(40)
A-R
F-1(80)
F-2(80)
F-F(10)
LAKE
R-R(10)
R-R(5)
RC
RI
RR-2
TV-A
TV-C
TV-M1
TV-M2
TV-R
TV-RR
WAM C-2
WAM M-2
WAM R-2
WAM R-5



# ZONING – SOUTH COUNTY

- Wasco County Zoning
- Zone
- A-1(160)
  - A-1(40)
  - A-R
  - F-1(80)
  - F-2(80)
  - F-F(10)
  - LAKE
  - R-R(10)
  - R-R(5)
  - RC
  - RI
  - RR-2
  - TV-A
  - TV-C
  - TV-M1
  - TV-M2
  - TV-R
  - TV-RR
  - WAM C-2
  - WAM M-2
  - WAM R-2
  - WAM R-5



# PLANNING COMMISSION RECOMMENDATION:

## Approval of the proposed text amendments as an emergency ordinance, with the following conditions:

1. Limit the prohibition of new dwellings in conjunction with marijuana crops to lands zoned exclusively for farm use, to be consistent with HB 3400 (see Section 34(2)(a)).
2. Modify the definition of “agriculture structure” in Section 1.090 to ensure new agriculture buildings can be approved for farm uses that comply with state law.
3. Correct errors in Staff Report and the proposed text amendment:
  - Staff Report: add references to Oregon Health Authority where applicable; and
  - Proposed Ordinance Text: add references to Farm-Forest (F-F 10) and Agriculture-Recreational (A-R) in new Chapter 11, Section 11.020(b) to be consistent with the language recommended for Chapter 3.
4. Include the following emergency clause: “Insomuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court.”

# BOARD OPTIONS:

*(Note: Final action may not be taken until January 11, 2016)*

## Continue:

- Based on testimony and evidence presented at the hearing, continue the hearing if necessary. Note: additional testimony may provide specific reasons to approve or deny.

## Approval:

- Based upon all of the findings of fact, the Board may approve the request as recommended by the Planning Commission; or
- Based upon amended findings of fact, the Board may approve the request with amendments;

## Denial:

- Based upon amended findings of fact, the Board may deny the request.

# QUESTIONS

View information online at:

<http://co.wasco.or.us/planning/>

Contact Planning Staff with questions any time at:

Angie Brewer, AICP

Planning Director

541-506-2566 (direct)

541-506-2560 (main line)

[angieb@co.wasco.or.us](mailto:angieb@co.wasco.or.us)





**Wasco County Planning Department**  
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[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

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# **WASCO COUNTY PLANNING COMMISSION AGENDA PACKET**

**FOR**

**Hearing Date: December 16, 2015**

**Hearing Time: 3:00 pm**

**Hearing Location: Columbia Gorge Discovery Center,  
Lower Level Classroom  
5000 Discovery Drive  
The Dalles, Oregon 97058**

**Action Item(s):**

**LEGISLATIVE HEARING:**

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.



## Wasco County Planning Department

*"Service, Sustainability & Solutions"*

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[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

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### MEMORANDUM TABLE OF CONTENTS

Date: December 9, 2015  
To: Wasco County Planning Commission  
From: Wasco County Planning Office  
Subject: Submittal for Hearing dated December 16, 2015

#### **LEGISLATIVE HEARING:**

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.

<u>Item</u>	<u>Page</u>
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Planning Commission Options (Attachment B)	1-8
Proposed Text Amendments (Attachment C)	1-9
Proposed Zoning Matrix	1-229
Current Zoning Matrix	1-231
Resolution to initiate Land Use and Development Ordinance text amendment	1-234

**SUMMARY OF INFORMATION**  
**Prepared for Planning Commission Hearing**

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**File Number:** PLALEG-15-11-0001

**Request:** Legislative text amendments to the Wasco County Land Use and Development Ordinance to regulate the time, place and manner of marijuana businesses, including the addition of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

**Prepared By:** Angie Brewer, Planning Director

**Prepared For:** Wasco County Planning Commission

**Planning Commission Hearing Dates:** December 16, 2015 and December 21, 2015

**Procedure Type:** Legislative

**Applicant:** Wasco County

**Owners & Location:** Amendments will regulate marijuana businesses in all zones on all non-federal and non-tribal trust properties, outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area.

**Staff Recommendation:** Recommend approval to the Board of Commissioners and the final ordinance text is adopted as an emergency for immediate implementation.

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**Attachments:**

- A. Staff Report & Staff Recommendation
- B. Planning Commission Options
- C. Proposed ordinance text amendments

## ATTACHMENT A – STAFF REPORT

**File Number:** PLALEG-15-11-0001

**Request:** Legislative text amendments to the Wasco County Land Use and Development Ordinance to regulate the time, place and manner of marijuana businesses, including the addition of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation).

**Prepared By:** Angie Brewer, Planning Director

**Prepared For:** Wasco County Planning Commission

**Planning Commission Hearing Dates:** December 16, 2015 and December 21, 2015

**Procedure Type:** Legislative

**Applicant:** Wasco County

**Owners & Location:** Amendments will regulate marijuana businesses in all zones on all non-federal and non-tribal trust properties, outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area.

### I. APPLICABLE STANDARDS

#### A. Wasco County Land Use and Development Ordinance:

1. Chapter 2 – Development Approval Procedures
  - Section 2.060 Application
  - Section 2.080 Notice
  - Section 2.090 Contents of Notice
  - Section 2.130 Establishment of Party Status
  - Section 2.140 Hearing Procedure
  - Section 2.150 Official Notice
  - Section 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-judicial
2. Chapter 9 – Zone Change Ordinance Amendment
  - Section 9.050 Amendments to the Zoning Ordinance

- Section 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
- Section 9.070 Notice of Planning Commission Recommendation
- Section 9.080 Action by County Governing Body

**FINDING:** Compliance with the applicable standards of Chapters 2 and 9 of the Wasco County Land Use and Development Ordinance are discussed below in Section III of this report.

## II. BACKGROUND INFORMATION

### **Purpose and Need**

Oregon Measure 91 and Oregon House Bill 3400 have identified medical and recreational marijuana related business that may now be regulated by local jurisdictions in several ways, including land use. To solicit community feedback on this issue, the Wasco County Board of Commissioners held two town hall meetings (September 16 in Dufur and September 21 in Mosier), and invited Planning staff to make regular presentations at their publically noticed meetings to answer questions about the new regulations as well as listen for additional community feedback. On October 21, 2015 the Board of Commissioners directed Staff to engage the Wasco County Planning Commission to add time, place, and manner ordinance amendments regulating marijuana businesses in Wasco County, outside incorporated cities and outside of the Columbia River Gorge National Scenic Area.

### **Summary of Process to Date**

Following the October 21, 2015 Board of County Commissioners meeting, the Wasco County Planning Commission has held four public work sessions:

- November 3, 2015 - Discuss scope of task
- November 9, 2015 – Review Clackamas County and Deschutes County ordinances
- November 23, 2015 - Discuss staff's first draft ordinance, which used the Clackamas County draft as template.
- December 1, 2015 – Continue discussion of draft language and staff feedback
- December 16 and 21, 2015 – Planning Commission Public Hearings
- December 28, 2015 – scheduled hearing with the Board of County Commissioners
- January 11, 2015 – tentative date of final Board of County Commissioners hearing

### **Other Significant Dates:**

- November 11, 2015 – Notice of text amendments provided to DLCD
- November 24, 2015 – Written notice mailed to all affected landowners (adhering to the requirements of the Measure 56 notice process)
- November 24, 2015 – Notice of Planning Commission Hearings published in *The Dalles Chronicle* newspaper
- November 25, 2015 – draft ordinance language, relevant documents, hearing dates and methods of public participation and comment posted on Planning Department website.
- November 25, 2015 –notification of all partner agencies and parties that requested notification to view content online and submit feedback.

- December 3, 2015 – revised draft ordinance language added to Planning Department website following December 1, 2015 Planning Commission work session.

**Summary of Amendments**

The proposed text amendments respond to changes in State Law. There’s nothing contained within this report or the proposed amendments that constitute a departure from the adopted Wasco County Comprehensive Plan or Statewide Planning Goals.

The proposed ordinance amendments will add and amend text to regulate the time, place and manner of recreational and medical marijuana businesses regulated by the OLCC. Text amendments are proposed to add Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing) and make changes to Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation). Please see **Attachment C** for the full text of the ordinance amendments, a summary and two matrix documents that compare existing ordinance regulations to the proposed regulations.

The proposed amendments will only apply to lands in unincorporated areas of Wasco County, excluding federal lands, Tribal lands, and lands located within the Columbia River Gorge National Scenic Area.

**Department Coordination**

To develop the proposed text, Planning staff solicited feedback from all Wasco County Departments and State partner agencies. Among others, this included the Oregon Watermaster, the Wasco County Sherriff’s Office, North Central Public Health District and the Oregon Fire Marshal’s Office. Comments provided are part of the record and available upon request. All comments have been addressed and incorporated into the current proposal. Notice was provided to all other partner agencies and parties who have requested notice. New information brought to the hearings may be considered by the Planning Commission.

**III. FINDINGS**

**A. Wasco County Land Use & Development Ordinance Chapter 2 – Development Approval Procedures:**

**SECTION 2.060 Application/Completeness**

Pursuant to Chapter 2, Section 2.060(B)(2), ordinance amendments shall be heard by the Planning Commission; it states:

- B. The following matters shall be heard by the Planning Commission, pursuant to Sections 2.080, 2.090, 2.130, 2.140, 2.150, and 2.190 of this Ordinance:*

...

**2. Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)**

**FINDING:** Sections 2.080, 2.090, 2.130, 2.140, 2.150, 2.190 and Chapter 9 are addressed below. Consistent with this rule, the proposed ordinance amendment will be heard by the Planning Commission on December 16, 2015 and December 21, 2015. The Planning Commission will use the information in this report to make a recommendation to the Board of County Commissioners, who will make the final decision.

**SECTION 2.080 Notice**

**SECTION 2.090 Contents of Notice**

**SECTION 2.130 Establishment of Party Status**

**SECTION 2.140 Hearing Procedure**

**SECTION 2.150 Official Notice**

**SECTION 2.190 General Conduct of Hearings**

**FINDING:** The above sections establish the requirements for providing notice and the general conduct of hearings. Most of the criteria specifically address requirements for administrative decisions, quasi-judicial ordinance amendments, comprehensive plan amendments and zone changes. The proposed text amendment is a legislative ordinance amendment and does not include an administrative decision, zone change or comprehensive plan amendment. The Wasco County Planning Commission will be hosting public hearings for this proposed amendment on December 16, 2015 and December 21, 2015. Notice of the hearing dates was published in *The Dalles Chronicle* on November 24, 2015.

Because the proposed amendment is legislative in nature, staff elected to provide written notice to all Wasco County landowners<sup>1</sup>, in compliance with the Measure 56 notification process. The written notice was mailed to all landowners on November 24, 2015 – more than the 20-day pre-notice required by Section 2. The notice described the proposed text amendments, accessing materials, Planning Commission and Board of County Commission hearing dates, and instructions for providing input.

To ensure the general conduct of the hearings comply with Section 2.190, the Planning Commission will be provided a script with procedural guidance.

**B. Wasco County Land Use & Development Ordinance Chapter 9 – Zone Change and Ordinance Amendment**

**STAFF NOTE:** Sections 9.010 through 9.040 address zone changes only. Sections 9.050 through 9.080 address zone changes and amendments to the zoning ordinance.

<sup>1</sup> Using address data provided by the Wasco County Assessor's records, written notice was provided to all Wasco County landowners with property located outside of incorporated communities.

**SECTION 9.050 Amendments to the Zoning Ordinance**

Pursuant to Section 9.050 of the Wasco County Land Use and Development Ordinance, amendments to the ordinance may be initiated through the following actions:

- A. *By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;*
- B. *By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;*
- C. *By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in State Law;*

**FINDING:** At their October 21, 2015 meeting (a public meeting), the Wasco County Board of Commissioners provided direction to the Planning Department Staff and Wasco County Planning Commission to begin work on ordinance amendments to address the time, place and manner of marijuana businesses, as a direct response to new uses and authorities specified in Oregon House Bill 3400. A formal resolution referring the proposed plan amendment to the Planning Commission was signed by the Board of County Commissioners on December 2, 2015. The proposed amendment was initiated in a manner consistent with (A) above and therefore consistent with the requirements of Section 9.050.

**SECTION 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance**

*After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.*

**FINDING:** Public Hearings before the Planning Commission are scheduled for December 16, 2015 and December 21, 2015. The Planning Commission will use the information contained in this report and the feedback provided by commenting parties (see Section 2 above) to provide a formal recommendation to the Board of County Commissioners for their final decision. Following the public hearings, the Planning Department will provide the Commission's recommendations in writing and will include a statement of facts and reasons for recommendations, consistent with this rule.

**SECTION 9.070 Notice of Planning Commission Recommendation**

*Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.*



**FINDING:** Consistent with this rule, the Planning Department will provide notice of the Planning Commission recommendation within ten (10) days to persons who signed in and testified at the hearing and anyone who requested notification in writing.

**SECTION 9.080 Action by County Governing Body**

*Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.*

**FINDING:** Upon completion of the Planning Commission hearing on December 21, 2015, the Commission's recommendation will be forwarded to the Board of Commissioners. Notice of the Board hearing will be published a minimum of ten days prior to the hearing. The Planning Commission recommendation will be mailed the day after their recommendation is made at their public hearing. The Board of Commissioners hearing has been scheduled for December 28, 2015. To meet the 20 day requirement, the Board will continue their hearing to a date and time certain before taking action. The continued hearing is tentatively scheduled for January 11, 2016.

**IV. CONCLUSION**

Several months of public meetings, agency coordination, and research have been dedicated to the development of the proposed ordinance amendments. As proposed, the amendments will regulate the time, place and manner of new marijuana businesses on non-federal and non-Tribal Trust lands located outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area. The proposed amendments will ensure the health, safety and welfare of County residents; allow farm uses to continue in farm and forest resource zones, industrial uses to continue in industrial zones and commercial uses to continue in commercial zones; and will ensure the protection of limited and sensitive resources (e.g. water).

## ATTACHMENT B – PLANNING COMMISSION OPTIONS

### PLANNING COMMISSION OPTIONS

The Planning Commission must make a recommendation to the Board of County Commissioners. The Planning Commission has the following options:

1. Continue the Planning Commission Hearing. Based on testimony and evidence presented at the hearing, continue the hearing again if necessary (the December 16, 2015 hearing is already scheduled to be continued to December 21, 2015). Note that additional testimony may provide specific reasons to approve or deny.
2. Recommend Approval as Drafted. Based upon all of the findings of fact and conclusions of law set forth above, the Planning Commission can recommend approval of the proposed text amendments as drafted.
3. Recommend Approval With Modification(s). Recommend approval of proposed text amendments with modifications discussed and agreed upon at the Planning Commission hearings.
4. Recommend Denial. Recommend denial to the Board of Commissioners based on specific finding(s) made by the Planning Commission discussed at the public hearing.

### STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendments and encourages the Planning Commission to make a recommendation to the Board of County Commissioners that the final ordinance amendments be adopted as an emergency ordinance with the following clause:

*EMERGENCY CLAUSE: Inasmuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court.*

## ATTACHMENT C – PROPOSED ORDINANCE TEXT AMENDMENTS

### **Proposed Zoning and Development Ordinance Amendments** (begins on page 8)

Please Note: text to be added is shown in *italics and in red*.

As shown in the following documents, text amendments are proposed for the following Chapters:

- Chapter 1 (Definitions)
- Chapter 3 (Basic Provisions)
- Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones)
- Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County

The proposed amendments also include the creation and establishment of Chapter 11 (Marijuana Production, Processing, Wholesaling and Retailing).

*Please see the attached matrices to reference the marijuana uses allowed in each zone based on existing zoning ordinances and the proposed ordinance amendments (begins on page 2).*

### **Summary of Proposed Regulations**

*Please read the full text for a complete understanding of the proposed amendments.*

The proposed zoning ordinance text amendments:

- Does not regulate personal (non-commercial) growing or processing of up to four plants per household as specified by State Law and OLCC regulations;
- Does not regulate the growing of medical marijuana by a medical marijuana cardholder at the cardholder's residence, as long as no more than 12 mature plants are grown at that address (up to six mature plants per cardholder are permitted by state law);
- Does not regulate the processing of medical cannabinoid products or concentrates by a medical marijuana cardholder or a designated primary caregiver for a cardholder;
- Does address both medical and recreation marijuana businesses regulated by the OLCC;
- Prohibits all marijuana businesses regulated by OLCC from Rural Residential, Farm-Forest and Agriculture-Recreation zones;
- Prohibits the use of marijuana in conjunction with home occupations in all zones;
- Provides 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- Provides a 200 foot setback from all residential zoned properties;
- Requires the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11;
- Requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- Addresses odor, water, lighting, waste management, access, and several other significant issues;
- Provides applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department;
- Requires confirmation of OLCC license within 30-days of the date of the Planning Department's decision to comply with conditions of approval.

## Marijuana uses under current zoning regulations in Wasco County\*

\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area

The following information is based on a preliminary review of the Wasco County Land Use and Development Ordinance and the information currently available to staff regarding Measure 91 and House Bill 3400. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

### Possible marijuana business uses as a result of Measure 91 and House Bill 3400:

1. Medical Marijuana processing sites;
2. Medical Marijuana dispensaries;
3. Recreational Marijuana producers (growers);
4. Recreational Marijuana processors;
5. Recreational Marijuana wholesalers; or
6. Recreational Marijuana retailers;

### Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:

Medical or Recreational Marijuana processing =	Depends on scale, could be home occupation (e.g. small batch baked goods), could be industrial (e.g. processing to extract oils for use by other manufacturers).
Medical Marijuana dispensaries =	Similar use to pharmacy unless recreation retail is included
Recreational Marijuana production =	Farm use (if grown for commercial gain)
Recreational Marijuana wholesaling =	Warehouse that stores packaged products and resells to retail
Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for zones and the possible review process currently available.*

### Important notes:

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

**Please Note:**

The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how current zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.

**This document was revised for technical corrections to the table below on 12/3/2015.**

**Key to Table: PLEASE READ THIS FIRST**

	<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Watermaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

**Based on a preliminary review, the uses listed above could potentially be applied for in the following zones:**

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>	<b>Comments:</b>
Forest (F-1)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Forest (F-2)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Maybe (D)(C)	Maybe (E)	Maybe (C)	Retail as Home Occ
Forest-Farm (F-F)	Yes (A)	Yes (B)	Maybe (E)	No	Maybe (E)	Retail as Home Occ
Agriculture-Recreation (A-R)	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (10))	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (5))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (2))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes	Retail or

					(C)(D)(E)	Medical
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)	Yes (D)	Maybe (E)	Retail or Medical
<b>Tygh Valley Rural Center Zones</b>						
Residential (RC-TV-R)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (C)	Maybe (E)	Retail or Medical
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No	No note.
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No	No note.
Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
<b>Wamic Rural Center Zones</b>						
Residential (RC-Wam-R2)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Residential (RC-Wam-R5)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No	No note.
<b>Overlay Zones</b>						
Big Muddy Limited Use	Yes (A)	No	No	No	No	
Badger Creek Limited Use	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Pine Hollow Airport	Yes (A)	No	No	No	No	
Camp Morrow Limited Use	Yes (A)	No	No	No	No	

## **Marijuana uses under Proposed Ordinance Amendments \***

**\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area**

The following information is based on draft proposed ordinance revisions discussed at the December 1, 2015 Planning Commission work session. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

**Possible marijuana business uses as a result of Measure 91 and House Bill 3400:**

1. Medical Marijuana processing sites;
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6. Recreational Marijuana retailers;

**Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:**

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Recreational Marijuana wholesaling =	Warehouse that stores packaged products and resells to retail
Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for existing zones and the possible review process currently proposed.*

**Important notes:**

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

**Please Note:**

*The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how proposed zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.*

**Key to Table: PLEASE READ THIS FIRST**

	<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>
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(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Water Mmaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

**Result of proposed revisions discussed December 1, 2015 by the Wasco County Planning Commission:**

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>
Forest (F-1)	Yes (A)	Yes (C)	No	No	No
Forest (F-2)	Yes (A)	Yes (C)	No	No	No
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Yes (D)	Yes (D)	No
Forest-Farm (F-F)	Yes (A)	No	No	No	No
Agriculture-Recreation (A-R)	Yes (A)	No	No	No	No
Rural Residential (R-R (10))	Yes (A)	No	No	No	No
Rural Residential (R-R (5))	Yes (A)	No	No	No	No
Rural Residential (R-R (2))	Yes (A)	No	No	No	No
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes (C)
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)(E)	Yes (D)	Yes (E)
<b>Tygh Valley Rural Center Zones</b>					
Residential (RC-TV-R)	Yes (A)	No	No	No	No
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (D)	Yes (E)
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No



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Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	No	No	No
<b>Wamic Rural Center Zones</b>					
Residential (RC-Wam-R2)	Yes (A)	No	No	No	No
Residential (RC-Wam-R5)	Yes (A)	No	No	No	No
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No
<b>Overlay Zones</b>					
Big Muddy Limited Use	Yes (A)	No	No	No	No
Badger Creek Limited Use	Yes (A)	No	No	No	No
Pine Hollow Airport	Yes (A)	No	No	No	No
Camp Morrow Limited Use	Yes (A)	No	No	No	No

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## **CHAPTER 1 INTRODUCTORY PROVISIONS**

### **SECTION 1.005 Authority**

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters 92, 197, 203, and 215.

### **SECTION 1.010 Title**

This Ordinance shall be known as the Wasco County Land Use and Development Ordinance.

### **SECTION 1.020 Purpose**

The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to reduce congestion upon the streets and highways; to prevent excessive population density and the overcrowding of land; to provide for adequate air and light; to conserve natural resources and encourage the orderly growth of the County; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to facilitate adequate and economic provision for public improvements, for recreation areas, and for public utilities and services; to conserve, stabilize, and protect property values; and to encourage the most appropriate use of land, all in accordance with the comprehensive plan for Wasco County.

### **SECTION 1.030 Severability**

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

### **SECTION 1.040 Repeal**

The following ordinances, together with all amendments thereto are hereby repealed:

- "Wasco County Zoning Ordinance", adopted February 3, 1982.
- "Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982.
- "Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

### **SECTION 1.050 Effective Date**

This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

### **SECTION 1.060 Interpretation and Scope**

Interpretation: The provisions of this Ordinance shall be liberally construed to effect the purpose. These provisions are declared to be the minimum requirements to fulfill objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, then the more restrictive shall govern.

Scope: This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and limit the density of population and to divide Wasco County into districts or

zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

**SECTION 1.070 Compliance Required**

No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

**SECTION 1.080 Editorial Revision**

Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to Oregon Revised Statute 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning Department, but subject to disapproval by the Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Commission, on the first regular meeting of the Commission after the directing memorandum is filed with the County Clerk.

**SECTION 1.090 Definitions**

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

**AUM - Animal Unit Month** - Unit of measure of dry forage to graze a 900 - 1000 pound cow and calf for thirty (30) days as prescribed by the NRCS Rangeland Specialist.

**Abandoned WECS** - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

**Accepted Farming Practice** - A mode of operation common to farms and ranches of a similar nature necessary for the operation of such farms and ranches, with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

**Access** - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

**Access easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

**Accessory Structure** - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)

**Accessory Use** - A use customarily incidental and subordinate to the primary uses and located on the same lot-of-record. (Revised 1/92)

**Agricultural Land (Per OAR 660-33-020(1)(a))** - Means lands classified by the US Natural

Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in ORS 215.203 taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

**Agricultural Purposes** - The predominant and gainful use of land for the following purposes: the growing of hay, grain, seed, row crops, horticultural crops, livestock, poultry and produce.

**Agricultural Structure** – In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:

All buildings and structures

- a. The lot or parcel is enrolled in a farm deferral program with the County Assessor;
- b. The owner provides a farm management plan that is reviewed and approved by the Planning Department;

Agricultural Exempt Buildings Only

- c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and
- d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).

**Airport Approach Area** - A wedge-shaped area described by boundaries where the inner edge of the Airport Approach Area coincides with each end of the runway and is two hundred and fifty (250) feet wide at each terminus. The Airport Approach Area expands outward uniformly to a width of seven hundred and fifty (750) feet at a horizontal distance of two thousand five hundred (2,500) feet from the terminus, with its centerline being the continuation of the centerline of the runway.

**Airport Clear Area** - The Airport Clear Area coincides with the Airport Approach Area for a horizontal distance of one thousand two hundred (1,200) feet from the runway termini.

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

**Airport Hazard Area** - Any area of land upon which an airport hazard might be established if not prevented.

**Airport (Personal-Use)** - Means pursuant OAR 660-33-130(7), an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited

guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division. (amended 12/96)

**Airport (Public)** - A designated area for the take-off and landing of airplanes which is designed for public use by general aviation, and where aircraft service facilities are normally provided.

**All Weather Road** - A road that has, depending upon design criteria, a six [to eight] or more inches of gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to be made by the Wasco County Public Works Department.

**Alley** - A secondary means of access to abutting property, if dedicated as a public way.

**Altered** - A change, addition, or modification in structure; where the term "altered" is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division or use to another.

**Anemometer** - A device to measure the wind speed, generally mounted to a meteorological tower. (Added 4/12)

**Apartment** - A building or portion thereof designed for residential use and containing three or more dwelling units.

**Apartment House** - Three or more household units with walls or ceilings common to another unit.

**Approach Road** - That portion of any access, driveway or other facility that immediately abuts upon a public or county road and provides ingress to or egress from said public or county road.

**Approving Authority** - The County Governing Body or the body designated by the County Governing Body to administer all or part of this ordinance.

**Arterial Road or Street** - A road or street used primarily to carry high levels of regional vehicular traffic at high speeds; connects the collector road system to freeways; provides connection to other cities and communities; serves major traffic movements; access control may be provided through medians and/or channelization. The typical average daily traffic exceeds 2,000.

**Associated Transmission Lines** - **(1)** New transmission lines constructed to connect an energy facility to the project's substation(s). **(2)** New transmission lines constructed to connect the project's substations(s) to the power grid only if they are owned by the developer of the project. Any transmission line owned by a public utility is not an associated transmission line. (Added 4/12)

**Automobile and Trailer Sales Area** - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

**Automobile Repair Garage** - A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

**Automobile Service Station** - Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair for automobiles at retail direct to the customer.

**Automobile Wrecking Yard** - Any property where more than two vehicles not in running condition, or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered and are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months. (Revised 1/92)

**Awning** - An awning is defined as any accessory shade structure supported by posts or columns and partially supported by a mobile home.

**Basement** - A portion of a building, partly underground, which is less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the ground.

**Batch Plant, Concrete or Asphalt** - Means the storage, preparation, and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix plant.

**Bed and Breakfast Inn** - A single-family dwelling where lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. An establishment where more than one (1) meal per day is offered shall not be deemed a bed and breakfast inn. An establishment with more than five (5) sleeping rooms shall be deemed a hotel. A bed and breakfast inn must be within the residence of the operator. (Added 2/89)

**Bikeway** - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

**Bike Lane** - A defined portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

**Biomass Energy Facility** - A facility producing energy from biomass and its related or supporting facilities. (Added 4/12)

**Blade** - An element of a wind turbine rotor which forms an aerodynamic surface or surfaces to convert movement of air into mechanical energy or torque.

**Block** - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

**Boarding House** - A building or premise where meals and lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons; and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

**Boarding of Horses** - The boarding of horses for profit in specified zones other than the Exclusive Farm Use zone shall include the following:

- a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and,
- b. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The incidental stabling of not more than four (4) horses;
- c. The boarding of horses for friends or guests where no charge is made; and
- d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

**BOC** - Wasco County Board of Commissioners. (Added 4/12)

**Building** - Any structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind.

**Building Line** - A line on a plat indicating the limit beyond which buildings or structures may not be erected.

**Building Mounted Wind Turbine** - A Wind Turbine mounted or attached to a building. (Added 4/12)

**Business** - Employment of one or more persons for the purpose of earning a livelihood or a profit in money. (Added 2/89)

**Cabana** - A room enclosure erected or constructed adjacent to a mobile home for use as an addition to a mobile home.

**Campground** - A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

**Camp, Tourist, or Trailer Park** - Any area or tract of land used or designed to accommodate more than two camping outfits (trailer, tent, tent trailer, recreational vehicle, pickup camper or other similar device used for camping), including cabins.

***Cannabinoid*** - Any of the chemical compounds that are the active constituents of marijuana.

***Cannabinoid Concentrate*** - A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon



*dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.*

***Cannabinoid Edible*** - Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

***Cannabinoid Extract*** - A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

***Cannabinoid Product*** - A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

**Carport** - A covered shelter for an automobile open on two or more sides. A carport may be freestanding or partially supported by a dwelling unit or mobile home.

**Cellar** - A story having more than one-half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

**Cemetery** - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.

**Church** - A building, together with its accessory buildings and uses, where persons regularly assemble for public worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Class I Stream** - Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the Oregon Department of Forestry. Stream flows may be perennial or intermittent.

**Class II Stream** - Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the Oregon Department of Forestry. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

**Clinic** - Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

**Club or Lodge** - A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

**Collector Road or Street (Major)** - A road used primarily to serve traffic between neighborhoods and community facilities; principal carrier between arterials and local roads; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two or three lanes; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 500 to 2,000.

**Collector Road or Street (Minor)** - A road used primarily to connect rural residential areas with arterials and major collector roads; has slower speeds to enhance safety; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 250 to 400.

**Commencement of Development** - Authorized development has been commenced when the holder of the permit has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development. In the case of development requiring a building permit, issuance of the building permit shall be conclusive evidence of commencing development. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law. A development permit which would have expired but for issuance of a building permit shall expire automatically upon expiration of the building permit. In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit by the Director for 80% or more of the structure or structures.

**Commercial** - The use of land or structures for a business activity engaged primarily in the sale of goods or services. (Added 2/89)

**Commercial Agricultural Enterprise** - Consists of farm operations that will contribute in a substantial way to the area's existing agricultural economy; and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

**Commercial Energy Facility** – See Commercial Power Generating Facility. (Amended 4/12)

**Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power)** - A facility for the production of energy and its related or supporting facilities that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone; and
- b. Is intended to provide energy for sale.

See “Net Metering Power Facility”, “Non-Commercial/Stand Alone Power Generating

Facility” and “Small Scale Commercial Power Generating Facility” for additional definitions related to energy production. (Added 4/12)

**Commercial Utility Facility** - See Commercial Power Generating Facility. (Amended 4/12)

**Commission** - The Wasco County Planning Commission.

**Common Area** - Any area or space designed for joint use of tenants.

**Communication Facility** - A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

**Communication Tower** - Any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals. (Added 4/12)

**Community Center or Hall** - A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

**Community Garden** - *A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.*

**Community Management** - The person who owns or has charge, care or control of the mobile home development.

**Community Sanitary-Sewer System** - A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

**Community Water-Supply System** - A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

**Compost** - A mixture of decaying, organic matter, such as leaves and manure, used as fertilizer.

- a. **Green Feedstocks** – Materials low in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are low in, and unlikely to support, human pathogens. Green feedstocks include but are not limited to yard debris, animal manure, wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor byproducts and crop residue.
- b. **Non-Green Feedstocks** – Materials high in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are high in, and likely to support, human pathogens. Non-green feedstocks include but are not limited to animal

parts and byproducts, mixed materials containing animal parts or byproducts, dead animals and municipal solid waste.

- c. Agricultural Composting – Composting as an agricultural operation conducted on lands employed for farm use.
- d. Institutional Composting – The composting of green feedstocks generated from the facility's own activities. It may also include supplemental feedstocks. Feedstocks must be composted on-site, the compost produced must be utilized within the contiguous boundaries of the institution and not offered for sale or use off-site. Institutional composting includes but is not limited to parks, apartments, universities, schools, hospitals, golf courses and industrial parks.
- e. Reload Facility – A facility or site that accepts and reloads only yard debris and wood waste for transport to another location.

**Comprehensive Plan** - The generalized, coordinated land use map and policy statement of the governing body of Wasco County that interrelates all functional and natural systems and activities relative to the use of lands including, but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

**Condominium** - Property, any part of which is residential in nature, submitted and approved in accordance with the provisions of Oregon Revised Statutes 91.500 to 91.671.

**Conduit** - Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made water conveyance.

**Consultant Engineer** - A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

**Contiguous** - Lots, parcels or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way. (Revised 1/92)

**Corner Lot** - A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

**Corridor** - The length and width of a right-of-way or tenancy containing or intended for a transmission facility and other uses in, or intended for, the same right-of-way.

**County** - The County of Wasco, Oregon.

**County Governing Body** - The County Governing Body of Wasco County, Oregon.

**County Road** - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Governing Body. A county road shall not act as a dividing feature of a lot-of-record.

**County Road District** - For purposes of improving county roads or public roads within the boundaries of a city or drainage district, county road districts may be formed from contiguous territory within the county. All road improvements are initiated through a petition process approved by the County Governing Body. To fund the road improvements, county road districts may assess, levy and collect taxes on all taxable property within the district. See ORS 371.055.

**Court** - An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two sides by such building.

**Court Apartment** - One to four multiple dwellings arranged around two or three sides of a court which opens into a street.

**Cross Access** - A service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

**Cul-De-Sac** - A street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

**Cultural and Historic Sites** - Sites having a record of historic activity that is well-documented and have or have had an impact on the local community.

**Curb Line** - The line dividing the roadway from the planting strip or footway.

**Dam** - Any man-made structure that impounds water.

**Date of Creation and Existence** - Within the Exclusive Farm Use zone, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993 or July 1, 2001, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling or a non-farm division respectively, 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. A property line adjustment which does not have the effect of qualifying an otherwise non-qualifying lot, parcel or tract for a dwelling or a non-farm division respectively, does not change the date of creation.

**Day Nursery** - Any institution, establishment or place, other than a group day care home, in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward. (revised 2/89)

**Design** - The design of any street or alley alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

**Developer** - A subdivider, or if not creating a subdivision, a person who proposes to, or does

develop the land, whether it be for public or private purposes.

**Director** - Wasco County Planning Director or their designee.

**Diversión** - Any structure that deflects a portion of the water from a stream channel.

**Downwind** - On the opposite side from the prevailing direction from which the wind blows. (Added 4/12)

**Downwind Properties** - Properties downwind of the project boundary that have been developed as part of a Commercial Power Generating Facility. (Added 4/12)

**Double Frontage Lot** - A lot having frontage on two parallel or approximately parallel streets.

**Drive-In** - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. The term drive-in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

**Driveway** - A private access providing ingress and egress to and from within a single property, or portion of a single property to a public road, private road or private easement road.

**Driveway, Shared** - When land uses on two or more lots or parcels share one driveway. A Private Easement Road must be created for any new shared driveway crossing another property.

**Dude Ranch** - A business activity that provides meals, lodging or camping facilities, and recreation activities associated with farm use or animals. An establishment offering meals to individuals other than overnight guests shall be deemed a restaurant. An establishment offering overnight accommodations not in conjunction with recreational activities shall be deemed a hotel or campground. (Added 2/89)

**Dwelling Types** - For the purposes of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

- a. Single Family Attached (Duplex) - Two (2) household units which share a common wall or ceiling, but no unit may have a ceiling common to another unit.
- b. Single Family Attached (Multiplex) - Three (3) or more household units which share common walls, but no unit may have a ceiling common to another unit. Otherwise known as Townhouses or Row Houses.
- c. Single Family Detached - A single household unit whose construction is characterized by no common wall or ceiling with another unit.
- d. Multiple Family - Three (3) or more household units with common walls or ceilings common to another unit. Terms of differentiation for Multiple Family include: Garden Low Rise, being walkup structures limited to a maximum of two stories; Garden Medium Rise, being walkup structures limited to a maximum of three (3) stories; and High Rise, being elevator structures of multiple stories.

**Dwelling Unit** - A lawfully established dwelling is a single-family dwelling which:

- a. Has intact exterior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring for interior lights; and
- d. Has a heating system.”

**Easement** - A grant of the right to use a strip of land for specific purposes. Includes but is not limited to access easements and utility easements.

**EFSC** - Oregon Energy Facility Siting Council as established under ORS 469.450 and defined in ORS 469.300(7). The Council includes seven members appointed by the governor and confirmed by the Oregon Senate with the responsibility for overseeing and approving the development of energy facilities, as defined in ORS 469.300. (Added 4/12)

**Electrical Transmission Facilities** - The conductors, lines, structures, towers, substations, switching stations, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from power sources to the regional power grid and from the regional power grid to the local power distribution system, but not including “Associated Transmission Lines”. (Added 4/12)

**Endangered and Threatened Species** - Those species of plants and animals listed or proposed for listing as of October 1, 1978, in 41 FED REG 24524. (June 16, 1976) and 50 CFR Part 17, and its amendments and species listed or proposed for listing by the State of Oregon.

**Energy** - The amount of work that can be performed by a force. (Added 4/12)

**Energy Development** - A building or construction operation making a significant change in the use or appearance of a structure or land for an energy facility; and the clearing, excavation, filling, grading, and road building in connection with the operation.

**Energy Facility** - A solar, wind, fuel cell, hydroelectric, thermal, geothermal, cogeneration, landfill gas, digester gas, waste, dedicated low emission renewable crop, nontoxic biomass based on solid organic fuels from wood, forest or field residues, electrical transmission, natural gas pipeline, or petroleum product pipeline facility. (Amended 4/12)

**Energy Facility Project Area** - The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project lease boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion. (Amended 4/12)

**Expando** - Room or rooms that fold, collapse, or telescope into a mobile home.

**Family** - One or two persons with their direct descendants and adopted children (and including domestic employees thereof), together with not more than five (5) persons not so related living together in a room or rooms comprising a single housekeeping unit. Every additional group of five

(5) or less persons living in such housekeeping unit shall be considered as a separate family.

**Family Hardship Dwelling** - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm person or persons physically incapable of maintaining a complete separate residence apart from their family.

**Farm Management Plan** - Shall include information applicable to the specific farm use from the following list: Proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor; written description of a current farm operation that identifies the number of acres of land in current production, type and number of acres planted to a specific crop; the number of animals grazing or being raised on the farm parcel; existing farm structures (including irrigation sprinklers) supporting the farm use; and any existing water rights. The plan shall include a description of the number of employees working the farm parcel, and their responsibilities. The plan shall include a map that shows the location of all farm activities including but not limited to registered fields (Farm Services Agency map), grazing areas and areas dedicated to farm structures.

**Farm Unit** - means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.

**Farm Use** - 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, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. Farm use also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows.

Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. Farm use also includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

Farm use does not include the use of land subject to the provisions of ORS chapter 321(Timber Taxation), except land used exclusively for growing cultured Christmas trees as defined below or land described in ORS 321.267 (3) or 321.824 (3).

Cultured Christmas trees" means trees:

- a. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;



- b.** Of a marketable species;
- c.** Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- d.** Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current employment of land for farm use includes:

- a.** Farmland, the operation or use of which is subject to any farm-related government program;
- b.** Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- c.** Land planted in orchards or other perennials, other than land specified in subparagraph (d) of this paragraph, prior to maturity;
- d.** Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- e.** Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- f.** Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);
- g.** Water impoundments lying in or adjacent to and in common ownership with farm use land;
- h.** Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- i.** Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- j.** Any land described under ORS 321.267(3) or 321.824(3);
- k.** Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

- (1) Only the crops of the landowner are being processed;
- (2) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
- (3) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Accepted Farming Practice: As used in this subsection, “accepted farming practice” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

**Fence, Protective** - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

**Fence, Site-Obscuring** - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

**FERC** - Federal Energy Regulatory Commission – The United States federal agency with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC also reviews and authorizes liquefied natural gas (LNG) terminals, interstate natural gas pipelines and non-federal hydropower projects. (Added 4/12)

**Floor Area** - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls.

**Flow** - The volume of water passing through a hydroelectric facility during a given period. Flow is expressed in cubic feet per second.

**Foster Home** - A home licensed by the State and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

**Frontage** - All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**Future Street** - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

**Garage, Public** - A structure in which are provided facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance repair, or where such vehicles are parked or stored.

**Golf Course** - An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.

**Grade (Adjacent Ground Elevation)** - The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall.

**Grid** - The utility distribution system. The network that connects electricity generators to electricity users. (Added 4/12)

**Gross Building Area** - The total area taken on a horizontal plane at the mean grade level of the principal building, and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhang and balconies.

**Group Day Care Home** - A facility located in a single-family dwelling that is certified by the Children's Services Division to care for six (6) to twelve (12) children under the age of thirteen (13) at one time. A group day care home must be within the home of the care provider, and is considered a residential use in residential and commercial zones. (Added 2/89)

**Group Home** - A licensed home maintained and supervised by adults for the purpose of providing care, food and lodging for retarded adults, elderly persons, or children under the age of eighteen (18) years, unattended by parent(s) or guardian(s) where the number of unrelated persons living together as one household commonly exceeds five.

**Guest House** - Living quarters within a separate structure, with no kitchen or kitchen facilities, located on the same lot-of-record with the primary dwelling, and occupied solely by members of the owner's family or temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit. See Section 4.170 for "Guest House" development standards. (Revised 1/92)

**Guy Wire** - A cable or wire used as a semi-flexible tension support between a guy anchor and a tower.

**Half Street** - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

**Head** - The vertical distance from the highest water level of a dam, diversion, or intake for a hydroelectric facility to the elevation where water from the facility is discharged. Head is expressed in feet.

**Health Officer** - The Wasco-Sherman County District Health Unit Officer.

**Height of Building** - The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**Height of Tower** - The height of the vertical distance from the base of the tower, pole or building on which it is located to the tallest vertical point including any attachment that exceeds the highest point on the tower structure (i.e. maximum blade tip or antennae). (Added 4/12)

**High Value Land (Per OAR 660-33-020(8)(a))** - Means land in a tract composed predominantly of soils that are:

- a. Irrigated and classified prime, unique, Class I or II; or
- b. Not irrigated and classified prime, unique, Class I or II.

In addition to that land described above, high value farmland, if in Eastern Oregon, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. 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. (Added 12/96)

**High Water Line or Mark** - The highest water level a stream or lake reaches during normal seasonal run-off.

**Home Occupation** - Any lawful activity carried on within a dwelling or other building normally associated with uses permitted in the zone and which said activity is secondary to the primary use of the property for residential purposes. (Revised 1/92)

**Horticulture** - The cultivation of plants, garden crops, trees and/or nursery stock.

**Hospital, General** - An institution providing health services, primarily for in-patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

**Hospital, Mental** - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

**Hotel** - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Hunting Preserve** - Pursuant to ORS 497.248 Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not more than 1,280 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five years.

**Hunting, fishing or shooting preserve** - Shall comply with provisions of Oregon Administrative Rule 635, Division 47.

**Hydroelectric Facility** - All aspects of a project necessary for or related to power generation including, but not limited to, the generator, dams, diversions, impoundments, conduits, penstocks, fish ladders, navigation locks, fish screens, recreation facilities, transmission facilities and related buildings, structures and storage areas.

**Immediate Family Member** - Family member of the first degree of kinship or equivalent thereof.

**Industrial** - The use of land or structures to treat, process, manufacture, or store materials or products. (Added 2/89)

**Inverter** - A device that converts direct current (DC) to alternating current (AC). (Added 4/12)

**Irrigated** - means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

**Joule** - Amount of work done by a force of one newton moving an object through a distance of one meter. (Added 4/12)

**Junk Yard** - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

**Kennel** - The operation of any business or the participation in any activity in which five (5) dogs with permanent canine teeth, or which are more than six (6) months of age, are kept on the premises.

**Kilovolt (kV)** - The unit of voltage of potential difference which equals 1,000 volts.

**Kilowatt (kW)** - A measure of power for electrical current (1,000 watts). (Added 4/12)

**Kilowatt-hour (kWh)** - A measure of energy equal to the use of one kilowatt in one hour. (Added 4/12)

**Kitchen** - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located. (Added 1/92)

**Landscaping** - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material.

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

**Local Access Road** – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication but that is not a county road, state highway or federal road. Local access roads are privately maintained.

**Local Road or Street** - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

**Lot** - A unit of land that is created by a subdivision of land.

**Lot Area** -The total horizontal area within the lot lines of a lot.

**Lot, Corner** - A lot fronting on two (2) or more streets at their junction, said streets forming with each other an angle of forty-five (45) degrees up to and including one hundred thirty-five (135) degrees.

**Lot Depth** - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

**Lot, Interior** - A lot other than a corner lot.

**Lot Lines** - The lines bounding a lot as defined herein.

**Lot Line, Front** - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**Lot Line, Rear** - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

**Lot, Through** - An interior lot having frontage on two (2) streets.

**Lot 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 lines.

**Manufacture** - he processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose. (Added 2/89)

**Map** - A final diagram, drawing or other writing concerning a land division.

***Marijuana*** - *The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.*

***Marijuana Items*** - *Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.*

***Marijuana Processing*** - *The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority .*

***Marijuana Production*** - *The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor*

*Control Commission, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”*

***Marijuana Retailing** - The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.*

***Marijuana Wholesaling** - The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.*

**Medical Hardship** – Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

**Megawatt (mW)** - The electrical unit of power which equals 1,000,000 watts.

**Metes and Bounds** - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

**Meteorological Tower** - The tower and any of the following: base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), 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. (Added 4/12)

**Mobile Home -**

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. (revised 2/89)

**Mobile Home Community** - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

**Mobile Home for Storage** - Mobile homes may not be used as storage buildings in any zone.

**Mobile Home Lot** - A parcel of land for the placement of a mobile home and the exclusive use of

its occupants.

**Mobile Home Park** - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Mobile Home Space** - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

**Mobile Home Stand** - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Modular Unit** - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.
- c. Having a permanent foundation.

**Motor Home** - A self-propelled recreation vehicle that is not used as a permanent residence.

**Nacelle** -The structure which houses all of the generating components, gearbox, drive train and other components of the wind turbine.

**Natural Areas** - Land areas reserved from development or modification for the protection of animal species and other natural areas as identified in the Wasco County Comprehensive Plan.

**Neighborhood** - In relation to Nonconforming Uses a neighborhood shall include the surrounding areas whose use and enjoyment of their property would be materially impacted as a result of the proposed alteration.

**Negotiate** - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

**Net Metering Power Facility** - A facility for the production of energy that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
- b. Is intended to offset part of the customer-generator's requirements for energy;



- c. Will operate in parallel with a utility's existing transmission and distribution facilities;
- d. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
- e. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Non-Commercial/Stand Alone Power Generating Facility", "Commercial Power Generating Facility" and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production. (Added 4/12)

**Non-Commercial/Stand Alone Power Generating Facility:**

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;
- b. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;
- c. Operates as a standalone power generator not connected to a utility grid; and
- d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Net Metering Power Facility", "Commercial Power Generating Facility", and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production. (Added 4/12)

**Nonconforming Structure or Use** - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Non-Resource Zones** - Zones within the jurisdiction of this ordinance that are **not** protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands. (Added 4/12)

**Nursing Home** - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

**Official Map** - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights-of-way. The Official Map helps to implement the comprehensive plan.

**Operational High Pool Elevation (EPD 6)** - The high pool elevation for Pine Hollow and Rock Creek Reservoirs shall be considered to be the approved operational outfall elevation determined by Oregon Water Resources Department.

**O.R.S.** - The Oregon Revised Statutes.

**Owner** - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**(Legal) Parcel** - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or
- b. A parcel in an existing, duly recorded major or minor land partition; or
- c. By deed or land sales contract prior to September 4, 1974.

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

- a. Is a unit of land created solely to establish a separate tax account;
- b. Lies in different counties;
- c. Lies in different sections or government lots;
- d. Lies in different land use or zoning designations; or
- e. Is dissected by a public or private road.

**OWRD** - Oregon Water Resources Department. (Added 4/12)

**Park (Model) Trailer** - Means a vehicle built on a single chassis, mounted on wheels, designed to provide recreational, seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances and with a gross trailer area not exceeding 400 square feet when in the setup mode. Such a vehicle shall be referred to, and identified by the manufacturer or converter, as a recreational vehicle. (OAR-918-500-0005 (30))”

**Parking Lot, Private** - Open off-street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

**Parking Lot, Public** - Open off-street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

**Parking Space** - A minimum gross area available for the parking of a standard American automobile.

**Parkway** - A parklike major thoroughfare with broad rights-of-way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and

principal objectives.

**Partition** - Either an act of partitioning land or an area or tract of land partitioned as defined in this section. (Revised 1/92)

**Partition Land** - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where any additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

**Party** - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- d. Any affected unit of local government or public district or state or federal agency.
- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

**Pathway** - A walkway conforming to Chapter 21 that is not within a street right-of-way.

**Pedestrian Way** - A way or right-of-way for pedestrian traffic.

**Person** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

***Person Designated to Produce Marijuana by a Registry Identification Cardholder –***  
*A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides.*

**Place of Public Assembly** - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

**Planning Commission** - Wasco County Planning Commission. (Added 4/12)

**Planning Control Area** - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

**Planning Department** - Wasco County Planning Department. (Added 4/12)

**Plat** - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

**Porch** - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

**Power** - The rate at which work is performed or energy is converted. (Added 4/12)

**Private Easement Road** - A minimum 30 foot wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

**Private Road** - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to Section 21.300 of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

**Property Line Adjustment** - The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any additional zoning regulations.

**Public Road** - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

**Ramada** - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

**Recreational Vehicle or Camping Vehicle** - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if *any* of the following are true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;
- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

NOTE: Allowances can be made for subsections a and b above if in the opinion of the Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors

- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

**Recreational Vehicle Park** - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

**Related or Supporting Facilities to a Commercial Power Generating Facility** - Any structure, proposed to be constructed or substantially modified in connection with the construction of a commercial power generating facility, including associated transmission lines, power collector lines, substations connected to the power generating facility, meteorological towers (not including meteorological towers applied for independent of the commercial power generating facility), data collection & operating systems, construction staging & laydown areas, storage facilities, intake structures, road and rail access, barge basins, operation & maintenance buildings, and other accessory structures and buildings. A related or supporting facility is considered "in connection with the construction of the commercial power generating facility" if it would not be built or substantially modified but for construction or operation of the energy facility.

"Related or supporting facilities" does not include geothermal or underground gas storage reservoirs, production, injection or monitoring wells or wellhead equipment or pumps or any structure existing prior to construction of the energy facility, unless such structure must be significantly modified solely to serve the energy facility. (Added 4/12)

**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 a subdivision, or to correct an irregularity or error in the original plat. (Added 1/92)

**Reserved Open Space** - Land areas reserved through public dedication, public ownership, easements, covenants, or other devices for public use and limited development.

**Residential Trailer** - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Resource Zones** - Zones within the jurisdiction of this ordinance that are protected by either Oregon Land Use Planning Goal 3, Agricultural Lands or Goal 4, Forest Lands. (Added 4/12)

**Restaurant** - A public establishment for the purpose of selling meals to customers.

**Retirement Center** - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

**Reversed Corner Lot** - A corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

**Review Types -**

- a. Type I (Nondiscretionary (formerly referred to as “ministerial”)  
These procedures are decided by the Director, or the Director’s designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a “land use decision” under Oregon Revised Statute (ORS) 197.015(11).
- b. Type II (Administrative/Discretionary)  
These procedures are decided by the Director or the Director’s designee with notice, as established by Chapter 2, and appeal period established by ORS 215.416(11). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11). An appeal of a Type II decision becomes a Type III review.
- c. Type III (Quasi Judicial/Planning Commission or County Governing Body)  
Planning Commission  
These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process, notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).  
County Governing Body  
These procedures are initially heard and decided solely by the County Governing Body or on appeal from the Planning Commission with the hearings process, notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).
- d. Type IV (Legislative/County Governing Body)  
These procedures are heard and decided solely by the County Governing Body after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by ORS 197.763. They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under ORS 197.015(11).

**Right-of-Way** - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

**Road** - The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and

- c. Structures that provide for continuity of the right-of-way such as bridges.

**Road Department** – Wasco County Public Works Department. (Added 4/12)

**Roadway** - The portion or portions of a right-of-way developed for vehicular traffic.

**Rotor** - 1) A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy; 2) Rotating element in an electrical generator.

**Rotor Diameter** - Twice the distance from the center of rotation to the outermost point of the blade.

**Sale or Sell** - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

**School, Commercial** - A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

**School, Elementary** - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

**School, High** - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

**School, Nursery** - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

**School, Primary** - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

**School, Private or Parochial** - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

**School, Public** - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

**Sectional Home** - Defined the same as a modular home.

**Sensitive Wildlife Habitat** - Land areas incorporated in wildlife preserves, refuges, or game management areas; land areas identified as winter range by the Wildlife Commission, State of Oregon; and land areas providing habitat for rare or endangered species listed by the Wildlife Commission, State of Oregon, or by the Bureau of Sport Fisheries and Wildlife, United States Department of the Interior.

**Series Partition/ Series Partitioned Lands** - A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.

**Series Partitioner** - Means any person who causes land to be series partitioned into a series

partition, or who undertakes to develop a series partition, but does not include a public agency or officer authorized by law to make partitions.

**Sewage** - Water-carried human or animal waste and kitchen, bath, or laundry waste, from a building, together with such groundwater infiltration and surface water as may be present.

**Shadow Flicker** - The alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object. Shadow Flicker is not the sun seen through a spinning wind turbine rotor, nor what an individual might view moving through the shadows of a wind turbine.

**Shooting Course** - Any lot(s) or parcel(s) where target shooting (excluding hunting preserves) is conducted on a commercial basis.

**Sidewalk** - A pedestrian walkway with permanent surfacing.

**Sign** - An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two (2) surfaces parallel and back-to-back on the same structure shall be considered a sign.

**Sign, Advertising** - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

**Significant Adverse Effect** - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

**Significant Archaeological Sites** - Sites possessing valuable artifacts or evidence of prehistoric cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

**Significant Change** - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconducting, which may increase the useful life of the facility without increasing long-term, off-site impacts.

**Single-wide Mobile Home** - One (1) complete living unit constructed on a single chassis.

**Slope** - An incline in an oblique direction from the perpendicular.

**Small Scale Commercial Power Generating Facility (Utility Facility For The Purpose Of Generating Power)** - A facility for the production of energy and its related components that:

- a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones



which allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone; and

- b. Is primarily intended to offset the customer-generator’s requirements for energy but may produce more than they can consume.

See “Commercial Power Generating Facility”, “Net Metering Power Facility” and “Non-Commercial/Stand Alone Power Generating Facility” for additional definitions related to energy production. (Added 4/12)

**Solar Access** - The right of a property owner to have sunlight shine onto the property owner’s land. (Added 4/12)

**Solar Energy Facility** - A facility which converts solar energy for electricity generation, space heating, space cooling or water heating and which consists of solar panels, photovoltaic laminates, electrical lines, pipes, batteries, mounting brackets, frames, foundation and other appurtenances or devices necessary for the operation of the system wherever installed. (Added 4/12)

**Solid Waste** - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in ORS 459A.725; and
- d. Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated there under, which have been purchased or exchanged for fair market value.

**Sound Power** is the acoustical energy emitted by the sound source, and is an absolute value. It is **not** affected by the environment. (Added 4/12)

**Sound Pressure** is a pressure disturbance in the atmosphere whose intensity is influenced not only by the strength of the source, but also by the surroundings and the distance from the source to the receiver. Sound pressure is what ears hear and what sound meters measure. (Added 4/12)

**Special District** - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, and sanitary districts.

**Special Road District** – For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected.

Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable property within the district; and to do any other act necessary to carry out purposes of the special road district. See ORS 371.305.

**Stable, Private** - A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

**Story** - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**Story, Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Street** - The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

**Street Plug or Reserve Strip** - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

**Structure** - Anything constructed, erected or air inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

**Subdivide** - To effect a subdivision, as applied to this Ordinance.

**Subdivider** - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

**Subdivide Land** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**Subdivision** - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

**Swept Area** - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

**Tax Lot** - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation. (Added 1/92)

**Tentative Plan Map for Minor Partition** - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to O.R.S. 92.046, and regulations of O.R.S. 209.205, representing defined land, setting forth intentions in writing, and

including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

**Theoretical Horsepower** - The product of the flow used by a hydroelectric facility, expressed in cubic feet per second, multiplied by the head, expressed in feet, divided by 8.8.

**Through Lot** - Lot having frontage on two streets.

**Tiedowns** - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

**Tower** - monopole, freestanding, or guyed structure. (Added 4/12)

**Tourist Court** - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

**Tract** - One or more contiguous lots or parcels in the same ownership.

**Travel Trailer** - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Truck Camper** - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flat-bed truck, and that is not used as a permanent residence.

**Unique Ecologic Associations** - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

**Unique Geological Features** - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

**Unit of Land** - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

**Upwind** - On the same side as the direction from which the prevailing wind is blowing – windward. (Added 4/12)

**Use** - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

**Use, Conditional** - The term applied to use which may be permitted by the application for, the issuance of a Conditional Use Permit.

**Use Permit** - A permit allowing a specific use.

**Use, Professional** - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

**Use, Prohibited** - A use not allowed in a zoning district.

**Utility Facility (Minor) (Non-Resource Zones Only)** - Any minor facility owned or operated by a public, private or cooperative company for the local distribution or provision of sewer, water, gas, electricity (utility facility service lines), data, radio or telephone. Cell towers, any structure over 75' in height, and utility facilities that require a Goal 11 Exception constitute a "Utility Facility (Major)". (Added 4/12)

**Utility Facility (Major) (Non-Resource Zones Only)** - Any major facility owned or operated by a public, private or cooperative company for the generation, transmission, regional distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, sanitary landfills, structures over 75' in height, cell towers and similar facilities, and any utility facility that requires a Goal 11 Exception, but excluding electrical transmission facilities, & natural gas or petroleum product pipelines. (Added 4/12)

**Utility Facilities Necessary for Public Service (EFU & Forest Zones Only)** - Unless otherwise specified, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, reservoirs (may require a Goal 3 or Goal 4 exception), dams & other hydroelectric facilities, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities. (Amended 4/12)

**Utility Facility Service Lines** - Utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- a. A public right of way;
- b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
- c. The property to be served by the utility.
- d. In the case of non-EFU land, within a utility easement. (d. added 4/12)

**Variance** - A specific deviation from a part of this Ordinance.

**Vehicle Site** - The area or place used for parking occupied residential trailers or recreational

vehicles, and may include sewer, water, gas or electrical hook-ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

**Veterinary Hospital** - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X-ray, and boarding.

**Veterinary Office** - An office which provides medical services for sick and injured animals on an out-patient basis.

**Walkway** - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

**Water Dependent Uses** - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water dependent uses include but are not limited to: docks, wharfs, piers, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

**Water Related Uses** - Uses not directly dependent upon access to a water body, but whose presence facilitates public and private access to and enjoyment of a water body. Water related uses include but are not limited to: boardwalks, trails, observatories, decks, and interpretive aids. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water related.

**Waterbody** - A lake, wetland, or Class I or Class II stream.

**Watt** - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second. (Added 4/12)

**Wind Turbine Horizontal Axis** - A wind turbine on which the rotor axis substantially is parallel to the ground.

**Wind Turbine Tower** - Subsystem of a wind turbine that supports the rotor, or other collection device, above-ground.

**Wind Turbine Vertical Axis** - A wind turbine where the rotor axis is vertical.

**Wetland** - Land areas, excluding those defined in ORS 197.767, where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands. (revised 2/89)

**Wind Access Rights** - The right of a property owner to have unobstructed commercially viable wind available to the property owner's land. (Added 4/12)

**Wind Energy Facility** - A facility producing energy from wind and its related or supporting facilities. (Amended 4/12)

**Yard** - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

**Yard, Front** - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

**Yard, Rear** - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

**Yard, Side** - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

**Youth/Family Camp** - An area devoted to facilities and equipment for camp purposes for youths and adults, including swimming pools, tennis courts, recreational fields and facilities for meetings, conferences or retreats, including facilities for eating and sleeping accommodations that are provided in connection with the camp (Added 9/18/97).

**Yurt** - A round, domed shelter of cloth or canvas on a collapsible frame.

DRAFT

## **SECTION 3.110 "F-1" FOREST ZONE**

### **A. Purpose**

The purpose of the "F-1" Forest Zone is to provide areas for the continued practice of timber production, harvesting and related areas, and to help protect those areas from the hazards of fire, pollution, and the conflicts of urbanization.

It is also the primary intent of the zone to preserve and protect watersheds including the protection of surface water sources relied on for public drinking water, wildlife habitats and other uses associated with the forest, and preserve and maintain the high positive visual aspect of the forest area.

Residential development is prohibited in the "F-1" Forest Zone as the conflicts created between safe and efficient watershed management and residential development are unable to be mitigated.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-1" Forest Zone shall comply with the following regulations:

### **B. Definitions**

1. 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 cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions: When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
  - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
  - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
  - c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and
  - d. shall be copied by the Planning Director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

3. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 for commercial production.
4. Forest Operation - Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS 527.620(6).
5. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937
6. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-1" zone shall not be located on a permanent foundation.
7. Tract - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**C. Uses Permitted Without Review** - The following uses are permitted on lands designated "F-1" Forest Zone without review:

In the "F-1" Forest Zone, the following uses and activities and their accessory uses are permitted, on a legal parcel, subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards. (Added 4/12)

**RESOURCE USES**

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of this zone.
3. Farm use, as defined in Oregon Revised Statutes (ORS) 215.203(2). *Production of Marijuana is subject to Type I Review application and compliance with Chapter 11.*
4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
5. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and



other customary production equipment for an individual well adjacent to the well head.  
(Added 4/12)

7. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.

#### **NATURAL RESOURCE USES (Amended 4/12)**

8. Uses to conserve soil, air, water quality and open space and provide for forest, wildlife, and fisheries resources that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section E(8) below.

#### **UTILITIES & TRANSPORTATION (Amended 4/12)**

9. Local distribution lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.283 (l), (k) through (n).

#### **COMMERCIAL USES (Amended 4/12)**

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.
12. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section F(18) below.

**D. Uses Permitted Subject to Type I Review** - The following uses are permitted on a legal parcel on lands designated “F-1” Forest Zone subject to subsection I - Property Development Standards, Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Amended 4/12)

1. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
2. Towers and communication facilities for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height. (Added 4/12)
3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
5. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(5) below. (Amended 4/12)
6. *The production of marijuana, subject to compliance with Chapter 11.*

**E. Uses Permitted Subject to Standards/Type II Review** - The following uses may be permitted on a legal parcel on lands designated “F-1” Forest Zone subject to the subsection I - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards: (This entire section was amended 4/12)

1. Fire stations for forest fire protection.
2. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

### RESIDENTIAL USES

3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(2) - Siting Requirements for Compatibility.
4. A building or structure accessory to a legally established residential use subject to-Section K(2) Siting Requirements for Compatibility .This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.

### NATURAL RESOURCE USES

5. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Uses to conserve soil, air, water quality and open space and provide for forest, wildlife, and fisheries resources that include development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

### ENERGY FACILITIES

7. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

### MISCELLANEOUS USES

8. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.
- F. Uses Permitted Subject to Conditional Use Review/Type II or Type III - The following uses may be permitted on a legal parcel on lands designated “F-2” Forest Zone subject to Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.**

### RESOURCE USES

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.

3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.
5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
6. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

#### **RESIDENTIAL USES**

7. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as defined in 215.283. (Added 4/12)

#### **ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES**

8. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
9. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities. (Amended 4/12)
10. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width. (Amended 4/12)
11. Television, microwave and radio communication facilities and transmission towers.
12. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
13. Reservoirs and water impoundments.

## TRANSPORTATION

14. Public road and highway projects as described in ORS 215.283 (2)(p) through (r).
15. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
16. Expansion of existing airports.
17. Aids to navigation and aviation.

## COMMERCIAL USES

18. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure *and production, processing, wholesaling and retailing of marijuana* that would not otherwise be allowed in the zone is not permitted.

### G. Conditional Use Approval Standards

The following review criteria shall apply to conditional uses applied for in subsection (F) of this zone:

1. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.
2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

- H. Prohibited Uses – *Marijuana processing, wholesaling, retailing and a*All other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

### I. General Development Standards

#### 1. Setbacks

- a. New Buildings and Structures: No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.

- b. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above.

- (1) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from

and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)

- (2) Buildings and Structures other than Dwellings:** The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots. (Added 4/12)

**c. Waterways (Added 4/12)**

- (1) Resource Buffers:** All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes rivers, or wetlands.

**(a)** A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.

**(b)** A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non fish bearing by any federal, state or local inventory.

**(c)** A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.

**(d)** If the proposal does not meet these standards it shall be subject to subsection b above - Additions or Modifications to Existing Structures.

**(e)** The following uses are not required to meet the waterway setbacks; however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:

**(i)** Fences;

**(ii)** Streets, roads, and paths;

**(iii)** Drainage facilities, utilities, and irrigation pumps;

- (iv) Water-related and water-dependent uses such as docks and bridges;
        - (v) Forest practices regulated by the Oregon Forest Practices Act;
        - (vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
        - (vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
  - 2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
  - 3. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
  - 4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
    - a. Signs shall not be illuminated or capable of movement.
    - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
    - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.
  - 5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
  - 6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
  - 7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:
- 1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a Type I action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into

receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.

2. Divisions to create parcels for specified non resource use permissible in the F-1 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.110.C.14. and Section 3.110.D.1, 2, 3, 4, 8, 9, 10, 11, 12, 17 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1, 1995 provided that:
  - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - b. The remaining parcel, not containing the dwelling, shall either:
    - (1) meet the minimum parcel size standard of the zone; or
    - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
  - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
  - d. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - e. A forest farm management easement shall be recorded for each resulting parcel.
4. Divisions of land containing 2 or more dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
  - a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  - d. At least one dwelling shall be located on each parcel created, including the parent parcel;



- e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
  - f. A lot or parcel may not be divided under the provisions of this subsection if;
    - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
    - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
- a. Shall not be eligible for siting of a new dwelling;
  - b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
  - d. Shall not result in a parcel of less than 35 acres, except:
    - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the

property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

**g.** A forest farm management easement shall be recorded for each parcel.

**6.** Division of land for public park uses provided that:

**a.** The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and

**b.** If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.

**c.** The parcel created for park or open space uses shall not contain a dwelling, and:

**(1)** is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

**(2)** may not be considered in approving or denying an application for siting any other dwelling;

**(3)** may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

**(4)** May not be smaller than 25 acres unless the purpose of the land division is:

**(a)** To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

**(b)** To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of a least 2,000 acres of open space or park property.

**K.** Additional Standards

**1.** Replacement Dwelling Standards

**a.** A replacement dwelling must have:

**(1)** Intact exterior walls and roof structures;

**(2)** Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

**(3)** Interior wiring for interior lights;

**(4)** Heating system; and



- c. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
- d. Good Proximity to Public Roads - Siting structures close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.
- e. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.
- g. Road Maintenance Required - If road access to the re-located dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
- h. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply relied on for the re-located dwelling is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
  - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - (2) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
- i. Forest Stocking Requirements - Approval of a replacement dwelling in a new location shall be subject to the following requirements:
  - (1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

- (2) The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
- (3) The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;
  - (a) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.
  - (b) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

## **SECTION 3.120 "F-2" FOREST ZONE**

### **A. Purpose**

The purpose of the "F-2" Forest Zone is to protect land designated as Forest on the Comprehensive Plan Map that is suitable and desirable for commercial forestry activities. The scope of the zone also encompasses the management of areas for the continued use of lands for renewable resource production, retention of water resources, open space, recreation, wildlife habitats and related forest uses. Residential development which might be affected by or in itself affects accepted forest management practices will be limited or prohibited so as to maximize the productivity of forest resource management in the zone. Residents of this zone must recognize that the intent of the zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this code will be interpreted in favor of the resource management practice.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-2" Forest Zone shall comply with the following regulations:

### **B. Definitions**

1. 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 cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 (6) for commercial production.
3. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions - When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
  - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
  - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
  - c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and
  - d. shall be copied by the planning director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

4. Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). NOTE: On a lot or parcel for which NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry. An alternative method would include contracting with a qualified professional forester to assess the forest productivity of a specific tract. General assumptions based on surrounding site capability cannot be substituted for site specific analysis by a qualified professional nor can unclassified soils be presumed to be more or less productive than surrounding soils previously classified by NRCS.
5. Date of Creation and Existence - the date of reconfiguration through division or lot line adjustment after November 4, 1993, is the date of creation or existence for a lot parcel or tract. Reconfigured means any legal change in the boundary of the lot, parcel or tract.
6. Forest Operation - Any commercial activity relating to the establishment, management or harvest of a forest tree species as defined in ORS 527.620(6).
7. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
8. Public Road - means a road over which the public has the right to travel as a matter of public record [per ORS 368.001]
9. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or the duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-2" zone shall not be located on a permanent foundation.
10. Tract – One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

**C. Uses Permitted Without Review:** The following uses are permitted on lands designated "F-2" Forest Zone without review:

**RESOURCE USES**

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of this

zone.

3. Farm use as defined in Oregon Revised Statutes (ORS) 215.203(2). *Production of Marijuana is subject to Type I Review application and compliance with Chapter 11.*
4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
5. Exploration for mineral and aggregate resources as defined in ORS 517.
6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. (Added 4/12)
7. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.

#### **NATURAL RESOURCE USES**

8. Uses to conserve soil, air, water quality and open space and to provide for forest, wildlife and fisheries resources that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section E(8) below. (Amended 4/12)

#### **UTILITIES & TRANSPORTATION**

9. Local Distribution Lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.283 (1), (k) through (n).

#### **COMMERCIAL USES**

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.
12. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;



- d. Does not occupy more than 25 percent of the floor area of the dwelling; and
- e. Does not include the on-premises display or sale of stock in trade.
- f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section F(25) below.

13. An outdoor mass gathering as defined in ORS 433.735 (assembly of more than 3,000 people reasonably expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure) **OR** other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period. **NOTE:** A gathering described above is not subject to a land use decision or land use permitting. A Permit is required for outdoor mass gathering. Permit Application, notice, and fee, requirements are outlined in ORS 433.750-.755, to protect public health and safety.

- D. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "F-2" Forest Zone subject to subsection I - Property Development Standards, Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Amended 4/12)

1. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
2. Towers and communication facilities for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.
3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

5. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(7) below.
6. Dwelling for Caretaker in a Public Park or Fish Hatchery. A single family dwelling may be authorized within the Forest Zones for a caretaker's residence when the residence will be located on land dedicated and developed as a public park, and the residence is to be occupied by a caretaker and caretaker's family only.
7. *The production of marijuana, subject to compliance with Chapter 11.*

**E. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to the subsection I - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

#### **RESOURCE USES**

1. Fire stations for forest fire protection.
2. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

#### **RESIDENTIAL USES** (revised 4/12)

3. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(4) - Siting Requirements for Compatibility.
4. Lot of Record Dwelling subject to Section K(2) - Lot of Record Test & K(4) - Siting Requirements for Compatibility.
5. Large Tract Dwelling subject to Section K(3) - Large Tract Test & K(4) - Siting Requirements for Compatibility.
6. A building or structure accessory to a legally established residential use subject to-Section K(4) Siting Requirements for Compatibility. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

#### **NATURAL RESOURCE USES** (Amended 4/12)

7. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
8. Uses to conserve soil, air, water quality and open space and to provide for forest, wildlife

and fisheries resources that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

### **ENERGY FACILITIES**

9. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

### **MISCELLANEOUS USES**

10. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.
- F. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards. (Amended 4/12)

### **RESOURCE USES**

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.
3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.
5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

### **RESIDENTIAL USES**

7. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as

defined in 215.283.

## **ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES**

8. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
9. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.
10. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.
11. Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
12. Television, microwave and radio communication facilities and transmission towers.
13. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
14. Reservoirs and water impoundments.

## **TRANSPORTATION**

15. Public road and highway projects as described in ORS 215.283 (2)(p) through (r).
16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
17. Expansion of existing airports.
18. Aids to navigation and aviation.

## **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

19. Parks and campgrounds - A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Campgrounds authorized under this section are to be located at a site or contiguous to lands with a park

or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the Section K(5) – Additional Standards below.

20. Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;
  - a. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.
  - b. Only minor incidental and accessory retail sales are permitted.
  - c. Accommodations shall only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.
  - d. Fishing accommodations must be located within 1/4 mile of fish-bearing waters.
  - e. Other conditions imposed by the Approving Authority deemed necessary.
  - f. *The accommodations and operations shall not include the production, processing, wholesaling or retailing of marijuana; a commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
21. Youth Camps subject to the limitations and requirements of OAR 660-006-0031.
22. Public parks subject to OAR 660-034-0035 or 660-034-0040, whichever is applicable.
23. Cemeteries.
24. Firearms training facility.

#### **COMMERCIAL USES**

25. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure *and production, processing, wholesaling and retailing of marijuana* that would not otherwise be allowed in the zone is not permitted.
  26. Any gathering subject to review by the Wasco County Planning Commission under the provisions of ORS 433.763. This includes any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three month period and any part of which is held in open spaces. Approval of a land use permit for this type of gathering is required. Special criteria listed in ORS 433.763 must be addressed.
- G. Conditional Use Approval Standards** - The following review criteria shall apply to a conditional use applied for in subsection (F) of this Section:

1. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

H. **Prohibited Uses** – *Marijuana processing, wholesaling, retailing and a*All other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

I. **Property Development Standards**

1. **Setbacks**

a. **New Buildings and Structures:** No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.

b. **Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above. (Added 4/12)**

(1) **Dwellings:** The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings.

(2) **Buildings and Structures other than Dwellings:** The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots.

c. **Waterways**

(1) **Resource Buffers:** All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands. (Added 4/12)

- (a) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.
  - (b) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non fish bearing by any federal, state or local inventory.
  - (c) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.
  - (d) If the proposal does not meet these standards it shall be subject to subsection b above - Additions or Modifications to Existing Structures.
  - (e) The following uses are not required to meet the waterway setbacks; however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:
    - (i) Fences;
    - (ii) Streets, roads, and paths;
    - (iii) Drainage facilities, utilities, and irrigation pumps;
    - (iv) Water-related and water-dependent uses such as docks and bridges;
    - (v) Forest practices regulated by the Oregon Forest Practices Act;
    - (vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
    - (vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
3. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
- a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are

permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
  6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
  7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:
1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a Type I action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
  2. Divisions to create parcels for specified non resource use permissible in the F-2 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.120.C.14 and 3.120.D. 1, 2, 3, 4, 7, 8, 9, 13, 14, 15, 17, 20, 21, 22, & 23 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
  3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1,1995 provided that:
    - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
    - b. The remaining parcel, not containing the dwelling, shall either:
      - (1) meet the minimum parcel size standard of the zone; or
      - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
    - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
    - d. An irrevocable deed restriction shall be recorded with the deed for the remaining



parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

- e. A forest farm management easement shall be recorded for each resulting parcel.
4. Divisions of land containing at least two dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  - d. At least one dwelling shall be located on each parcel created, including the parent parcel;
  - e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
  - f. A lot or parcel may not be divided under the provisions of this subsection if:
    - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
    - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
- a. Shall not be eligible for siting of a new dwelling;
  - b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

- c. Shall not, as a result of the land division, be used to justify re-designation or rezoning of resource lands;
  - d. Shall not result in a parcel of less than 35 acres, except:
    - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
  - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
  - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
  - g. A forest farm management easement shall be recorded for each parcel.
6. Division of land for public park uses provided that:
- a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and
  - b. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel; and
  - c. The parcel created for park or open space uses shall not contain a dwelling, and:
    - (1) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - (2) may not be considered in approving or denying an application for siting any other dwelling;
    - (3) may not be considered in approving a re-designation or rezoning of forest lands except for a re-designation or rezoning to allow a public park, open space or other natural resource use; and
    - (4) May not be smaller than 25 acres unless the purpose of the land division is:
      - (a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
      - (b) To allow a transaction in which at least one party is a public park or open

space provider, or a not-for-profit land conservation organization that has cumulative ownership of a least 2,000 acres of open space or park property.

**K. Additional Standards**

**1. Replacement Dwelling standards**

**a.** A replacement dwelling must have:

- (1)** Intact exterior walls and roof structures;
- (2)** Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3)** Interior wiring for interior lights;
- (4)** Heating system; and
- (5)** Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.

**b.** A replacement dwelling shall be subject to the following siting standards:

**(1)** Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:

- (a)** General Development Standards,
- (b)** Siting Requirements for Compatibility.

**(2)** Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:

- (a)** General Development Standards, and

Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address

- (b)** Siting Requirements for Compatibility.

**2. Lot of Record Test** - One single family dwelling on a lot of record, meeting the following qualifications:

**a.** The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired and owned continuously by the present owner:

- (1)** Prior to January 1, 1985; or
- (2)** By devise or interstate succession from a person who acquired and had owned continuously the lot or parcel prior to January 1, 1985; and

As used in this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

- b. The tract or parcel on which the dwelling is to be sited is composed of soils not capable of producing four thousand (4,000) cubic feet per year of forest tree species as defined in subsection B of this section; and
  - c. The tract or parcel on which the dwelling is to be sited is located within fifteen hundred (1,500) feet of a public road as defined by subsection B of this section that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
    - (1) A United States Bureau of Land Management road; or
    - (2) A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency. Note: any access authorization must be demonstrated to provide a permanent access route to the home site; and
  - d. The tract on which the dwelling will be sited does not include a dwelling; and
  - e. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract; and
  - f. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel; and
  - h. When the lot or parcel on which the dwelling will be sited lies within an area designated as big game winter range, the siting of the dwelling shall be consistent with the limitation on density upon which the Section 3.290 (Sensitive Wildlife Habitat Overlay) describes to protect habitat; and
  - i. A Forest Farm Management Easement is filed with the deed records of the property.
3. Large Tract Test - If a dwelling is not allowed under the Lot of Record test, a dwelling may be allowed on land zoned for forest use if It complies with all applicable provisions of law and meets the following:
- a. The tract on which the dwelling will be sited does not include a dwelling; and
  - b. The tract consists of at least 240 contiguous acres or 320 non-contiguous acres in one ownership in the same county or contiguous counties;
  - c. CC&Rs or a deed restriction defined in subsection B of this section, has been executed and recorded that encumbers all other lots or parcels that comprise the tract used to meet the acreage test; and

- d. A Forest Farm Management Easement is filed with the deed records of the property.
4. Siting Requirements for Compatibility of New Dwellings and Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:
- a. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
    - (1) Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
    - (2) Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
    - (3) Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone. (Added 4/12)
  - b. Dwelling and Accessory Structure Set Backs - To satisfy a. above, dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in a. above.
  - c. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
  - d. Good Proximity to Public Roads - Siting close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.
  - e. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.

- f. Road Maintenance Required - If road access to the dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
  
- g. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
  - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - (3) A water use permit issued by the Water Resources Department for the use described in the application; or
  - (4) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
  
- h. Forest Stocking Requirements - Approval of a dwelling shall be subject to the following requirements:
  - (1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
  - (2) The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
  - (3) The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;
    - (a) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.
    - (b) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the

landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

**5. Private Parks and Campgrounds Standards:**

- a.** Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-004.
- b.** A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- c.** Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period; and
- d.** Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except for yurts meeting the following requirements:
  - (1)** No more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; and
  - (2)** The yurt shall be located on the ground or on a wood floor with no permanent foundation; and
  - (3)** The Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in Wasco County if the Commission determines that the increase will comply with the standards described in ORS 215.296(1).
  - (4)** As used here, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook up or internal cooking appliance.
- e.** Campfires will be subject to Oregon Department of Forestry regulated use closures during fire season. Camp grounds are not automatically exempted and need to comply with all applicable use restrictions.

## **SECTION 3.210 EXCLUSIVE FARM USE (“EFU”) ZONE**

- A. Purpose: The purpose of the “A-1” Exclusive Farm Use Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing and future needs, including economic needs that pertain to the production of agricultural products. And to permit the establishment of only those uses that are compatible with agricultural activities consistent with the applicable Statutory and Administrative Rule provisions of ORS Chapter 215 and OAR Chapter 660, Division 33.

Uses, buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “A-1” Exclusive Farm Use zone shall comply with the following regulations. If these regulations are preempted by mandatory ORS’s or OAR’s those shall be applied directly pursuant to ORS 197.646.

- B. Uses Permitted Without Review: The following uses are permitted on lands designated “A-1” Exclusive Farm Use Zone without review:

### **RESOURCE USES**

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is non-discretionary. *Marijuana production is subject to compliance with Chapter 11.*
2. Propagation and harvesting of a forest product.
3. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
4. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.)

### **NATURAL RESOURCE USES**

5. Creation, restoration or enhancement of wildlife habitat and wetlands that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section D(11) below.

### **TRANSPORTATION FACILITIES**

6. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.
7. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including additional travel lanes, where no removal or displacement of buildings would occur and not resulting in any new land parcels.



8. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.
9. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

#### **UTILITY/DISPOSAL FACILITIES**

10. Utility facility service lines under 200' in height: Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
  - a. A public right of way;
  - b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  - c. The property to be served by the utility.
11. Transport of biosolids to tract of land for application. Pursuant to ORS 215.247 if biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright.

The application of biosolids which do not meet these criteria is subject to Section D(2) below.

12. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

#### **COMMERCIAL USES**

13. An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.
14. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;

- d. Does not occupy more than 25 percent of the floor area of the dwelling; and
- e. Does not include the on-premises display or sale of stock in trade.

*f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(28) below.

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “A-1” Exclusive Farm Use Zone subject to Subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards and any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Added 4/12)

1. Agricultural Structure: Buildings and structures other than dwellings customarily provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.
2. Accessory Structure: Buildings and structures accessory to a legally established dwelling not provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.
3. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a Farm Management Plan documenting how the replacement dwelling will be used in conjunction with a farm use.
4. Alteration, restoration relocation, or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel, subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only). (Amended 4/12)
5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Amended 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “A-1” Exclusive Farm Use Zone subject to

the subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

## RESOURCE USES

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is discretionary. *Discretionary uses that include marijuana shall comply with Chapter 11.*
2. Land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and must be reviewed subject to Section J(11) - Additional Standards below.

## COMMERCIAL USES RELATED TO FARM USE

3. A winery subject to Section J(6) - Additional Standards below:
4. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 subject to the following:
  - a. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.
  - b. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for the preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use.
  - c. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. No division of a lot or parcel shall be approved to separate a processing facility from the farm operation on which it is located.
  - d. Marijuana processing shall comply with Chapter 11.*
5. Farm stands subject to Section J(12) - Additional Standards below: *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*

## RESIDENTIAL USES

6. Farm Dwelling: One single family dwelling customarily provided in conjunction with farm use, subject to Section J(5) - Additional Standards below. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling.*

*(See Section 34, Chapter 614, Oregon Laws 2015.)*

7. Accessory Farm Dwelling(s): An accessory farm dwelling is a single family dwelling occupied by a person or persons principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. Accessory farm dwelling includes all types of residential structures allowed by applicable state building code. Accessory farm dwellings are also subject to Section J(2) - Additional Standards below. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
8. Relative Farm Dwelling: A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator or farm operator's spouse and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:
  - a. The relative is a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse;
  - b. The farm operator does, or will require the assistance of the relative in the management of the farm use;
  - c. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; ~~and~~
  - d. The farm operator shall submit a farm management plan documenting how the relative dwelling is necessary for maintaining the farm use-; ~~and~~
  - e. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
9. Lot of Record Dwelling: One single family dwelling on a lot or tract of record less than 80 acres, which does not otherwise qualify for a dwelling Subject to Section E(5) (Non-Farm Dwelling) below and also subject to Section J(4) - Additional Standards below.
10. Alteration, restoration relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).

## NATURAL RESOURCE USES

11. Creation, restoration or enhancement of wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

## **UTILITY/ENERGY FACILITIES**

Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

12. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities over 200 feet in height, subject to Section J(8), Additional Standards below.
  
13. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

## **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

14. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary and the following:
  - a. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.
  - b. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use.
  - c. An owner of property used for this purpose may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operators cost to maintain the property, buildings and facilities.
  - d. "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.
  
15. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland. Existing facilities wholly within a farm zone may be maintained, enhanced or expanded on the same tract.

## **MISCELLANEOUS USES**

16. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 – Land

Divisions.

17. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section J(15) - Additional Standards below. On-site filming in excess of 45 days is a conditional use.

- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel designated "A-1" Exclusive Farm Use subject to subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards:

**RESOURCE USES**

1. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. Notice of all applications under this shall be sent to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing on the application.
2. Primary processing of forest products, subject to the following:
  - a. Such facility does not seriously interfere with accepted farming practices and is compatible with farm uses as defined.
  - b. Such facility may be approved for a one-year period which is renewable.
  - c. The facility is intended to be only portable or temporary in nature.
  - d. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.
4. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay.
5. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt production is filed, and subject to WCLUDO Section 3.800, Mineral and Aggregate Overlay.
6. Processing of other mineral resources and other subsurface resources.

7. Mining and processing of geothermal resources as defined in ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in Section B(5) above.

#### **COMMERCIAL USES RELATED TO FARM USE**

8. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use or by Section D(4) above, subject to Section J(16) - Additional Standards below. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
9. Farm ranch recreation including but not limited to hunting preserves, fishing, fly fishing and tying clinics, trap and skeet range, archery range, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, and outdoor schools in conjunction with a commercial farming operation subject to Section J(7) - Additional Standards below.

In season fee hunting shall not be included in Farm Ranch Recreation unless it includes lodging or is part of a larger farm ranch recreation operation.

#### **RESIDENTIAL USES**

10. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below.
11. A temporary medical hardship dwelling for the term of hardship suffered by the existing resident or relative subject to Chapter 8 Temporary Use Permit - Section 8.070:
12. Residential home which means a residential treatment or training or adult foster home in an existing dwelling licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related (or as further defined in ORS 197.660).

#### **ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES**

13. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
14. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.

A wind power generation facility shall also be subject to Section J(17), Additional Standards below.

Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4, or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4 and ORS 197.732. (Added 4/12)

15. Electrical Transmission Facilities and Utility Facility Lines greater than 200' in height, and Natural Gas or Petroleum Product Pipelines subject to Section J(8) - Additional Standards below and Chapter 19 - Standards for Energy Facilities - Section 19.030. (Amended 4/12)
16. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.
17. Composting facilities (excluding non-green feedstocks) for which a permit has been granted by DEQ under ORS 459.245 and OAR 340-96-020 subject to Section J(10) - Additional Standards below.

## **TRANSPORTATION**

18. Personal use airports for airplanes and helicopter pads, including associated hangars, maintenance and service facilities. A personal-use airport, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.
19. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
20. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.
21. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
22. Roads, highways and other transportation facilities and improvements not otherwise allowed by this ordinance subject to:
  - a. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or



- b. ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

## **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

- 23. Fire service facilities providing rural fire protection services.
- 24. Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

- 25. Parks and playgrounds A public park includes only the uses specified under OAR 660-034-0035 or 660-034-0040 whichever is applicable and may only be established subject to ORS 195.120,
- 26. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- 27. Any gathering subject to review by a county planning commission under the provisions of ORS 433.76. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period.
- 28. Public or private schools for kindergarten through grade 12, including all building essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to the following:
  - a. New schools may not be established on high-value farmland. Existing schools on high-value farmland may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.
  - b. No new school may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004.
  - c. Existing schools not on high-value farmland that are primarily for residents of the rural area in which the school is located may be maintained, enhanced, or expanded.
  - d. Existing schools that are not primarily for residents of the rural area in which the

school is located may be expanded on the tax lot on which the use was established or on a contiguous tax lot owned by the applicant on January 1, 2009.

## COMMERCIAL USES

29. Major Home occupation subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure *and production, processing, wholesaling and retailing of marijuana* that would not otherwise be allowed in the zone is not permitted.
30. Home Occupation with Room and Board or (Bed and Breakfast) arrangements in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary subject to the following.
- a. Room and board arrangements shall:
    - (1) Not exceed accommodations for five unrelated persons beyond the inhabitants of the house; and
    - (2) Include month to month rental with food contract.
  - b. Bed and breakfast arrangements shall:
    - (1) Not exceed five rooms;
    - (2) Limit occupation by guests to no more than 30 consecutive days; and
    - (3) Only allow breakfast to be served to guests and no other meals.
  - c. *The arrangements shall not include the production, processing, wholesaling or retailing of marijuana.*
31. Home Occupation to Host Commercial Events subject to Chapter 20 – Site Plan Review - Section 20.100: The commercial events are associated with a farm use, lawfully approved winery, bed and breakfast or farm ranch recreation and includes weddings, receptions, parties, bicycle races confined to the subject parcel(s) and other small-scale gatherings hosted for a fee that are incidental and subordinate to the primary use of the parcel. Construction of a structure that would not otherwise be allowed in the zone is not permitted. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- If the commercial event is in conjunction with a farm use, the applicant shall submit a Farm Management Plan which includes documentation that the property is capable of meeting the Farm Dwelling income test in Section J(5)(b) below.
32. Dog Kennels, except that such uses are prohibited on high value farmland.
33. Private parks, playgrounds, and campgrounds, as defined in Section 1.090, Definitions, except that such uses are prohibited on high value farmland, subject to Section J(14) - Additional Standards below.

**34. Golf courses:** A 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course except that such uses are prohibited on high value farmland, as defined in ORS 195.300, subject to Section J(13) - Additional Standards below.

**35. Operations for the extraction and bottling of water.**

**36. On-site filming** if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. This use is also subject to Section J(15) - Additional Standards below.

**F. Property Development Standards**

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

**1. Setbacks**

**a. Property Line**

**(1) All dwellings (farm and non farm) and accessory structures not in conjunction with farm use,** shall comply with the following property line setback requirements:

**(a)** If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.

**(b)** If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.

**(c)** If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.

**(d)** If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:

**i.** The structure shall be set back a minimum of 25 feet from the road right of way or easement;

**ii.** The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and

iii. As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the greatest extent practicable.

(2) Farm structures shall be set back a minimum of 25 feet from the property line.

(3) Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:

(a) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)

(b) Farm & Non-Farm buildings and structures: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots.

(4) Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four (4) feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

b. Waterways

(1) Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.

(a) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.

(b) A minimum distance of fifty (50) feet when measured horizontally at a right

angle for all water bodies designated as non fish bearing by any federal, state or local inventory.

(c) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all water bodies (seasonal or permanent) not identified on any federal, state or local inventory.

(d) If the proposal does not meet these standards it shall be subject to Section (a)(3), Additions or Modifications to Existing Structures, above.

(e) The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:

(i) Fences;

(ii) Streets, roads, and paths;

(iii) Drainage facilities, utilities, and irrigation pumps;

(iv) Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

(2) Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

c. Irrigation Ditches: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.

d. Wasco County Fairground

(1) Front Yard: No structure other than a fence or sign shall be located closer than ten (10) feet from the rights-of-way of a public road.

(2) Side Yard: No structure other than a fence or sign shall be located closer than

seven (7) feet for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

- (3) Rear Yard: No structure other than a fence shall be located closer than ten (10) feet from the rear yard property line.
  - (4) RV Spaces: RV spaces are subject to the setback requirements of Chapter 17, Recreational Vehicle Parks.
  - (5) Existing & Replacement Structures: All lawfully established structures which do not conform to current setback standards shall be allowed to be expanded, or replaced and expanded into the required setback as long as the expansion does not encroach upon the required setback more than the existing structure.
2. Height: Except for those uses allowed by Section 4.070, General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.
  3. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  4. Signs

    - a. Permanent signs shall not project beyond the property line.
    - b. Signs shall not be illuminated or capable of movement.
    - c. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.
    - d. Size and Height of Permanent Signs:

      - (1) Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.
      - (2) Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.
    - e. Number of permanent signs:

      - (1) Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.
      - (2) Signs on buildings shall be limited to one per building and only allowed on

buildings conducting the use being advertised.

- f. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way.
- 5. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- 6. Parking: Off street parking shall be provided in accordance with Chapter 20.
- 7. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

**G. Property Size Standards**

Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone.

1. Farm Divisions:

- a. 40 Acre: There shall be a 40 acre minimum land division for farm parcels in the A-1(40) zone.
- b. 80 Acre: There shall be a 80 acre minimum land division for farm parcels in the A-1(160) zone to allow for land divisions around higher value per acre crops. All proposed farm parcels at least 80 acres but less than 160 acres shall meet the following standards:
  - (1) A farm management plan shall be submitted with the application. The farm management plan shall also include an evaluation of the following:
    - (a) The property size shall be large enough to keep commercial farms and ranches in the area successful and not contribute to their decline. This evaluation shall include the potential negative impacts such as increasing traffic on farm to market roads or adding practices or uses that would conflict with existing accepted farming practices on adjacent farms.
    - (b) Determine the nature of this type of commercial agricultural enterprise in the county, or within the surrounding area.
  - (2) The proposed farm parcel or parcels have been planted in a higher value per acre crop adequate to meet the income requirement in (3) below;
  - (3) Income Test

The proposed farm parcel or parcels are each capable of producing \$250,000 in gross annual income (2009 dollars adjusted for inflation at an annual rate of \*2.375%) from the sale of farm products.

Capability of producing the gross annual income described above shall be shown in one of two ways.

- (a) Documentation of actual gross income received during the last two years or three of the last five years.
- (b) Documentation that the current amount of acreage planted on the proposed farm parcel or parcels are each capable of producing the gross income described above. This documentation shall be prepared by a professional with the credentials to make such a determination such as a representative of the Oregon Department of Agriculture or Oregon State Extension Office. The documentation shall include the following:
  - (i) Identify the type(s) and size(s) of viable farms that comprise this commercial agricultural enterprise in the county, or within the surrounding area which meet or exceed the gross income described above.
  - (ii) Identify soils, topography, land forms, slopes, solar access, irrigation, rainfall, sunlight of viable farms that comprise this type of commercial enterprise and compare those to the proposed property.
  - (iii) Is there an identified industry with infrastructure for this type of commercial enterprise within the county or surrounding area? If so, how will this operation contribute to that enterprise? If not, will it be viable on its own?

Approval of a request to divide agricultural land to the 80-acre minimum does not necessarily guarantee a farm dwelling. Any subsequent request for a farm dwelling will have to meet applicable standards set forth in Section D(5), Farm Dwelling above.

\* It is the intention of the Wasco County Court to reevaluate the validity of this inflationary adjustment percentage by 2014.

- c. 160 Acre: There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone and cannot meet the 80 acre minimum test in b above.

## 2. Non-Farm Divisions (Part of Parcel)

### a. Non-Farm Dwelling & Non-Farm Use Divisions

- (1) A one time division of land to create:





open space or other natural resource use; and

(d) May not be smaller than 25 acres unless the purpose of the land division is:

(i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization that has cumulative ownership of at least 2,000 acres of open space or park property.

H. Agricultural Protection: The uses listed in Section D, Uses Allowed Subject to Standards and E, Conditional Uses must meet the following standards:

1. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

2. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

I. Challenging Soil Class Rating

1. Lot of Record: For the purposes of approving a Lot of Record application under Section D(9) above, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

a. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

b. Submits the following:

(1) Report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and

(2) Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (1) above of this section and finds the analysis in the report to be soundly and scientifically based.

2. All Other: The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:

- a.** Submits a report to the Wasco County Planning Department from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:
  - (1)** Copy of the most current National Cooperative Soil Survey map(s) for the specified area;
  - (2)** Methods used by the Soil Scientist;
  - (3)** Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units;
  - (4)** Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;
  - (5)** Notation of any limitations encountered;
  - (6)** Results, findings and decisions;
  - (7)** Overview of geology, parent material, and related factors;
  - (8)** Description of landforms, topography, confirming relationship of landforms to soil mapping units;
  - (9)** Description of on-site and adjacent hydrology, including surface and subsurface features;
  - (10)** Description of revised soil mapping units;
- b.** Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.

**J.** Additional Standards

**1.** Non-Farm Dwelling:

- a.** The parcel is not within the A-1(40) Zone.
- b.** There is no other dwelling on the parcel;
- c.** The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;
- d.** Criteria for Farmland within the EFU Zone:

The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is

generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means what is generally unsuitable land for agriculture in Wasco County:

**(1) On parcels less than 80 acres** that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion-listed in (3) below.

**(2) On parcels at least 80 acres but less than 160 acres** that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in (3) below.

**(3) Generally Unsuitable Criteria:**

**(a)** predominantly greater than 40 % slope, or

**(b)** produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or

**(c)** never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination conducted by an authorized professional using Natural Resource Conservation RCS standards.

**e. Criteria for Forested land within the EFU zone**

**(1)** If the parcel is unsuitable for agricultural use and is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding,

vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable".

- (2)** If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:
  - (a)** The dwelling is compatible; and
  - (b)** The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and
- f.** Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the following standards:
  - (1)** Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
  - (2)** Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings;
  - (3)** Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be

materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

- (4) In addition to (1) – (3), if the application involves the creation of a new parcel for a nonfarm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying (1) – (3) above.

**g. Disqualification of Special Assessment:**

The owner of the parcel shall provide evidence that:

1. The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland; and
2. A Request has been made in writing to the County Assessor to disqualify the parcel from special assessment; and
3. Prior to receiving zoning approval on a building permit application or a final plat map, the non-farm parcel has been disqualified from special assessment pursuant to ORS 215.236 and any additional tax imposed upon disqualification from special assessment have been paid; and
4. Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

**2. Accessory Farm Dwelling:**

- a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. The applicant shall submit a Farm Management Plan to provide evidence of this;
- b. The accessory farm dwelling will be located:
  - (1) On the same lot or parcel as the dwelling of the primary farm dwelling; or
  - (2) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
  - (3) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling and a deed

restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules; or

- (4)** On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the ranch operation registered with the Dept. of Consumer & Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Accessory farm dwellings approved Section H. shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or
- (5)** On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under Section G(1) below, Farm Divisions and the lot or parcel complies with the gross farm income requirements in subsection d below..
- c.** There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;
- d.** In addition to the requirements in subsection a - c. of this section, the primary farm dwelling to which the proposed dwelling would be accessory satisfies the following;

  - (1)** The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, and produced in the last two years or three of the last five years, one (1) of the following:

    - (a)** On land not identified as high-value farmland at least \*\$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products.
    - (b)** On land identified as high-value farmland, and produced at least (\*\$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income
  - and,
  - (2)** In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- e.** The county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section.

If it is determined that an accessory farm dwelling satisfies the requirements Section D(6) above, One Single Family Dwelling Customarily Provided in Conjunction with Farm Use, a parcel may be created consistent with the minimum parcel size requirements in Section G(1), Farm Divisions; and

- f. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section E(5), One Single Family Dwelling Not Provided in Conjunction with a Farm Use.

\*It is the intention of the Wasco Board of County Commissioners to reevaluate the validity of this inflationary adjustment percentage by 2014.

**3. Alteration, restoration, relocation or replacement of a lawfully established dwelling:**

- a. Has intact interior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring or interior lights;
- d. Has a heating system;
- e. In the case of replacement:
  - (1) The new dwelling is subject to all applicable siting requirements;
  - (2) The existing dwelling is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling;
  - (3) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel; and
- g. In the case of deferred replacement: (Added 4/12)
  - (1) The existing dwelling is removed or demolished within 90 days after the deferred replacement permit is issued. If the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void;
  - (2) Construction of the replacement dwelling may occur at any time but may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant; and
  - (3) The replacement dwelling must comply with all applicable siting requirements,



building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

4. Lot of Record Dwelling:

- a. The lot or parcel on which the dwelling is to be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner:
  - (1) Since before January 1, 1985; or
  - (2) By device or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.
- b. The tract upon which the dwelling is to be sited does not include another dwelling;
- c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;
- d. The tract on which the dwelling is to be sited is not high value farmland as defined in Section 1.090, Definitions.
- e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel;
- f. The director or the director's designee shall notify the county assessor of any decision to permit a lot of record dwelling;
- g. As used in this zone, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members; and
- h. Land use approval for a lot of record dwelling may be transferred one time to any other person, prior to issuance of building permit.

5. Farm Dwelling:

- a. Large Lot: a dwelling may be considered customarily provided in conjunction with farm use subject to the following:
  - (1) The land on which the dwelling to be sited is not identified as high-value farmland;
  - (2) The parcel on which the dwelling will be located is at least 160 acres;
  - (3) The subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan

(4) The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no Accessory Farm Dwelling for farm help may be authorized pursuant to Section D(7) above; and

(5) There is no other dwelling on the subject tract.

**b. Income Test (for Parcels Less than 160 acres) subject to the following and Subsection 3 below:**

(1) Meets either (a) or (b) below:

(a) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least at least \*\$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; or

(b) On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for the farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least \*\$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; and

(2) In determining the gross income required by this subsection:

(a) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(b) Only gross income from land owned, not leased or rented, shall be counted; and

(c) Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used

(3) There is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation; and

(4) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

- (5) Prior to issuance of zoning approval on a building permit application, a Notice of Decision shall be recorded in the deed records with the Wasco County Clerk for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

  - (a) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
  - (b) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- (6) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Chair of the Board of County Commissioners;
- (7) Enforcement of the covenants, conditions and restrictions may be undertaken by the Dept. of Land Conservation & Development or Wasco County;
- (8) The Planning Director shall maintain a copy of the Notice of Decisions filed in the County deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the County deed records pursuant to this section. The map or other record shall be readily available to the public in the Planning Office.

6. Winery:

- a. The winery is a facility that produces wine with a maximum annual production of:

- (1) Less than 50,000 gallons and it:

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

- (b) Owns a contiguous vineyard of at least 15 acres;

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

- (d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph; or

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

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

- (b) Owns a contiguous vineyard of at least 40 acres;

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

- (d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this

paragraph.

b. The winery described in subsection (a)(1) or (2) above shall allow only the sale of:

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

(2) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include individually portioned prepackaged foods prepared from an approved source by a commercial processor and nonperishable beverages or any items additionally allowed by a limited service restaurant defined in ORS 624.010.

c. Prior to the issuance of zoning approval to establish a winery under this section, the applicant shall show that vineyards, described in subsection (a)(1) and (2) of this section, have been planted or that the contract has been executed, as applicable.

d. Siting Standards to limit conflicts with accepted farming or forest practices on adjacent lands include:

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

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

e. If a Home Occupation to host Commercial Events such as weddings, receptions or parties is desired, that use must be applied for under Section E(28). Failure to apply under Section E(28) for such a use will result in the hosting of any such events to be considered a land use violation.

7. Farm Ranch Recreation:

a. The tract or parcel is currently employed in a commercial agricultural operation as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan.

If the Farm Ranch Recreation utilizes agricultural operations on a tract to meet the commercial agricultural operation standards they will be required to own and operate the tract. If portions of the tract used to justify the commercial agricultural operation are sold the Farm Ranch Recreation approval will automatically become void and the owner will cease to operate within 60 days of selling the property.

b. The Farm Management Plan shall also include the Farm Ranch Recreation proposal including the number of acres devoted to the recreational use, proposed or existing buildings involved in the use, hours and days of operation, and anticipated usage (number of visitors). Additionally, it must be demonstrated how the Farm Recreation activities are compatible with the commercial farming operation.

c. The Farm Ranch Recreation proposal shall not be the primary use of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and

impact, however, income generated from the farm ranch recreation use does not have to be subordinate to income generated by the commercial agricultural operation. Scope, scale and impact shall take into consideration the number of acres/area devoted to the farm ranch recreation use, anticipated usage of the use, days and hours of operation. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

- d. New Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in Section J(1)(d), Non-Farm Dwelling, where practicable. If the proposal is to not locate Farm Ranch Recreation structures on land that is "generally unsuitable", the application shall explain why and how the proposal best protects agricultural lands.
- e. Recreational uses such as fly fishing and hunting off of the parcel or tract shall be allowed. However, the primary portion of the Farm Ranch Recreation use, excluding lodging, shall occur on the parcel or tract.
- f. Overnight lodging units in new or existing structures may be permitted in conjunction with the Farm Ranch Recreation operation. Lodging unit means an individual guest room in a lodge, bunkhouse, cottage, cabin, tent or licensed recreational vehicles used only for transient lodging and not for a permanent residence. No more than 10 lodging units are allowed. No kitchen facilities are permitted in individual lodging units. All overnight facilities shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements for sanitary sewage disposal.
- g. In addition to overnight lodging units a separate kitchen area, rest rooms, storage or other shared indoor space shall be allowed.
- h. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation site. The cost of meals, if any, provided to guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation may be included in the fee to visit or stay at the farm ranch recreation site. A farm ranch recreation may not sell individual meals to an individual who is not a guest of the farm ranch recreation, an individual accompanying a guest or an individual attending a special event at the farm ranch recreation site. Kitchen facilities associated with the farm ranch recreation shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements.
- h. The Approving Authority shall place reasonable no-shooting buffers (setbacks from property lines) for hunting preserves, with the ability to have a minimum one foot (1') buffer.
- i. There shall be a two mile radius for public notification in the application of public or private target or shooting courses. There shall be a one-half mile radius for public notification in the application of a hunting preserve.

**8. Utility Facility:**

- a.** A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
  - (1)** Technical and engineering feasibility;
  - (2)** The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
  - (3)** Lack of available urban and non-resource lands;
  - (4)** Availability of existing rights of way;
  - (5)** Public health and safety; and
  - (6)** Other requirements of state and federal agencies.
- b.** Costs associated with any of the factors listed in a. may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- c.** The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- d.** The governing body of the County or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farm lands.
- e.** In addition to a. through d. of this section, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
- f.** The provisions of a. through d. do not apply to interstate natural gas pipelines and

associated facilities authorized by a subject to regulation by the Federal Energy Regulatory Commission.

**9. Aggregate**

- a.** A land use permit is not required for mining less than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.
- b.** A land use permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.
- c.** "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.
- d.** "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

**10. Composting facilities:**

- a.** Composting operations and facilities allowed on land not defined as high-value farmland shall be limited to the composting operations and facilities allowed by OAR 660-033-0130(29)(a) or that require a permit from the Department of Environmental Quality under OAR 340-093-0050. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
- b.** Composting operations and facilities allowed on high-value farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

**11. Land application of reclaimed water, agricultural process or industrial process water or biosolids.**

- a.** A determination by the Department of Environmental Quality, in conjunction with the

department's review of a license, permit or approval, that the application rates and site management practices for the land application of reclaimed water, agricultural or industrial process water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

- b.** The use of a tract of land on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred under this section may not be changed to allow a different use unless:
  - (1)** The tract is included within an acknowledged urban growth boundary;
  - (2)** The tract is rezoned to a zone other than an exclusive farm use zone;
  - (3)** The different use of the tract is a farm use as defined in ORS 215.203; or
  - (4)** The different use of the tract is a use allowed under:
    - (a)** ORS 215.213 (1)(c), (e) to (g), (k), (m) to (q), (s) to (u), (x), (z) or (aa);
    - (b)** ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);
    - (c)** ORS 215.283 (1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x); or
    - (d)** ORS 215.283 (2)(a), (j), (L) or (p) to (s).
- c.** An evaluation of the alternatives to application and the reason for not using these alternatives.
- d.** The uses allowed under this section include:
  - (1)** The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;
  - (2)** The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;
  - (3)** The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:
    - (a)** A public right of way; or
    - (b)** Other land if the landowner provides written consent and the owner of the facility complies with ORS 215.275 (4); and
  - (4)** The transport by vehicle of reclaimed water or agricultural or industrial process



water to a tract on which the water will be applied to land.

- e. Uses not allowed under this section include:
  - (1) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or
  - (2) The establishment and use of utility facility service lines allowed under B(10) above.
- f. A division of land for the land application of reclaimed water, agricultural or industrial process water or biosolids shall not be allowed.

**12. Farm Stands:**

- a. The structures are designed and used for sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand;
- b. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment;
- c. "Farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items or marijuana; and
- d. "Local agricultural area" includes Oregon or an adjacent county in Washington.

**13. Golf Courses**

- a. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
- b. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
- c. Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet

the definition of golf course in Section 1.090, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

- d. Accessory uses provided as part of a golf course shall be consistent with the following standards:
  - (1) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
  - (2) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.
  - (3) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

#### **14. Private Parks, Playgrounds and Campgrounds**

- a. The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
- b. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.
- c. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- d. Campgrounds shall not include intensively developed recreational uses such as

swimming pools, tennis courts, retail stores or gas stations.

- e. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection f below.
- f. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

As used in this paragraph, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

- g. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

#### **15. On Site Filming**

- a. No filming shall occur without written permission of the landowner.
- b. Filming may be restricted during the hours between 10 p.m. and 8 a.m. if nearby residents would be disturbed by noise, lights or any other filming activity.
- c. Filming shall not create traffic hazards.
- d. Prior to filming, written authorization shall be obtained from the applicable fire department for the use of any fire-related activities, such as welding or cutting equipment, pyrotechnical devices or related activities.
- e. All federal, state and county aircraft regulations shall apply. It is the responsibility of the applicant to be aware of all regulations.
- f. All structures shall be self-supporting. Digging or construction of permanent foundations will not be allowed.
- g. Weekly garbage pickup shall be provided and any garbage or debris gathered daily.
- h. All garbage, debris, sets, or other equipment or props must be removed and properly disposed of within 24 hours of completion of filming.
- i. All food concessions shall obtain a permit from the Wasco County Health Department.
- j. It is the responsibility of the applicant to provide proper sanitation, potable water, off-road parking, and security.

- k. No mammals, fish, reptiles, or other animals shall be released into the environment during or after filming.
- l. All animals shall be tethered, leashed or caged when not immediately required for filming.

**16. Commercial Activities in Conjunction with Farm Use** - The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

-Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.

-Farm product receiving plants, including processing, packaging, and reshipment facilities.(revised 2-89)

-Livestock feed or sales yards.

-Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.

-Farm equipment storage and repair facilities.

-Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.

-Veterinarian clinic.

-Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.

-Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

-Wineries for production from fruits, a portion of which are grown on the property, including retail sales.

-And other such uses which may be construed as similar to the above listed uses.

The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission decision No. 79-003.

*-A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

**17. Wind Power Generation Facility**: For purposes of this section a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement

devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

a. For high-value farmland soils described in ORS 195.300(10), it must be found that all of the following are satisfied:

(1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

(c) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (2) of this subsection.

(2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

(3) Costs associated with any of the factors listed in paragraph (1) of this subsection may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

(4) The owner of a wind power generation facility approved under Section (a) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(5) The criteria in Section (b), below are satisfied.

b. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described in ORS 195.300(10), it must be found that:

- (1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and
  - (2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and
  - (3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
  - (4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- c. For nonarable lands, meaning lands that are not suitable for cultivation, it must be found that the requirements of Subsection (b)(4) above are satisfied.
  - d. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Sections (b) and (c) above, the approval criteria of Section (b) shall apply to the entire project.

**SECTION 3.220 "F-F" FOREST-FARM (NON-RESOURCE)**

- A. **Purpose:** The purpose of the "F-F (10)" Forest-Farm (Non-Resource) zone is to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-F (10)" Forest-Farm (Non-Resource) zone shall comply with the following regulations.

- B. **Uses Permitted Without Review:** The following uses are permitted on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone without review:

1. Farm use, *except marijuana production*, as defined in ORS 215.203(2).
2. Forest use, including the propagation or harvesting of forest products.
3. Utility Facilities (Minor)
4. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
5. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
6. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
7. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(10) below. (Amended 4/12)

- C. **Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone subject to

subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards. (Amended 4/12)

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by building codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.
2. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. *New agriculture buildings and structures to support marijuana production, processing, wholesaling and retailing are not permitted.*
3. Additions to, and replacement of, a lawfully established building or structure.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
5. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.
7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous publicly-owned property utilized to support the operation and maintenance of public roads and highways.

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “F-F (10)” Forest-Farm (Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. One single-family dwelling provided in conjunction with a forest or farm use, including mobile home subject to Chapter 4 - Supplemental Provisions - Section 4.120 provided the following are met:



- a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record.
  - b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor.
  - c. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
  3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
  4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.
  5. Agricultural Produce Stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. Agricultural Produce Stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- E. **Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

## RESIDENTIAL USES

1. A single-family dwelling, including mobile home, not provided in conjunction with a forest or farm use.
2. Additional single-family dwellings, including mobile homes, in conjunction with a commercial farm or forest use subject to income requirements in Section 3.210 - Exclusive Farm Use Zone. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*

## ENERGY/UTILITY FACILITIES

3. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.
5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.
6. Utility Facilities (Major).

#### **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

7. Private parks, playgrounds, hunting and fishing preserves and campgrounds. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
8. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
9. Public or private schools.
9. Churches.

#### **COMMERCIAL/AGRICULTURAL /INDUSTRIAL USES**

10. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
11. Kennels.
12. Commercial activities that are in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
13. Facilities to manufacture alcohol from farm or timber waste.
14. The propagation, cultivation, maintenance and harvest of aquatic species.
15. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

#### **TRANSPORTATION**

16. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.

17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

**F. Property Development Standards**

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.
3. Setbacks - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet.
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.

9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

**SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE**

**A. Purpose:** The purpose of the "A-R" Agricultural-Recreational zone is to provide areas for outdoor recreation and to allow controlled growth to continue in existing rural communities and rural exception areas. *New marijuana uses are prohibited in this zone.* Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-R" Agricultural-Recreational zone shall comply with the following regulations:

**B. Uses Permitted Without Review:** The following uses are permitted on lands designated "A-R" Agricultural-Recreational zone without review:

1. Farm use, *except marijuana production* provided animals and fowl are properly caged or housed and proper sanitation is maintained.
2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor)
4. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "A-R" Agricultural-Recreation zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee. (Added 4/12)

1. One single-family dwelling- including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.120.
2. Buildings and structures accessory to a lawfully established use. This also includes

buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.

3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
4. Additions to, and replacement of, a lawfully established building or structure.
5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “A-R” Agricultural-Recreation zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.  
*A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

1. Guest house subject to Chapter 4 - Supplemental Provisions -Section 4.130.
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions
4. Mobile home parks subject to Chapter 16 – Mobile Home Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
5. Recreational vehicle parks subject to Chapter 17 – Recreational Vehicle Parks, and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
6. Dude ranches and hunting and fishing lodges, including overnight facilities in and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

7. Youth/family camp demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
8. Parks, recreation areas, and facilities preserves and community or neighborhood centers.
9. Any new commercial service, or retail use, permissible in this zone that will be located entirely within an existing, lawfully erected commercial building or structure.
10. Agricultural produce stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "A-R" Agricultural Recreation zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

1. Major Home Occupations, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Small scale low impact retail commercial uses provided the following conditions are met:
  - a. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park;
  - b. The use is designed to serve the residents and their guests of the development; and
  - c. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
  - d. The use does not include the production, processing, wholesaling, or retailing of marijuana.*
3. Bed and breakfast inns.
4. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
5. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030,
6. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

7. Auditoriums, outdoor stages and entertainment areas.
  - a. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park,
  - b. The use is designed to serve the residents and their guests of the development; and
  - c. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
8. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
9. Airports.
10. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

**F. Property Development Standards**

1. Property Size - Minimum parcel size for residential lots in the AR zone inside an unincorporated community boundary is 2 acres with a minimum lot width of 150 feet. Other uses shall be located on parcels determined to be sufficient to support the proposed use based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Structure Size - A size limitation is applicable to all small scale low impact commercial uses. The total cumulative floor area of a commercial structure or structures, built to accommodate or support any of the commercial uses listed in the AR zone, shall not exceed 3,500 square feet in an exception area zoned AR
3. Setbacks
  - a. Front Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches, or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.
  - c. Rear Yard
    - (1) For properties not located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a fence or retaining wall less than



forty-eight (48) inches shall be located closer than seven (7) feet from the rear property line

- (2) For properties located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a retaining wall less than forty-eight (48) inches shall be located closer than twenty (25) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
  6. Stream or Lake Setbacks
    - a. Pine Hollow and Rock Creek Reservoirs are both subject to Section 3.900 - Reservoir Overlay Zone (EPD-6).
    - b. All structures, or similar permanent fixtures (except hydroelectric facilities and docks), proposed in areas not mapped in the EPD-6, shall be set back from the high water line or mark along any streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
  8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
    - a. Signs shall not be illuminated or capable of movement.
    - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
    - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
  9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
  10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non reflective, opaque materials.
  11. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.240 "R-R (5)" RURAL RESIDENTIAL**

- A. Purpose:** To provide for low density residential and agricultural uses in a rural atmosphere, which will not conflict with commercial agricultural operations. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RR" Rural Residential zone shall comply with the following provisions:

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "R-R (5)" Rural Residential zone without review:

1. Farm uses, *except marijuana production*, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor). (Added 4/12)
4. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.120.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
  3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12) *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
  4. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
  5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
- D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “R-R (5)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
1. Guest House subject to Chapter 4 - Supplemental Provisions -Section 4.130.
  2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
  3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
  4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.
  5. Agricultural Produce Stand subject to Chapter 20 - Site Plan Review, and the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*
  6. Cemetery.
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “R-R (5)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
3. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
6. Utility Facilities (Major). (Added 4/12)
7. Mobile home parks subject to Chapter 16 - Mobile Home Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
8. Recreational vehicle parks subject to Chapter 17 - Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community. (Added 4/12)
9. Dude ranches subject to Chapter 20 - Site Plan Review. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
10. Parks, playgrounds and recreation areas and community or neighborhood centers.
11. Private schools or day nursery centers.
12. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
13. Kennels.
14. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
15. Personal-use airports for airplanes and helicopter pads, including seasonal hangars, maintenance and service facilities, where approach zones will not constitute hazards to adjoining residential properties.

16. Temporary tract office for the sale of lots in subdivision or Planned Development in which the office is located.
17. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. Property Size - The minimum property size for new parcels is five (5) acres with a three hundred (300) foot minimum average lot width.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.
  - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for structures shall be thirty-five (35) feet. Height is measured from average grade.
5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.
10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.250 "R-R(10)" RURAL RESIDENTIAL**

- A. Purpose:** The purpose of the "R-R (10)" Rural Residential zone is to provide for low density residential and small scale, part time agricultural and forest uses in a rural atmosphere which will not conflict with commercial agricultural operations, while preserving open space and other forest uses. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (10)" Rural Residential zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "R-R (10)" Rural Residential zone without review:

1. *Except for the production of marijuana, Farm use*, as defined in ORS 215.203(2).
2. Forest Uses, including the propagation or harvesting of forest products.
3. Utility Facilities (Minor). (Added 4/12)
4. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
5. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
6. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
7. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(8) below.

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection G -

Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
  2. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12) *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
  3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
  4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
  5. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
  6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.
  7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “R-R (10)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
1. One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to subsections (F) and (G) of this section.
  2. Guest House subject to Chapter 4 - Supplemental Provisions - Section 4.130.
  3. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale



commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
5. Agricultural Produce Stand subject to the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*

- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

#### **ENERGY/UTILITY FACILITIES**

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards of Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility Facilities (Major). (Added 4/12)

#### **PARKS/PUBLIC/QUASI-PUBLIC FACILITIES**

5. Private parks, playgrounds, hunting and fishing preserves and campgrounds. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
6. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
7. Public or private schools.
8. Churches.

#### **COMMERICAL/AGRICULTURAL /INDUSTRIAL USES**

9. Major Home occupations, subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*

10. Kennels.
11. Commercial activities that are in conjunction with farm use as defined in ORS 215.203(2) including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
12. Facilities to manufacture alcohol from farm or timber waste.
13. The propagation, cultivation, maintenance and harvest of aquatic species.
14. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

#### **TRANSPORTATION**

15. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
16. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
17. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
18. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

#### **F. Standards for Establishment of a Dwelling and Accessory Structures**

1. Scenic Development Standards including:
  - a. Dwellings should be sited and landscaped to blend with their surroundings.
  - b. House and roof colors that are non-reflective, preferably earth tone colors, that blend with surrounding vegetation or landscape, should be used on all exterior surfaces.
  - c. Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.
  - d. Existing landforms will be preserved and utilized for screening where applicable.
  - e. Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing landforms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and reseeded with natural vegetation.

- f. All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.
  - g. Fences should be constructed of non-reflective materials and/or painted with non-reflective colors. Placement and alignment should be done to minimize their visibility.
2. In areas of parcels characterized by a predominance of oak or oak woodlands, native vegetation shall be retained to the greatest extent possible.

*\*Referenced publication is "Wildlife on White Oak Woodland", a Woodland Fish and Wildlife Project Publication available from the Wasco County Planning Office and ODFW in The Dalles.*

*(Washington Department of Fish and Wildlife has a draft report with additional quantifiable standards for accomplishing the above management goals. The recommendations are as of yet strictly draft recommendations and not to be cited as this time. Staff can follow up with ODFW to confirm if and when their recommendations become final and work with ODFW to verify their applicability to sites in the TLSA. In the meantime Oly Helgerson, OSU Extension Agent operating out of Stevenson, Washington will be able to provide guidance to individuals wishing to manage their oak woodlands.)*

#### **G. Property Development Standards**

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.
3. Setbacks - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

- c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
- 9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- 10. Road Disclosure Acknowledgement - Prior to the issuance of required permits for development, disclosure of the type of road which accesses the development shall be made known to the applicant/owner. If the road is determined to be a public road of local access and which does not meet county road access standards, the applicant shall sign a road Disclosure Acknowledgement which will be recorded in the deed records of Wasco County and which sets forth the following:
  - a. A statement that the property is served by a sub-standard road which does not meet the standards for safe access for emergency vehicles.
  - b. A statement that the property owner/applicant is aware of the type and extent of hazards present associated with the development of the subject property; and
  - c. A statement acknowledging that the property owner assumes all risk associated with the development of the subject property.
- 11. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.
- 12. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.310 "R-R (2)" RURAL RESIDENTIAL ZONE**

**A. Purpose:** The purpose of the "R-R (2)" Rural Residential zone is to provide for single-family residential use plus related compatible uses such as schools and parks. This zone is designed for those areas outside an Urban Growth Boundary or acknowledged Unincorporated Community Boundary, subject to a resource land goal exception prior to November 4, 2000, and not necessarily served by a public water or public sewer system. Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (2)" Rural Residential zone shall comply with the following regulations. *New marijuana uses are prohibited in this zone.*

**B. Uses Permitted Without Review:** The following uses are permitted on lands designated "R-R (2)" Rural Residential zone without review:

1. Farm uses, *except marijuana production*, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor)
4. Minor Home occupation that:
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling on any legally created parcel including mobile homes at least

eighteen (18) feet wide subject to Chapter 4 - Supplemental Provisions - Section 4.120.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground.
3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan.” This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. *New agriculture buildings and structures to support marijuana production, processing, wholesaling or retailing are not permitted.*
4. Additions to, and replacement of, a lawfully established building or structure.
5. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “R-R (2)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Guest House subject to Chapter 4 - Supplemental Provisions - Section 4.130 - Development Standards for Guest Houses.
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
4. Agricultural Produce Stands. *A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See Section 34, Chapter 614, Oregon Laws 2015.)*
5. Cemetery.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “R-R (2)” Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, as well as any other listed, referenced or applicable standards:

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*

2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Utility Facilities (Major). (Added 4/12)
6. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
7. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
8. Private schools or day nursery centers.
9. Parks, playgrounds and recreation areas and community or neighborhood centers.
10. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
11. Dude ranches and hunting and fishing lodges, including overnight facilities and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
12. Temporary tract office for the sale of lots in subdivision in which the office is located.

F. Property Development Standards

1. Property Size - The minimum property size is two (2) acres with a one hundred twenty five (125) foot average lot width.
2. Setbacks:
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. Height is measured from average grade. Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.
5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.
10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.



**SECTION 3.410 "RC" Rural Commercial**

**A. Purpose:** The "RC" Rural Commercial Zone is intended to provide for a wide variety of commercial housing and related activities. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC" Rural Commercial Zone shall make application for a site plan review, and comply with the following regulations.

**B. Uses Permitted Without Review:** The following uses and activities are permitted on lands designated "RC" Rural Commercial zone without review.

1. Utility Facilities (Minor). (Added 4/12)

**C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-C" Rural Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. Any new commercial service, or retail use, listed in section D of this zone that will be located entirely within an existing, lawfully erected commercial building or structure, demonstrating compliance with off-street-parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana retail uses shall comply with Chapter 11.*

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 3,500 sq. ft. (Added 4/12)

3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)

4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "RC" Rural Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards. (Amended 4/12)

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft: (Added 4/12)

3. Retail or service business. *Marijuana retail shall comply with Chapter 11.*
4. Eating or drinking establishment.
5. Offices.
6. Veterinary clinic and kennel entirely within an enclosed building.
7. Studio.
8. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A-1" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A-1" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
9. Residential use in the same building as an allowed use. *Residential use and marijuana business shall not occur in the same building.*

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated-"RC" Rural Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major) except landfill. (Amended 4/12)
5. Recreational Vehicle Park subject to Chapter 17 – Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an

existing sewer system from within an urban growth boundary or from within an unincorporated community. (Amended 4/12)

6. Church.
7. Public or semi public buildings.
8. Public or private school.
9. Parks, athletic fields, playgrounds or community centers owned by a governmental or non profit agency or community organization.
10. Medical center.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft: (Added 4/12)

11. Automobile service stations.
12. Place of public assembly, stadium, auditorium, recreation building or natatorium.
13. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).
14. Child care center.

F. Property Development Standards

1. Property Size - The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks:
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "C" zone abuts the side of an "A-1" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
7. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited.
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off-street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials.
10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

**SECTION 3.510 "RI" RURAL INDUSTRIAL ZONE**

- A. Purpose:** The "RI" Rural Industrial Zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RI" Rural Industrial Zone shall make application for a site plan review and comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "RI" Rural Industrial zone without review:

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated "R-I" Rural Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new industrial use listed in D of this zone, that will be located entirely within an existing, lawfully erected commercial or industrial building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana processing shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 3,500 or 35,000 sq. ft respectively. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "RI" Rural Industrial Zone subject to subsection F - Property Development Standards, Chapter 10 – Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by

Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 35,000 sq ft: (Added 4/12)

2. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
  3. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
  4. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
  5. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
  6. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
  7. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
  8. Transfer company and trucking companies.
  9. Laundry and cleaning service industries.
  10. Circus, rodeo or like activity.
  11. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling uses shall comply with Chapter 11.*
  12. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
  13. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following small scale low impact uses may be permitted on a legal parcel on lands designated "RI" Rural Industrial Zone subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. for commercial and 35,000 sq. ft. for industrial:

5. Any use permitted subject to standards or conditionally in the Rural Commercial zone.
6. Primary or value added processing and/or sale of raw material produced in the rural vicinity of the proposal (NOTE: this type of activity is exempt from any small scale low impact commercial or industrial size limitation but may be subject to conditions imposed through the Conditional Use Review). *Processing of marijuana shall comply with Chapter 11.*
7. Junk yard or automotive wrecking yard, enclosed in a view obscuring fence or wall.
8. Recreation areas and facilities, including but not limited to: golf courses.
9. Bulk storage of petroleum or gas.
10. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).
11. Concrete batching plants and the manufacture and sale of concrete products.
12. Campground as defined by OAR 660-033-0130.

F. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.





- g.** Signs capable of movement shall be prohibited.
- h.** Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
- 8.** Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- 9.** Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways waterways. The exterior of shielding and hooding materials shall be composed of non reflective opaque materials.
- 10.** New Driveways - All new driveways which access a County road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- 11.** Outdoor Storage – Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

**SECTION 3.601 “TV-R” TYGH VALLEY RESIDENTIAL ZONE**

- A. Purpose:** The purpose of the “TV-R” Tygh Valley Residential zone is to provide for single family residential use where single family dwellings, including manufactured homes, may be located on single-family lots/parcels, where manufactured home parks may be established conditionally if designed in accordance with zoning density standards and where single-family residential uses plus related compatible uses can be sited. This zone is designed for parcels not necessarily served by a public water or public sewer system. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-R” Tygh Valley Residential zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated “TV-R” Tygh Valley Residential zone without review:

**1. Minor Home occupation that:**

- a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
- b. Does not serve clients or customers on-site;
- c. Does not produce odor, dust, glare, flashing lights or noise;
- d. Does not occupy more than 25 percent of the floor area of the dwelling;
- e. Does not include the on-premises display of sale of stock in trade; and
- f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.
- g. *Does not include the production, processing, wholesaling or retailing of marijuana.*

**2. Utility Facilities (Minor). (Added 4/12)**

- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “TV-R” Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

\* This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

- 1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 – Supplemental Provisions - Section 4.120.** Pre-existing sub standard lots/parcels must provide proof of adequate sewer and water subject to DEQ standards.

New lots/parcels which have tested to a higher density (see property development standards) shall adhere to the well and/or sub-surface septic system location requirements approved in conjunction with a partition and concurrent binding site plan.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “TV-R” Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “TV-R” Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Utility facilities (Major), except landfills.
6. Public parks, recreation areas and community or neighborhood centers.
7. Public and semi-public buildings and uses not otherwise specified in this section.
8. Golf courses.
9. Mobile home parks subject to the density of the "TV-R" zone and the provisions of Chapter 16 - Mobile Home Parks.
10. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
11. Multi-family dwelling complex.
11. Planned Unit Developments subject to Chapter 18 – Planned Unit Development.
12. Retirement Center or nursing home.
13. Church.

F. Property Development Standards

1. Property Size - The purpose of this section is to ensure compliance with state rules and statutes requiring that unincorporated communities be zoned in a manner ensuring that when fully built out development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.
  - a. New lots or parcels served by an approved community, municipal or public water system shall have a minimum average width of 250 feet and a minimum area of 2 acres.

Lot/parcel owners can elect to test to a higher density, up to .5 acres, with a minimum average lot width of 100', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of Chapter 21 – Land Divisions. This site plan shall indicate an approved location for sub-surface septic system(s) which shall not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic facilities from adjoining properties to ensure the full well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Water Master prior to acceptance by the planning department.

- b. New lots or parcels not served by an approved community, municipal or public water system, evaluated in accordance with state laws governing review of public facilities plans in rural communities, shall have a minimum average width of 250 feet and a minimum area of 4 acres.

Lot or parcel owners can elect to test to a higher density, up to 1.5 acres with a minimum average lot width of 150', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of Chapter 21 – Land Divisions. This site plan shall indicate an approved location for well(s) and sub-surface septic system(s) which will not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic and well facilities from adjoining properties to ensure the full septic and well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Water Master prior to acceptance by the planning department.

## 2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.
- d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
- e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

- 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

- 4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall not extend over a public right-of-way or project beyond the property line.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards, which shall be the minimum size for the intended purpose.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
  - d. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - e. Signs capable of movement shall be prohibited.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Building Orientation - New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.
10. Garage/Carport Placement - Garages and carports are encouraged to be located on the side of the single family dwelling.
11. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division, manufactured dwellings shall:
  - a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
  - b. 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. If the home is placed on a basement, the 12 inch limitation shall not apply.

- c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
- d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- e. Be encouraged to have an attached or detached garage or a carport.

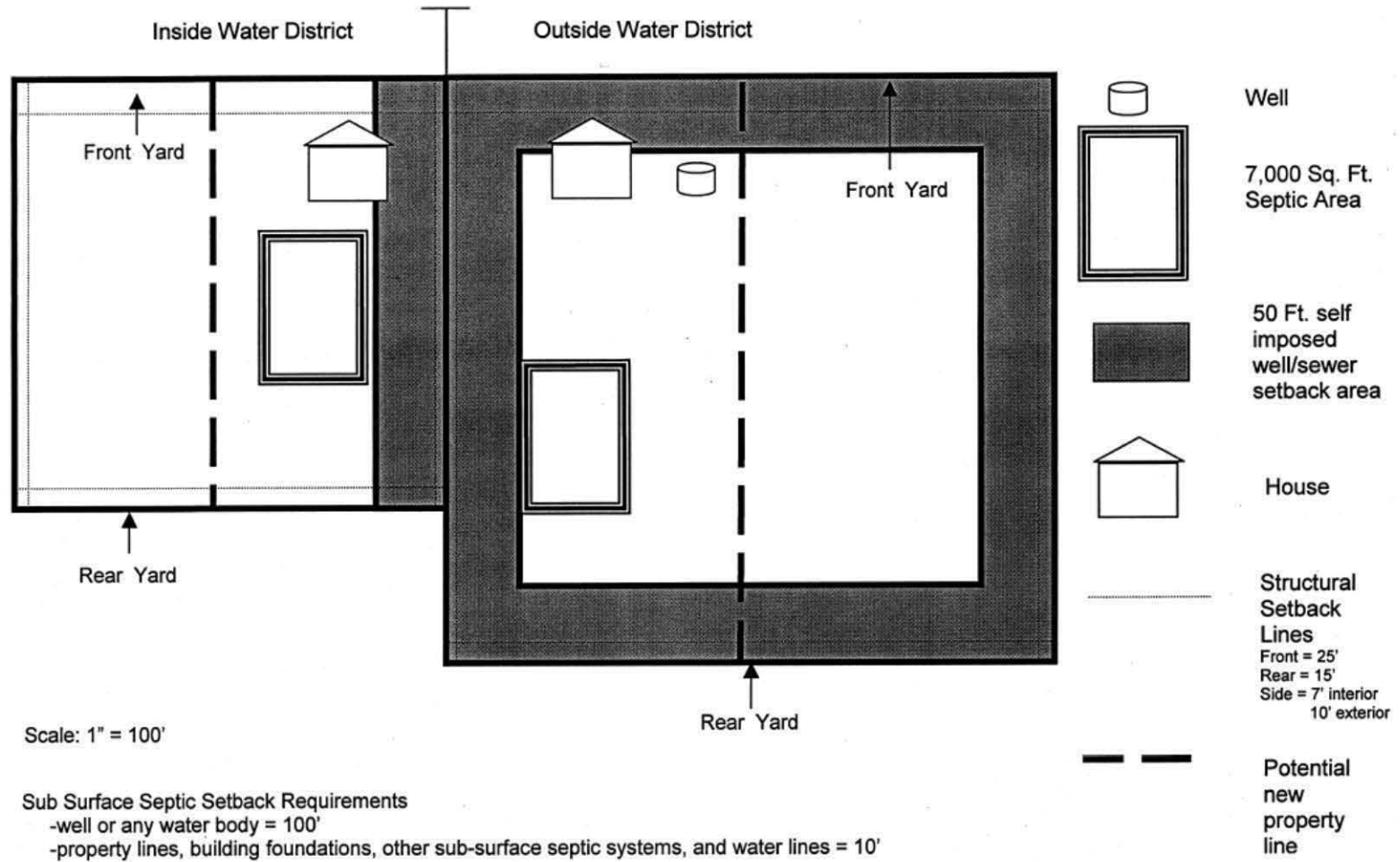
**12. Access**

- a. No access will be allowed off of US Highway 197.
- b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.
- c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

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Diagram 1. Two Acre Density Test Model



**SECTION 3.602 “TV-C” TYGH VALLEY COMMERCIAL ZONE**

- A. Purpose:** The purpose of the “TV-C” Tygh Valley Commercial zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance a wide range of retail sales and service establishments serving both the long and short term needs of Tygh Valley and its surrounding area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-C” Tygh Valley Commercial zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses are permitted on lands designated “TV-C” Tygh Valley Commercial zone without review.

1. Utility Facilities (Minor).

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated “TV-C” Tygh Valley Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new commercial service, or retail use, listed in Section D of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana retail uses shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses “TV-C” Tygh Valley Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft: (Added 4/12)

3. Retail or service business. *Marijuana retail businesses shall comply with Chapter 11.*
4. Eating or drinking establishment.
5. Offices.
6. Veterinary clinic and kennel entirely within an enclosed building.
7. Studio.
8. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
9. Residential use in the same building as an allowed use.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "TV-C" Tygh Valley Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major) except landfill.
5. Church.
6. Public or semi public buildings.
7. Public or private school.
8. Medical center. *Medical marijuana dispensaries shall comply with Chapter 11.*

Any combination of the following uses in a building or buildings not exceeding a cumulative

floor area of 4,000 sq. ft. (Added 4/12)

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
10. Automobile service stations.
11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
12. Place of public assemble, stadium, auditorium, recreation building or natatorium.
13. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre). *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
14. Child care center.
15. Parks, athletic fields, playgrounds or community centers owned by a governmental agency or non-profit community organization.

F. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses. If no use is proposed the minimum lot size shall be 2 acres.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "C" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet.  
  
In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  - e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use

shall be set back a minimum of 100 feet from the common property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty-five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.
5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall pertain only to goods and services sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
  - a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.

- b.** Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.
- 9.** Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
- 10.** Outdoor Storage - outdoor storage must be enclosed by a sight obscuring fence, wall or landscaping; all of which shall be maintained.
- 11.** Access
  - a.** No access will be allowed off of US Highway 197.
  - b.** Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.
  - c.** All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.
  - d.** Any commercial use generating in excess of 200 trips per day shall be required to prepare a traffic impact study demonstrating that traffic generated can be accommodated within Oregon Department of Transportation Standards or necessary improvements, identified by the traffic study, to the affected highway will be made prior to commencement of the commercial operation.

**SECTION 3.603 “TV-M1” TYGH VALLEY LIGHT INDUSTRIAL/COMMERCIAL ZONE**

- A. Purpose: The “TV-M1” Tygh Valley Light Industrial/Commercial\_zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and commercial uses with limited external impact.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-M1” Tygh Valley Light Industrial/Commercial\_zone shall comply with the following regulations.

- B. **Uses Permitted Without Review:** The following uses are permitted on lands designated TV-M1” Tygh Valley Light Industrial/Commercial zone without review:

1. Utility Facilities (Minor) (Added 4/12)

- C. **Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated “TV-M1” Tygh Valley Light Industrial/Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new industrial use listed in D of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana processing shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 4,000 or 10,000 sq. ft respectively. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. **Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated TV-M1” Tygh Valley Light Industrial/Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by

Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft: (Added 4/12)

3. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
4. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
5. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
6. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
7. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
8. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
9. Transfer company and trucking companies.
10. Laundry and cleaning service industries.
11. Circus, rodeo or like activity.
12. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling uses shall comply with Chapter 11.*
13. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
14. One mobile home for watchman's quarters in conjunction with a permitted or conditional use. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*

E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following small scale low impact uses may be permitted on a legal parcel on lands designated "TV-M1" Tygh Valley Light Industrial/Commercial Zone subject to subsection F - Property



Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Utility facilities (Major) except landfill.
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
5. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
6. Church.
7. Public or semi public buildings.
8. Public or private school.
9. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
10. Medical center. *Medical marijuana dispensaries shall comply with Chapter 11.*
11. Junk yard or automotive wrecking yard.
12. Recreation areas and facilities, including but not limited to: golf courses.
13. Bulk storage of petroleum or gas.
14. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 4,000 sq ft: (Added 4/12)

15. Retail or service business. *Marijuana retail shall comply with Chapter 11.*
16. Eating or drinking establishment.
17. Offices.

18. Veterinary clinic and kennel entirely within an enclosed building.
19. Studio.
20. Public garage, including usual automobile repairs and servicing enclosed within the building that when within fifty (50) feet of an "A" or an "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
21. Residential use in the same building as an allowed use in 14 through 19 above.  
*Residential use and marijuana businesses shall not occur in the same building.*
22. Automobile service station
23. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
24. Place of public assembly, stadium, auditorium, recreation building or natatorium.
25. Commercial amusement establishments (stadium, theatre, bowling alley, theatre). Limited in size only when enclosed. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
26. Child care center.

E. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yards - Where the side of a lot or parcel in an "M-1" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from

the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

- e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  4. Height - Maximum height for all structures shall be forty-five (45) feet.
  5. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
  6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
    - a. Signs shall pertain only to goods and services sold on the premises.
    - b. No sign shall project above the building.
    - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
    - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
    - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
    - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
    - g. Signs capable of movement shall be prohibited.
    - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
  7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
  8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and

waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Outdoor Storage - Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.
10. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
  - a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.
  - b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.

**SECTION 3.604 “TV-M2” TYGH VALLEY MEDIUM INDUSTRIAL ZONE**

- A. Purpose:** The purpose of the “TV-M2” Tygh Valley Medium Industrial zone is to provide for the location of needed industrial uses which are not dependent upon urban services. The “RC-TV-M2” zone encourages orderly and compatible development of industrial uses while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “TV-M2” Tygh Valley Medium Industrial zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses and activities are permitted on lands designated “TV-M2” Tygh Valley Medium Industrial zone without review.

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated “TV-M2” Tygh Valley Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Any new industrial use listed in D of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. *Marijuana processing shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. If the building(s) is accessory to an industrial use the combined footprint of all industrial buildings and all accessory buildings shall not exceed 10,000 sq. ft. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact uses may be permitted on a legal parcel on lands designated TV-M2” Tygh Valley Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards:

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft: (Added 4/12)

3. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats. *Marijuana processing and wholesaling shall comply with Chapter 11.*
  4. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
  5. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
  6. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
  7. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
  8. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
  9. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
  10. Transfer company and trucking companies.
  11. Laundry and cleaning service industries.
  12. Circus, rodeo or like activity.
  13. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling shall comply with Chapter 11.*
  14. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
  14. 15. Veterinary clinic or kennel.
- E. **Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "TV-M2" Tygh Valley Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street

loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Utility facilities (Major) except landfill. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft: (Added 4/12)

5. Concrete batching plants and the manufacture and sale of concrete products.
6. One mobile home or watchman's quarters accessory to a permitted or conditional use. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
7. Mobile homes or recreational vehicles, as defined in Section 1.090, accessory to a permitted industrial use for the purpose of providing housing for personnel subject to the following additional criteria:
  - a. The request for the mobile home or recreational vehicle shall be submitted in writing. Such request shall state the roles of the persons who will occupy the mobile home or recreational vehicle and provide documentation of employment with the permitted industrial use by at least one member of the household.
  - b. The request shall meet all applicable County health and sanitation requirements.
  - c. The location and use of the mobile home or recreational vehicle shall meet all other requirements of the zoning district.
  - d. No conditional use for a mobile home or recreational vehicle shall be transferable to any other owner or occupant.
  - e. Upon termination of the permitted industrial use or conditional use holders termination of employment with the permitted industrial use the conditional use mobile home or recreational vehicle shall be removed within sixty (60) days.
8. Automobile Service Stations.
9. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.
10. Recreation areas and facilities, including but not limited to: golf courses.

11. Bulk storage of petroleum or gas.
12. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).
13. A campground as defined by OAR 660-033-0130.

E. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, maintenance of setbacks and compatibility with adjacent areas.

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.
- b. Side Yard - Where the side of a lot in the Medium Industrial Zone abuts the side of a lot in an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  - e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.



4. Height - Maximum height for all structures shall be seventy-five (75) feet.
15. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
16. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall pertain only to goods and services sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Outdoor Storage - All outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

**SECTION 3.606 “TV-AG” TYGH VALLEY AGRICULTURAL ZONE**

- A. Purpose:** The purpose of the “TV-AG” Tygh Valley Agriculture zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.
- B. Uses Permitted Without Review:** The following uses are permitted on lands designated "TV-AG" Tygh Valley Agriculture zone without review:
1. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Section 1.080 (Definitions). *Marijuana production is subject to compliance with Chapter 11.*
  2. Forest uses, including the propagation and harvesting of forest products.
  3. Creation, restoration and enhancement of wildlife habitat and wetlands that do not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section D(5) below. (Added 4/12)
  4. Minor Home occupation that:
    - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
    - b. Does not serve clients or customers on-site;
    - c. Does not produce odor, dust, glare, flashing lights or noise;
    - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
    - e. Does not include the on-premises display of sale of stock in trade.
    - f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.
    - g. Does not include the production, processing, wholesaling or retailing of marijuana.*
  5. Utility Facilities (Minor). (Added 4/12)
- C. Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “TV-AG” Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 - Supplemental Provisions - Section 4.120.
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
3. Agricultural buildings and structures provided in conjunction with a “Farm Use” as evidenced by a “Farm Management Plan”. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)
4. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “TV-AG” Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
3. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers.
4. Dude ranches and hunting and fishing lodges. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
5. Creation, restoration or enhancement of wildlife habitat or wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). (Added 4/12)

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated "TV-AG" Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the

request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Major Home Occupations, subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
  2. Bed and breakfast Inn in an existing residence. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
  3. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone. (Amended 4/12) *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
  4. Dog kennels, except that such uses are prohibited on high value farmland.
  5. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.
  6. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
  7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and Section 3.800 - Mineral & Aggregate Overlay (EPD 5).
  8. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
  9. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
  10. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
  11. Utility facilities (Major). (Added 4/12)
- F. Property Development Standards
1. Property Size - New lots or parcels shall have a minimum average width of 500 feet and a minimum area of 20 acres.
  2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.
  - b. Side Yard - No structure other than a fence shall be located closer than twenty-five (25) feet from side property.
  - c. Rear Yard - No structure other than a fence shall be located closer than forty (40) feet from the rear property line.
  - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
  - e. Agricultural setbacks - Any new structures requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.
5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall not extend over a public right-of-way or project beyond the property line.
  - b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - c. Signs capable of movement shall be prohibited
  - d. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - e. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division manufactured dwellings shall:
  - a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
  - b. 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. If the home is placed on a basement, the 12 inch limitation shall not apply.
  - c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
  - d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

**SECTION 3.611 “Wam-R-2” WAMIC RESIDENTIAL ZONE**

- A. Purpose: The purpose of the "Wam-R-2" Wamic Residential 2 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-R-2" Wamic Residential 2 zone shall comply with the following regulations.

- B. Uses Permitted Without Review: The following uses are permitted on lands designated “Wam-R-2” Wamic Residential 2 zone without review.

1. Utility Facilities (Minor). (Added 4/12)
2. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

- C. Uses Permitted Subject to Type I Review: The following uses are permitted on a legal parcel on lands designated “Wam-R-2” Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling, including mobile homes except single-wides on each legal lot/parcel provided that the minimum average density is maintained. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.
2. Buildings accessory to a lawfully established use. This also includes buildings less than

200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Added 4/12)

3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-2” Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)
3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-2” Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090. *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.
4. Public parks, recreation areas and community or neighborhood centers.
5. Public and semi-public buildings and uses not otherwise specified in this section.



6. Golf courses.
7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
9. Utility facilities (Major) except landfill. (Added 4/12)
10. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

F. Property Development Standards

1. Property Size

- a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of two (2) acre with a one hundred twenty-five (125) foot average lot width.
- b. New lots or parcels served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum property size of two (2) acres with a one hundred twenty-five (125) foot average lot width.
- c. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres In addition, an applicant shall demonstrate that:
  - (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20)

feet from the rear yard property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

a. Signs shall not be illuminated or capable of movement.

b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River.

**SECTION 3.612 “Wam-R-5” WAMIC RESIDENTIAL ZONE**

- A. Purpose: The purpose of the " Wam-R-5" Wamic Residential 5 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks. *New marijuana uses are prohibited in this zone.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-R-5" Wamic Residential 5 zone shall comply with the following regulations.

- B. **Uses Permitted Without Review:** The following uses are permitted on lands designated “Wam-R-5” Wamic Residential 5 zone without review:

1. Utility Facilities (Minor). (Added 4/12)
2. Minor Home occupation that: (Added 4/12)
  - a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - b. Does not serve clients or customers on-site;
  - c. Does not produce odor, dust, glare, flashing lights or noise;
  - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - e. Does not include the on-premises display or sale of stock in trade.
  - f. *Does not include the production, processing, wholesaling or retailing of marijuana.*

Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

- C. **Uses Permitted Subject to Type I Review:** The following uses are permitted on a legal parcel on lands designated “Wam-R-5” Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.

1. One single-family dwelling, including mobile homes except singlewides, on each legal lot/parcel including mobile homes with a minimum of eight hundred (800) square feet of floor area subject to Chapter 4 - Supplemental Provisions - Section 4.160 provided that the minimum average density is maintained. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.

2. Buildings accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30” from the ground. (Amended 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**D. Uses Permitted Subject to Standards/Type II Review:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-5” Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

**E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III:** The following uses may be permitted on a legal parcel on lands designated “Wam-R-5” Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090. (Amended 4/12) *Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation.*
2. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

4. Public parks, recreation areas and community or neighborhood centers.
5. Public and semi-public buildings and uses not otherwise specified in this section.
6. Golf courses.
7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
9. Utility facilities (Major) except landfill.
10. Bed and breakfast inns. *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

F. Property Development Standards

1. Property Size

- a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of five (5) acres with a three hundred (300) foot average lot width.
- b. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres. In addition, an applicant shall demonstrate that:
  - (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

a. Signs shall not be illuminated or capable of movement.

b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

**SECTION 3.613 "Wam C-2" WAMIC COMMERCIAL ZONE**

- A. Purpose:** The purpose of the "Wam-C-2" Wamic Commercial Zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-C-2" Wamic Commercial Zone shall comply with the following regulations.

- B. Uses Permitted Without Review:** The following uses and activities are permitted on lands designated "Wam-C-2" Wamic Commercial Zone without review.

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review:** The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards:

1. Any new commercial service, or retail use that will be located within an existing building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review. (Amended 4/12) *Marijuana retail uses shall comply with Chapter 11.*
2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft. (Added 4/12)
3. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
4. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review:** The following small scale low impact may be permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

**2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.**

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft: (Amended 4/12)

3. Retail or service business. *Marijuana retail businesses shall comply with Chapter 11.*
4. Eating or drinking establishment
5. Offices
6. Veterinary clinic and kennel entirely within an enclosed building
7. Public garage, including usual automobile repairs and servicing enclosed within the building that:
8. When within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
9. Residential use in the same building as a use permitted in this subsection (B). *Residential use and marijuana businesses shall not occur in the same building.*

**E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following small scale low impact may be permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.**

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)
2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major). (Added 4/12)
5. Church.
6. Public or semi public buildings.
7. Public or private school.



8. Medical center. *Medical marijuana dispensaries shall comply with Chapter 11.*

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
10. Automobile service stations.
11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
12. Place of public assembly (stadium, auditorium, recreation building or natatorium).
13. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre). *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
14. Child care center.
15. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

F. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, landscaped area, maintenance of setbacks and compatibility with adjacent uses.
2. Sewer and water requirements - Applicant must obtain approval for an on-site sewage disposal system or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.
3. The county shall notify the Wamic Water and Sewer District of land use action made under this chapter.
4. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "Wam-C-2" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Height - Maximum height for all structures shall be thirty-five (35) feet.
7. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
8. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
9. Signs - Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
11. Site Plan Review - Provisions of Chapter 20 shall apply to Subsections B and C of this section.
12. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

**SECTION 3.614 "Wam-M-2" WAMIC MEDIUM INDUSTRIAL ZONE**

- A. Purpose: The purpose of the "Wam-M-2" Medium Industrial Zone is to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "Wam-M-2" Medium Industrial Zone shall comply with the following regulations.

- B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "Wam-M2" Wamic Medium Industrial zone without review.

1. Utility Facilities (Minor). (Added 4/12)

- C. Uses Permitted Subject to Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-M-2" Wamic Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to an industrial use the combined footprint of all buildings and all accessory buildings shall not exceed 10,000 sq. ft. (Added 4/12)

2. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)

3. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

- D. Uses Permitted Subject to Standards/Type II Review: The following small scale low impact uses may be permitted on a legal parcel on lands designated Wam-M-2" Wamic Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards:

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

3. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats. *Marijuana processing and wholesaling shall comply with Chapter 11.*
  4. Railroad yard, shipyard and barge docking facilities.
  5. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
  6. Wholesale business, storage warehousing, transfer company and trucking companies.
  7. Contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
  8. Light manufacturing, compounding or assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process. *Marijuana processing shall comply with Chapter 11.*
  9. Welding and machine shop.
  10. Laundry and cleaning service industries.
  11. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
  12. Retail or combination retail whole lumber and building materials yard, not including concrete mix.
  13. Outdoor storage when enclosed by a fence, wall or sight obscuring landscaping; all of which shall be maintained.
  14. Circus, rodeo or like activity.
  15. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. *Marijuana processing and wholesaling shall comply with Chapter 11.*
- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III:** The following small scale low impact uses may be permitted on a legal parcel on lands designated "Wam-M-2" Wamic Medium Industrial Zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (Added 4/12)

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
4. Utility facilities (Major) except landfill. (Added 4/12)

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

5. One mobile home or watchman's quarters in conjunction with a permitted or conditional use. *Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)*
6. Concrete batching plants and the manufacture and sale of concrete products.
7. Automobile Service Stations.
8. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.
9. Recreation areas and facilities, including but not limited to golf courses.
10. Bulk storage of petroleum or gas.
11. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, landscaped area, maintenance of setbacks and compatibility with adjacent areas.
2. Sewer and water requirements – Applicant must obtain approval for an on-site disposal system or if applicable obtain a Department of Environmental Quality (DEQ) Waste water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.
3. The County shall notify the Wamic Water and Sewer District of land use actions made under this chapter.
4. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.
  - b. Side Yard - Where the side of a lot in the "Wam-M-2" Medium Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven

(7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Height - Maximum height for all structures shall be seventy-five (75) feet.
7. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.
8. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
9. Signs - No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.
10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
11. Site Plan Review - Provisions of Chapter 20 shall apply.
12. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

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**CHAPTER 11 MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND  
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(Adopted **mm/dd/yy**)

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**CHAPTER 11**      **MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND RETAILING**

**SECTION 11.010**    **PURPOSES**

*This chapter describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Wasco County. The goals of this chapter are to:*

- *Establish reasonable time, manner and place requirements for new business that produce, process, wholesale or retail marijuana.*
- *Provide clear and objective standards for marijuana businesses;*
- *Minimize conflict with other permitted uses in underlying zones;*
- *Protect resources identified in the Wasco County Comprehensive Plan; and*
- *Protect the public health, safety, and general welfare of the citizens of Wasco County.*

**SECTION 11.020**    **APPLICABILITY**

- A. *Marijuana production, processing, wholesaling and retailing uses are only allowed if they are specifically listed as an allowed use in Chapter 3 under the zoning section that directly applies to the subject (legally created) property(ies).*
- B. *Marijuana production, processing, wholesaling, and retailing are prohibited uses in all Wasco County Residential or Rural Residential zones (R-R (2), R-R (5), R-R (10), RC-TV-R, RC-Wam-R2, and RC-Wam-R5).*
- C. *Marijuana production, processing, wholesaling and retailing are prohibited as a home occupation in any zone.*
- D. *Marijuana production in the Exclusive Farm Use zone (A-1) must comply with all provisions of Chapter 11.*

**SECTION 11.030**    **PROCEDURES**

*Marijuana uses are allowed as specified in the applicable zone.*

**SECTION 11.040**    **MARIJUANA PRODUCTION AND MARIJUANA PROCESSING**

*Marijuana production and marijuana processing shall be subject to the following standards and criteria:*

- A. **Minimum Yard Depth.** *No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.*
- B. **Access.** *The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or*



*easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.*

**C. Security Cameras.** *If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.*

**D. Odor.** *A building used for marijuana production or marijuana processing shall be equipped with a carbon filtration system for odor control.*

- 1. The system shall consist of one or more fans and filters.*
- 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).*
- 3. The filter(s) shall be rated for the applicable CFM.*
- 4. The filtration system shall be maintained in working order and shall be in use.*
- 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.*

**E. Lighting.** *Lighting shall be regulated as follows:*

- 1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.*
- 2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.*
- 3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not spill onto adjacent lots.*

**F. Water.** *The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing. Proof could include, but is not limited to, a copy of a water right that serves the proposed use or a letter from the irrigation district, municipal water provider or the Watermaster.*

**G. Waste Management.** *Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.*

**SECTION 11.050 MARIJUANA RETAILING**

*Marijuana retailing shall be subject to the following standards and criteria:*

- A. **Hours.** *A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 10 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 10 p.m.*
- B. **Odor.** *A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control.*
  - 1. *The system shall consist of one or more fans and filters.*
  - 2. *At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to one-third of the square footage of the building floor space (i.e., one CFM per three square feet of building floor space).*
  - 3. *The filter(s) shall be rated for the required CFM.*
  - 4. *The filtration system shall be maintained in working order and shall be in use.*
  - 5. *An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.*
- C. **Window Service.** *The use shall not have a walk-up window or drive-thru window service.*
- D. **Waste Management.** *Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee.*
- E. **Minors.** *No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.*
- F. **Co-Location of Related Activities and Uses.** *Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.*
- G. **Minimum Separation Distances.** *Minimum separation distances shall apply as follows:*
  - 1. *The use shall be located a minimum of:*
    - a. *1,000 feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;*



*with the County at one time, the County shall issue decisions in the order in which complete applications were filed.*

**SECTION 11.060 APPROVAL PERIOD**

- A. Approval of a permit under Chapter 11 is valid for two (2) years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented, or the approval will become void.*
  - 1. Implemented for production and processing means all major development permits shall be obtained and maintained for the approved conditional use. If no major development permits are required to complete the development contemplated by the approved conditional use, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:
    - a. A building permit for a new primary structure that was part of the approved development; or*
    - b. A permit issued by the County for parking lot or road improvements required by the approved development.**
  
- B. Approval of a permit under Subsection 11.050 (retailing) is valid for two years from the date of the County's final decision. During this two-year period, the approval shall be implemented, or the approval will become void. Implemented means that the marijuana retailer has begun operation and is open for consumer business. Notwithstanding this two-year implementation period, a complete application for a marijuana retailing license shall be filed with the Oregon Liquor Control Commission, or a complete application for a medical marijuana dispensary registration shall be filed with the Oregon Health Authority, within three months of the date of the County's final decision, or the approval will become void.*

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**CHAPTER 12 APPLICATION FOR A FARM OR FOREST RELATED DWELLING  
(PRIMARY STRUCTURE) ON A NON-CONFORMING LOT-OF-RECORD  
IN THE "A-1" EXCLUSIVE FARM USE OR "FF" FOREST-FARM ZONES**

**SECTION 12.010 Purpose**

The purpose of this chapter is to establish a mechanism for review action on farm or forest related dwelling requests located on parcels not meeting the minimum lot area required by the applicable zoning classification and qualifying as a lot-of-record under this Ordinance.

**SECTION 12.020 Building Permits**

A. In accordance with Section 3.210(B) and Section 3.220(B) of this Ordinance, one single-family dwelling is permitted in the "A-1" Exclusive Farm Use and "FF" Forest-Farm zones. In those instances in which a lot-of-record contains less than minimum acreage required of that zone and the dwelling requested will be in conjunction with farm or forest activities, the following apply:

1. A building permit on a nonconforming lot-of-record, which is less than the minimum lot area, shall be issued provided that the applicant makes assurances that the dwelling will be in conjunction with farm or forest activities. Approval of a single-family dwelling in conjunction with a farm use shall conform to the following criteria:
  - a. The farm will be appropriate for the continuation of existing commercial agricultural enterprise in the area;
  - b. The farm will contribute in a substantial way to the existing agricultural economy;
  - c. The farm will help maintain agricultural processors and establish farm markets;
  - d. The proposed use is compatible with the farm use in the area and does not interfere either in itself or in the location of improvements, with "current accepted practices" as that term is defined in O.R.S. 215.203(2)(c) which characterizes such use;
  - e. The proposed use is consistent with the agricultural land use policy for the State of Oregon expressed in O.R.S. 215.243;
  - f. The proposed use would not materially alter the stability of the overall land use pattern of the area, nor would substantially add to the demand for increased use of roads, ground water during growing seasons, or public facilities and services; and

**g.** The parcel is typical of the existing commercial agricultural operations in the surrounding area and is of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in O.R.S. 215.203(2)(c) and taking into account:

**(1)** soil types and patterns in the area and typical yields;

**(2)** type of crops grown in the area and typical yields;

**(3)** potential markets;

**(4)** other relevant information included in the agricultural element of the Wasco County Comprehensive Plan; and

**(5)** average size of parcels conducting agricultural farming practices in the area.

***h. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See Section 34, Chapter 614, Oregon Laws 2015.)***

**2.** In an instance in which an applicant for a building permit for a nonconforming lot-of-record does not intend to construct or place a dwelling that is in conjunction with farming or forest activities, the applicant must apply for a Conditional Use Permit for a non-farm or non-forest dwelling in a resource land.

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## **CHAPTER 20 SITE PLAN REVIEW**

### **SECTION 20.010 Purpose**

The purpose of the Site Plan Review procedure is to enable the Approving Authority to review development proposals for conformity with the provisions of this ordinance and to allow the imposition of such conditions on the development or projects as are necessary to bring it into conformity with the Comprehensive Plan and surrounding development.

### **SECTION 20.020 Approval, Rejection and Modification**

Any such site plan may be approved, rejected and modified, or approved subject to conditions. Any such site plan, after approval, shall be amended through the same procedure as in the initial approval of such site plan; except, that minor alterations or modification to a previously approved site plan may be approved by the Planning Director; provided that, in the judgment of the Planning Director, such modifications or alterations do not represent deviations of a substantial nature.

### **SECTION 20.030 Contents of the Site Plan**

The Site Plan shall clearly indicate the following information:

- A. Lot dimensions.
- B. Location, size, height, of all existing or proposed buildings and structures, and illustrating the buildings and parking facilities on abutting properties.
- C. Location, size and dimension of all yards and setbacks and all spaces between buildings.
- D. Walls and fences: Location, height and materials.
- E. Off-street parking:
  - 1. Location, dimensions and method of improvement of all driveways and parking areas consistent with Sections 20.050 & 20.080.
  - 2. Number of spaces consistent with Section 20.050 & 20.080 and internal circulation pattern.
  - 3. Size and location of existing and proposed curb openings.
- F. Access: Pedestrian, vehicular, service; and definitions of all points of ingress and egress.

- G. Signs: Location, size, height, material and method of illumination.
- H. Loading: Location, dimensions, number of spaces, internal circulation and access from public right-of-way consistent with 20.070 & 20.080.
- I. Lighting: General nature, location and hooding devices (not including interior building lighting).
- J. The location, dimensions and methods of improvement for all property to be dedicated to general public purposes or to public utilities.
- K. A detailed plan for landscaping, if determined necessary by the Planning Director which shall clearly illustrate:
  - 1. Plants and tree species, their initial sizes and other proposed landscaping materials.
  - 2. The location and dimensions of all areas to be devoted to landscaping, and location of automatic sprinkler systems.
- L. Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices.
- M. Drainage and grading plan.
- N. Identification of proposed trash storage locations, including proposed enclosure design construction and access for pick-up purposes.
- O. Location of existing utility poles.
- P. Such data as may be required by the Planning Director to act on the application.

**SECTION 20.040 Approval Standards**

Upon completion of the Site Plan Review, the Approving Authority shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Approving Authority shall find that:

- A. All provisions of this ordinance and other applicable ordinances are complied with.
- B. Elements of the site plan are arranged so that:
  - 1. Traffic congestion is avoided.

2. Pedestrian and vehicular safety and welfare are protected.
  3. Significant features and public amenities are preserved and maintained.
  4. There will be minimal adverse effect on surrounding property.
- C. Proposed lighting is arranged to direct light away from adjoining properties.
- D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.

### **SECTION 20.050 Off-Street Parking**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off-street parking:

#### **A. Residential**

1. Single-family dwelling: One (1) space per dwelling unit.
2. Residential hotel, rooming or boarding house: Four (4) spaces per five (5) guest accommodations, plus one (1) space per two (2) employees.
3. Two family or multi-family dwellings: Three (3) spaces per two (2) dwelling units.

#### **B. Commercial Residential**

1. Motel: One (1) space per guest room plus one (1) space for owner or manager.
2. Club or Lodge: One (1) space per five (5) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly, whichever is greater.

#### **C. Institutional**

1. Welfare or correctional institutions: One (1) space per five (5) beds for patients or

inmates, plus one (1) space per employee.

2. Convalescent hospital, nursing home, sanitarium, rest home for the aged: One (1) space per five (5) beds for patients or residents, plus one (1) space per employee.
3. Hospital: Three (3) spaces per two (2) beds.

**D. Places of Public Assembly**

1. Church: One (1) space for four (4) seats or every eight (8) feet of bench length in the main auditorium.
2. Library, reading room, museum, art gallery: One (1) space per four hundred (400) square feet of floor area plus one (1) space per two employees.
3. Pre-school, nursery, kindergarten: Two (2) spaces per teacher; plus off-street loading and unloading facility.
4. Elementary or junior high school: One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or every eight (8) feet of bench length in the main auditorium, whichever is greater.
5. High School: One (1) space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
6. Other auditorium, meeting room: One (1) space per four (4) seats or every eight (8) feet of bench length.

**E. Commercial Amusement**

1. Stadium, arena, theater: One (1) space per four (4) seats or every eight (8) feet of bench length or equivalent capacity if no seating is provided.
2. Bowling alley: Five (5) spaces per alley plus one (1) space per two (2) employees.
3. Dance hall, skating rink: One (1) space per one hundred (100) square feet of floor area plus one (1) space per two (2) employees.

**F. Commercial**

1. Retail store except as provided in subsection (2): One (1) space per two hundred (200) square feet of floor area plus one (1) space per employee.

2. Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture: One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.
3. Bank, office (except medical and dental): One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.
4. Medical and dental clinic: One (1) space per three hundred (300) square feet of floor area plus one (1) space for every four (4) seats.
5. Eating and drinking establishment: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for every four seats.
6. Mortuaries: One (1) space per four (4) seats or every (8) feet of bench length in chapels.

**G. Industrial**

1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal: One (1) space per employee.
2. Wholesale establishment: One (1) space per employee plus one (1) space per seven hundred (700) square feet of patron serving area.

**SECTION 20.055 Bicycle Parking Requirements**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

- A. Number of Bicycle Parking Spaces** - A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:
1. Multi-Family Residences - Every residential use of four (4) or more dwelling units provides at least one (1) sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
  2. Parking Lots - All public and commercial parking lots and parking structures provide a minimum of one (1) bicycle parking space for every 10 motor vehicle

parking spaces.

3. Schools - Elementary and middle schools, both private and public, provide one (1) bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  4. Colleges and trade schools provide one (1) bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent (50%) of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  5. County Commercial - Within the County commercial and employment zones (Rural Commercial, Rural Industrial, Wamic Commercial, Tygh Valley Commercial, Tygh Valley Light Industrial/Commercial, Tygh Valley Medium Industrial/Commercial), where the proposed use is commercial, bicycle parking for customers shall be provided along the roadway at a rate of at least one (1) space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be located in front of the stores along the roadway, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. 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. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure shall be provided at a rate of one (1) space per 10 employees, with a minimum of one space per store.
  6. Multiple Uses - For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces is required.
- B. Exemptions** - This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.
- C. Location and Design** - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other

pedestrian amenities.

- D. Visibility and Security - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- E. Options for Storage - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- F. Lighting - Bicycle parking shall be least as well lit as vehicle parking for security.
- G. Reserved Areas - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards (Section 4.090 Vision Clearance).

#### **SECTION 20.060 Public Parking Area**

Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows:

- A. Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be properly maintained. Where such public parking area abuts or lies within an "A" and "R" zone, the required wall, fence or hedge shall not be less than six (6) feet in height on the sides or rear yards abutting or within such "A" or "R" zone.
- B. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be fixed so as to reflect away from adjoining premises in residential zones.

#### **SECTION 20.070 Off-Street Loading**

- A. Schools: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and



maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

**SECTION 20.080 General Provisions - Off-Street Parking and Loading**

- A.** The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- B.** Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.
- C.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D.** Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.
- E.** Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.
- F.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G.** Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.

**H. Design requirements for parking lots:**

1. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.
  2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
  3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
  4. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
  5. Lighting of the parking area shall be deflected from a residential zone.
- I. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

**SECTION 20.090 Home Occupations**

Home occupations, as defined in Section 1.090 shall be subject to Sections 2.040 – 20.080 as well as the following criteria:

- A. Will be operated by a resident of the property on which the business is located;
- B. Will employ no more than five full or part-time persons.
- C. Will be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.
- D. Will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- E. Will have retail sales only as an activity incidental or secondary to the primary home occupation use;
- F. Will not display, or create outside the structure, any external evidence of the operation of the home occupation other than one non-animated, non-illuminated name plate, on premises, and in conformance with the size restrictions of the underlying zone;
- G. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

- H. Construction of a structure that would not otherwise be allowed in the zone is not permitted.
- I. Will be reviewed annually by the Approving Authority. The approval shall continue if the home occupation continues to comply with the requirements of this section.

On High Value Lands in the Exclusive Farm Use Zone (Not Applicable to Section 20.100)

- J. Home occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.
- K. Home occupations may not be authorized in structures accessory to resource use.
- L. A home occupation located on high-value farmland may employ only residents of the home.

**M.** *The following uses are prohibited from all minor and major home occupations:*

- (a) Marijuana production;*
- (b) Marijuana processing;*
- (c) Marijuana wholesaling; and*
- (d) Marijuana retailing.*

**Section 20.100 Home Occupation to Host Commercial Events** (Exclusive Farm Use Zone only)

The section is not intended to apply to events hosted at such public gathering places as churches, community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit organizations for charitable purposes. Nor is this Ordinance intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770). *A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*

In addition to meeting Sections 20.010 – 20.090 above, home occupations to host commercial events must meet the following criteria:

- A. Frequency of Events:** This shall be determined through the review process to minimize the potential impact to the local agricultural region.

- B. Maximum Number of Guests:** Shall be based on the capacity of the site, but shall not include more than 300 guests at any one event.
- C. Duration of Event:** This shall be determined based on the potential impact to adjacent properties but no event shall take place outside the hours of 7:00 am – 10:00 pm.
- D. Noise:** It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area. Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:
- The volume of the noise;
  - The intensity of the noise;
  - The duration of the noise;
  - Whether the noise is recurrent, intermittent, or constant;
  - The time of day or night the noise occurs;
  - Whether the nature of the noise is usual or unusual;
  - Whether the origin of the noise is natural or unnatural;
  - The nature and zoning of the area within which the noise emanates and where it is received;
  - Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this Section if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or
  2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant's property lines within a residential district or near a residential area.
- F. Parking:** At least 200 square feet of parking space shall be required for each vehicle. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
- G. Fire & Emergency Vehicle Access:** Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.

- H. Catering: Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.
- I. Alcohol *and Marijuana*: Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol *or marijuana* is served during an event. *A commercial activity carried on in conjunction with marijuana crop is prohibited. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- J. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling's on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.
- K. Sign: One temporary sign may be allowed in addition any other sign allowed as part of a prior approval. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the event and shall be removed within 24 hours after the event.
- L. Contents of the Site Plan: In addition to the requirements of Section 20.030 above, the applicant shall submit a written narrative and site plan addressing the following issue:
  - 1. Designated area and existing structures to be used for the events
  - 2. Number of events anticipated per season
  - 3. Frequency of events
  - 4. Maximum number of guests intend to serve
  - 5. Noise
  - 6. Infrastructure – How will you provide electricity and utilities to the event?
  - 7. Parking & Circulation – Need to provide one (10' x 20') parking space per vehicle; estimate 3 people per car.
  - 8. Traffic and Access
  - 9. Environmental Health Aspects
    - a. How will food be provided? Where will it be served?
    - b. What is your domestic water source?

- c. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.

**10. Safety & Insurance**

- 11. Are alcoholic beverages being served? If so, are OLCC requirements being met?

**M. Expiration of Approval:** Land use approvals for home occupations to host commercial events shall not be valid for more than four years from the original date of approval. Landowners must reapply for the use after a land use approval expires.

## Marijuana uses under proposed zoning in Wasco County\*

\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area

The following information is based on draft proposed ordinance revisions discussed at the December 1, 2015 Planning Commission work session. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

**Possible marijuana business uses as a result of Measure 91 and House Bill 3400:**

1. Medical Marijuana processing sites;
2. Medical Marijuana dispensaries;
3. Recreational Marijuana producers (growers);
4. Recreational Marijuana processors;
5. Recreational Marijuana wholesalers; or
6. Recreational Marijuana retailers;

**Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:**

Medical or Recreational Marijuana processing =	Depends on scale, could be home occupation (e.g. small batch baked goods), could be industrial (e.g. processing to extract oils for use by other manufacturers).
Medical Marijuana dispensaries =	Similar use to pharmacy unless recreation retail is included
Recreational Marijuana production =	Farm use (if grown for commercial gain)
Recreational Marijuana wholesaling =	Warehouse that stores packaged products and resells to retail
Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for existing zones and the possible review process currently proposed.*

**Important notes:**

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

**Please Note:**

***The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how proposed zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.***

Key to Table: **PLEASE READ THIS FIRST**

Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance	
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Water Mmaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
(D)	Permit required: <b>Type 2, Subject to Standards</b> review with application. Type 2 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public notice is issued with the decision document within the appeal period.
(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Water Master and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

**Result of proposed revisions discussed December 1, 2015 by the Wasco County Planning Commission:**

Zone	Personal Grows	Producing + Primary Processing	Processing Secondary Processing	Wholesaling (Selling in bulk )	Retail (Individual sales)
Forest (F-1)	Yes (A)	Yes (C)	No	No	No
Forest (F-2)	Yes (A)	Yes (C)	No	No	No
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Yes (D)	Yes (D)	No
Forest-Farm (F-F)	Yes (A)	No	No	No	No
Agriculture-Recreation (A-R)	Yes (A)	No	No	No	No
Rural Residential (R-R (10))	Yes (A)	No	No	No	No
Rural Residential (R-R (5))	Yes (A)	No	No	No	No
Rural Residential (R-R (2))	Yes (A)	No	No	No	No
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes (C)
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)(E)	Yes (D)	Yes (E)
<b>Tygh Valley Rural Center Zones</b>					
Residential (RC-TV-R)	Yes (A)	No	No	No	No
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (D)	Yes (E)
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No
Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	No	No	No
<b>Wamic Rural Center Zones</b>					
Residential (RC-Wam-R2)	Yes (A)	No	No	No	No
Residential (RC-Wam-R5)	Yes (A)	No	No	No	No
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No
<b>Overlay Zones</b>					
Big Muddy Limited Use	Yes (A)	No	No	No	No
Badger Creek Limited Use	Yes (A)	No	No	No	No
Pine Hollow Airport	Yes (A)	No	No	No	No
Camp Morrow Limited Use	Yes (A)	No	No	No	No



## Marijuana uses under current zoning regulations in Wasco County\*

**\*Outside incorporated communities and outside the Columbia River Gorge National Scenic Area**

The following information is based on a preliminary review of the Wasco County Land Use and Development Ordinance and the information currently available to staff regarding Measure 91 and House Bill 3400. Marijuana regulations and permitting procedures is a dynamic conversation that is still evolving. **This document is intended to be used for discussion purposes ONLY, does not constitute official guidance for future applicants or applications and is NOT a land use decision or official interpretation to be relied upon in any way.**

### Possible marijuana business uses as a result of Measure 91 and House Bill 3400:

1. Medical Marijuana processing sites;
2. Medical Marijuana dispensaries;
3. Recreational Marijuana producers (growers);
4. Recreational Marijuana processors;
5. Recreational Marijuana wholesalers; or
6. Recreational Marijuana retailers;

### Potential translations for existing uses identified in the Wasco County Land Use and Development Ordinance:

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Recreational Marijuana retailer =	Commercial use such as a store or major home occupation that sells commodities.

*Please see table below for zones and the possible review process currently available.*

### Important notes:

1. All licensed producers, processors, wholesalers, and retailers will be required to obtain a license from the OLCC and in some cases the OMMP. *The rules and regulations of these entities are still being developed.*
2. The OLCC will require setbacks from specific uses such as schools.
3. The OLCC will require sign off (a land use compatibility statement) from the Planning Department for all commercial growing and other marijuana businesses (and *Planning will coordinate with Watermaster*).
4. The law allows personal growing for personal use – County zoning cannot regulate this
5. HB 3400 prohibits new agriculture dwellings to support the commercial growing of marijuana
6. HB 3400 does not allow farm stands to sell marijuana products
7. Remember that all new buildings require a land use application or confirmation of exemption prior to construction.

### Please Note:

The table shown below does not provide anyone, under any circumstance, with an approval for new development or the growing of marijuana in any zone. The table was created to provide a general illustration of how current zoning of unincorporated lands and land outside of the National Scenic Area, might respond to new proposed marijuana uses in the future.

**This document was revised for technical corrections to the table below on 12/3/2015.**

**Key to Table: PLEASE READ THIS FIRST**

	<b>Process Required by Current Zoning and the Wasco County Land Use and Development Ordinance</b>
(A)	Personal grows of up to 4 plants per household allowed by the State; County zoning cannot regulate this.
(B)	No permit required; <b>Use permitted without review</b> but OLCC LUCS is required to confirm zoning/permits. <i>(Note: the use of existing buildings for farming would not necessarily require review however all <u>new</u> farm buildings require land use review from planning; Planning will coordinate with Watermaster where possible).</i>
(C)	Permit required: <b>Type 1, Ministerial</b> review with application. Type 1 includes coordination with the Building Department and Environmental Health. No public notice or appeal period.
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(E)	Permit required: <b>Type 2 or 3, Conditional Use</b> review with application. Type 3 includes coordination with the Building Department, Environmental Health, Watermaster and several other partner agencies. Public Notice is issued prior to the decision being issued and the decision contains an appeal period.

Based on a preliminary review, the uses listed above could potentially be applied for in the following zones:

<b>Zone</b>	<b>Personal Grows</b>	<b>Producing + Primary Processing</b>	<b>Processing Secondary Processing</b>	<b>Wholesaling (Selling in bulk )</b>	<b>Retail (Individual sales)</b>	<b>Comments:</b>
Forest (F-1)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Forest (F-2)	Yes (A)	Yes (B)	No	No	Maybe (C)	Retail as Home Occ
Exclusive Farm Use (EFU) (A-1)	Yes (A)	Yes (B)	Maybe (D)(C)	Maybe (E)	Maybe (C)	Retail as Home Occ
Forest-Farm (F-F)	Yes (A)	Yes (B)	Maybe (E)	No	Maybe (E)	Retail as Home Occ
Agriculture-Recreation (A-R)	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (10))	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (5))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Residential (R-R (2))	Yes (A)	Yes (B)	No	No	Maybe (E)	Retail as Home Occ
Rural Commercial (R-C)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Rural Industrial (R-I)	Yes (A)	No	Yes (C)(D)	Yes (D)	Maybe (E)	Retail or Medical
<b>Tygh Valley Rural Center Zones</b>						
Residential (RC-TV-R)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-TV-C)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Light Industrial/Commercial (RC-TV-M1)	Yes (A)	No	Yes (C)(D)	Yes (C)	Maybe (E)	Retail or Medical
Medium Industrial (RC-TV-M2)	Yes (A)	No	Yes (C)(D)	Yes (D)	No	No note.
Rural Reserve (RC-TV-RR)	Yes (A)	No	No	No	No	No note.
Agriculture (RC-TV-AG)	Yes (A)	Yes (B)	Maybe (E)	Maybe (E)	Maybe (E)	Retail as Home

## Return to Index

						Occ
<b>Wamic Rural Center Zones</b>						
Residential (RC-Wam-R2)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Residential (RC-Wam-R5)	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Commercial (RC-Wam-C2)	Yes (A)	No	No	No	Yes (C)(D)(E)	Retail or Medical
Medium Industrial (RC-Wam-M2)	Yes (A)	No	Yes (D)	Yes (D)	No	No note.
<b>Overlay Zones</b>						
Big Muddy Limited Use	Yes (A)	No	No	No	No	
Badger Creek Limited Use	Yes (A)	No	No	No	Maybe (E)	Retail as Home Occ
Pine Hollow Airport	Yes (A)	No	No	No	No	
Camp Morrow Limited Use	Yes (A)	No	No	No	No	

FILED  
WASCO COUNTY

2015 NOV 32 PM 1 17

LISA GAMBEE  
COUNTY CLERK

IN THE BOARD OF COUNTY COMMISSIONERS  
OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF DIRECTING AND	)	
AUTHORIZING THE WASCO COUNTY	)	
PLANNING & DEVELOPMENT	)	RESOLUTION
DEPARTMENT TO INITIATE A	)	#15-017
LEGISLATIVE TEXT AMENDMENT TO THE	)	
LAND USE AND DEVELOPMENT	)	
ORDINANCE PURSUANT TO CHANGES	)	
RESULTING FROM HB 3400 OF THE 2015		
OREGON LEGISLATIVE SESSION. (FILE		
NUMBER PLALEG-15-11-0001)		

1

2           WHEREAS, the above-entitled matter having come on regularly for consideration,  
3 said day being one duly set in term for the transaction of public business and a majority of  
4 the Board of County Commissioners being present; and

5           WHEREAS, HB 3400 of the 2015 Oregon Legislative Session enacted regulations  
6 legalizing and regulating the use of marijuana; including commercial growing, warehousing,  
7 wholesaling, and retailing of marijuana. Wasco County has elected to create time, place, and  
8 manner ordinances as regulatory authority over marijuana business; and

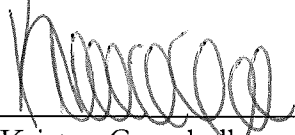
1 WHEREAS, the Wasco County Planning & Development Department therefore has  
2 requested to initiate a legislative text amendment to the Land Use and Development  
3 Ordinance to update the Wasco County Land Use and Development Ordinances to create  
4 consistency with State Regulations pursuant to changes resulting from HB 3400 of the 2015  
5 Legislative Session;

6 NOW, THEREFORE, IT IS HEREBY RESOLVED: That the Wasco County  
7 Board of County Commissioners directs the Wasco County Planning & Development  
8 Department to initiate a legislative text amendment to the Land Use and Development  
9 Ordinance to update the Wasco County Land Use and Development Ordinances to create  
10 consistency with State Regulations pursuant to changes resulting from HB 3400 of the 2015  
11 Oregon Legislative Session.

12 SIGNED this 2<sup>nd</sup> Day of December, 2015.

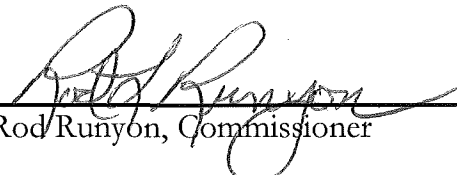
WASCO COUNTY BOARD OF  
COUNTY COMMISSIONERS

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen Campbell  
Wasco County Counsel

  
\_\_\_\_\_  
Scott Hege, Chair of Commission

  
\_\_\_\_\_  
Steve Kramer, Commissioner

  
\_\_\_\_\_  
Rod Runyon, Commissioner



**Wasco County Planning Department**  
*"Service, Sustainability & Solutions"*

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[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

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# **WASCO COUNTY PLANNING COMMISSION AGENDA SUPPLEMENTAL PACKET (COMMENTS)**

**FOR**

**Hearing Date: December 16, 2015**

**Hearing Time: 3:00 pm**

**Hearing Location: Columbia Gorge Discovery Center,  
Lower Level Classroom  
5000 Discovery Drive  
The Dalles, Oregon 97058**

**Action Item(s):**

**LEGISLATIVE HEARING:**

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.



## Wasco County Planning Department

*"Service, Sustainability & Solutions"*

2705 East Second St. • The Dalles, OR 97058  
(541) 506-2560 • [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

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Date: December 15, 2015  
To: Wasco County Planning Commission  
From: Wasco County Planning Office  
Subject: Supplemental Submittal for Hearing dated December 16, 2015

#### LEGISLATIVE HEARING: - COMMENTS RECEIVED

PLALEG-15-11-0001

The December 16, 2015 hearing will explain the proposed text amendments to the Wasco County Land Use and Development Ordinance to establish Time, Place, and Manner regulations including, but not limited to, Chapter 1 (Definitions), Chapter 3 (Basic Provisions), Chapter 11 (Marijuana Production, Processing, and Retailing), Chapter 12 (Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-Conforming Lot-of-Record in the A-1 or FF Zones), Chapter 20 (Home Occupation), to create consistency with state regulations and make other amendments appropriate for Wasco County. The December 21, 2015 hearing will be a continuation of the first hearing to ensure adequate discussion prior to providing the Board of County Commissioners with a formal recommendation.

#### Comments Received Prior to December 15, 2015

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Lisa Gambee, Wasco County Clerk	P 2-19

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Comments Received Prior  
to December 15, 2015



WASCO County

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Sig.

DEC 11 2015

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(it brings Game)

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of App  
date of  
appeal

(will cut Down  
Trees)

IT WAS TAKEN off  
Land LAST Time

it WAS Voted Down

Thank you

WASCO COUNTY  
PLANNING DEPA  
2705 EAST 2<sup>ND</sup> S<sup>T</sup>  
THE DALLES, OR

RECEIVED INTO RECORD

12/11/15  
DATE BY

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FRANCIS RONILEE

*C&P Planniq Co.*

RECEIVED INTO RECORD  
12/14/15  
DATE *By*

## TAYLOR FARMS AND NURSERIES 2016 GROW SITE PROJECTIONS

### FUNDING

The funding for this operation has come from a group of individuals looking to take advantage of this opportunity – to help people & to make money while doing so. Many investors are from Wisconsin, where CFO Rachel Rykal is from. Rachel presented the business plan to each investor that is on board without compromising her values & the company's values. The legal operating agreement lays out equality of investors – everyone bought in at the set purchase price to get their points & there was no room to get something for nothing, so to speak. Venture capitalists & similar individuals have been rejected from the opportunity to invest in this operation to ensure our business plan doesn't change so the rich can become richer. The majority of the investors purchased just .5% or 1% - these are "real" individuals hoping to make a difference through the opportunity in an industry that is lacking an approach such as ours.

### REVENUE

Our revenue is projected based on the Tier 2 canopy limits for indoor/outdoor growth. Outdoor plants will be harvested for oil processing & we will have a number of strands, based on demand, within the indoor buildings for sale of both flower & oil processed from a portion of the indoor harvest.

### EXPENSES

#### LEGAL

- Industry attorney – Matthew Goldberg with Emerge Law Group in downtown Portland, \$300/hour
- Corporate attorney – Melissa Turczyn with Michael Best & Friederich, a nationwide law firm, based in Madison, WI, \$400/hour

#### LICENSING

Our industry attorney is working with us through the licensing process.

#### FINANCIAL

- Consulting/Industry CPA – William Leonard, CPA in downtown Portland, previously worked with the IRS prior to opening his own practice & switching to primarily the cannabis industry about 10 years ago, charges for only tax preparation for the company.
- Employer payroll taxes are calculated based on actual salary estimates & an estimated tax rate of 12.65%
- Solutions In Balance is CFO, Rachel Rykal's, small business in Wisconsin that provides small business bookkeeping & payroll support. Her company will be running payroll for all employees, filing/paying payroll taxes, filing/distributing W-2's, etc...

#### INSURANCE

- Oregon Trail Insurance in The Dalles is in the process of quoting Taylor Farms and Nurseries for insurance now. Insurance within the projection spreadsheet is all

estimated at this point. Workers Comp was calculated for the company's officer's & admin assistant at 1% & the onsite employees at 10% of annual projected pay.

- Health insurance is in the works for our full time employees, but is estimated at the price of \$1200/quarter for each employee.

### **BUSINESS DEVELOPMENT**

- Companies for marketing materials, website, graphic design, etc will be determined based on quotes, turnaround time, recommendations & more to ensure our quality in presentation.

### **PAYROLL**

#### **OFFICERS**

- Chief Executive Officer, Linda Taylor – lived in The Dalles for many years & her two children graduated from TDHS. She also ran a ballet school with no charge for her students' instruction. She still has a 17-acre farm on Cherry Heights Rd. Linda will be in charge of keeping the operation & its employees running like a well-oiled machine while remaining in compliance with all state/OLCC rules/regulations for the industry. She will be the main contact for insurance & the Wasco County planning commission/OLCC with any changes or updates.
- Chief Financial Officer, Rachel Rykal – from Wisconsin with an accounting major. Rachel will be taking care of the official books for the business using Generally Accepted Accounting Procedures, process payroll & keep detailed personnel files, authorize PO's/payments, handle distributions to investors & other financial tasks. William Leonard, CPA will prepare all company taxes.
- Chief Business Development Officer/Sales Executive, Jeremy Endres – from Wisconsin with a background in sales & management in the restaurant/bar industry. He is in charge of all sales contracts, overseeing branding/packaging of our products, marketing materials & other sales/marketing tasks. He will also focus on business development through creating positive PR for our company, the industry & the area though our thorough practices as a business in this industry.

#### **ONSITE, FULL TIME STAFF**

- Head of Operations, Enest (Eric) Smith – lives in Hood River & owns a contracting company in The Dalles. He will be the onsite boss to oversee every aspect of the operation & all managers will report directly to him.
- Processing Manager, Scott Boyeson – currently lives in Wisconsin, but will be moving to the property in the beginning of the year. He will oversee the processing of all products into extracts & concentrates. He has many industry contacts, including the manufacturers of Infinity Super Critical CO2 Extraction Machines.
- Farm Manager, Sean Kearney – has lived in Hood River for three years, but is originally from Humboldt, CA. He will oversee the planting of seeds/clones, decide which strands need which nutrients, keep growing conditions ideal for the plants & monitor the health of each plant. He has extensive experience in growing on a large scale.
- Growth Manager, Kyle Wylie – currently lives in Wisconsin, but will be moving to the property in June after he finishes next semester in Nursing School. He will join the farm manager, Sean, in his tasks in monitoring growth & ensure the highest quality

in all products that are linked to the company. He also has vast knowledge in processing oil & will assist the processing manager, Scott, during times of plant influx, post-harvests.

- Compliance Manager, Grant Dettmering – currently lives in Washington, but will be relocating to The Dalles in the beginning of the year. He has 14 months of experience in the legal industry in Washington & has worked everything from retail assistant manager to growing to inventory. His latest project was as an independent contractor to create a custom bar code system for inventory to take an operation from non-compliant to compliant with inventory regulations.
- Administrative Assistant will be hired for Grant to assist in record keeping mid-year & we will be hiring local for this position.

### **PART TIME STAFF**

All part time staff will be hired local & paid fair, livable wages to show them their worth to the company & to reduce employee turnover. As canopy limits change, we anticipate hiring more full & part time staff.

### **GREENHOUSES**

Construction will be led by Eric (head of operations) & he will subcontract in help as needed. Construction costs will include getting a gravel road through the property, grading land, pouring concrete & assembly/improvements to the greenhouse itself.

### **SECURITY MEASURES**

- Fencing will be in compliance with OLCC rules/regulations for the perimeter of the property & to fully surround & block all outdoor plant growth. We will be using a local fence company for this & will continue to do so as long as quality is proven with their first project with us. Trees will be planted around the perimeter to further distract from any view there may be of any buildings.
- Security systems are a crucial part of this operation for us to remain in compliance at all times. Company buildings will have cameras monitoring every inch indoors at all times, highlighting entrances/exits. The outsides of buildings will have entrances/exits/windows with cameras monitoring/recording at all times as well. We will have key pads to restrict access to approved employees to various areas, buildings or parts of buildings. The entrance to the property itself will have extensive monitoring so we know at all times who is coming/going from the property & will further ensure that minors will at no point be able to get on site. Entire-lot security cameras will be put up so we can survey the entire property at all times. Motion sensors will be put in to alarm us if there is any unauthorized movement occurring at times when the operation is supposed to be closed. We are getting quotes from a couple companies that will have the OLCC rules/regulations prior to installation of any security measures. Appropriate locks/vaults/safes will be in any area where required – transportation, within processing lab freezer, office, drying room.

### **OPERATIONAL**

Eric, head of operations, will be handling all of this with local companies. We will be trucking in soil to allow us to grow organic plants.

### **PROCESSING**

Scott, processing manager, will be handling all of the build-out of the processing lab, is working with an architect, engineer (Kennison Engineering) and fire spec expert to ensure full compliance with OLCC requirements for the lab. He will have professional grade freezers to work in & to store product. All safety & fire safety requirements will be met & are already reviewed to ensure they are accounted for.

### **BUILDINGS**

Eric, head of operations, will be overseeing & subcontracting all necessary help for existing & future buildings for the operation.

### **UTILITIES**

All local companies will supply our utilities & we will ensure the electricity company is prepared to supply for our demand needs for our LED lights within the greenhouses. We have plans for a generator if our electric demand needs exceed the company's ability to supply.

### **PRODUCT COMPLIANCE**

Grant, compliance manager, will oversee all of this to ensure that not only are we in compliance with the OLCC, but that the companies we work with are reputable, compliant companies as well. He will have authority to pull in other managers to assist with testing, processing, packaging or transportation if their specified expertise is needed.

### **ADMINISTRATIVE**

- Office equipment/supplies will be purchased from local stores
- Travel is based on the company Officers travel to/from the site from their home base. Jeremy, CDO/Sales Executive, will be traveling state-wide to gain & maintain customers.
- Charitable Contributions will be made at a national level. Per the spreadsheet projections, our first operational year of profit will allow us to plan to donate a quarter percent to national organizations. \$11 million estimated profit in 2016 allows us to project \$27,500 to be donated at a national level & increase as the industry stabilizes & our future in Oregon starts becoming more clear.
- Wasco County Outreach has been budgeted to help various organizations within Wasco County. Per the spreadsheet projections, our first operational year of profit will allow us to plan to donate three-quarters of a percent to local/county organizations. \$11 million estimated profit in 2016 allows us to project \$82,500 to be donated at the local level & increase as the industry stabilizes & our future in Wasco County starts becoming more clear.
  - o We plan to sponsor programs that will educate youth on the consequences of premature cannabis use. Educating the youth on the importance of waiting until their minds & bodies have fully developed is pertinent. With the legalization of marijuana, we want to be sure they understand that even though it is true that marijuana can have health advantages, there are also consequences to using marijuana before their mind/body is developed fully. We also will ensure the program provides education of the danger of driving under the influence of marijuana.

- To further help the youth make healthy, educated choices, we will be contributing money to Wasco County Schools. Ideas have been tossed around to provide technology based resource centers in the libraries of schools, supply funds to expand or update athletic programs and after-school programs to keep kids active & engaged in positive environments with positive leaders. We will solidify plans once revenue begins to come in & we are able to meet directly with school officials to see exactly what is needed most in each school district.
- We want to remove the stigma that some still hold to this industry & show the county, state & industry that we are taking a different approach to this than most companies. This is not a 'let's help the rich get richer' type of business structure. We want our values to shine through to every generation. We will be looking into various organizations in the county like the Rotary Clubs, assistance programs for the disabled, elderly or struggling individuals, veteran support, poverty-stricken, etc to see how we can benefit everyone in this county. We value health & happiness, we value our employees, we value the community surrounding us & we value those organizations that share our values. The investors behind this project have been aware of these values since before they chose to invest.
- Miscellaneous expenses have been thrown in each month to cover any unexpected office-type expense. We will be purchasing a vehicle for our sales executive to use while traveling to clients & we will be purchasing this vehicle locally.

TAYLOR FARMS AND NURSERIES  
GROW SITE PROJECTIONS

	1/1/2016	2/1/2016	3/1/2016	4/1/2016	5/1/2016	6/1/2016	7/1/2016	8/1/2016	9/1/2016	10/1/2016	11/1/2016	12/1/2016		
Seedlings	0	400-1	0	500-1	0	0	0	0	0	0	0	0	700	
Greenhouse \$2500 p/lbs	0	0	0	0	400-1	0	0	400-1	0	0	400-1	0	600	
Outside \$2000 p/lb	0	0	0	0	0	0	0	0	0	0	0	0	1000	
Trim \$1000 p/lb	0	0	0	0	0	0	0	0	0	0	0	0	0	
CDB \$675 p/oz	0	0	0	0	2000	0	0	2000	40000	0	2000	0	22000	
<b>REVENUE</b>														
<b>PLANT</b>														
Flower	\$	\$	\$	\$	\$ 1,000,000.00	\$	\$	\$ 1,000,000.00	\$	\$	\$ 1,000,000.00	\$	\$ 3,000,000.00	
Flower tax	\$	\$	\$	\$	\$ (224,000.00)	\$	\$	\$ (224,000.00)	\$	\$	\$ (224,000.00)	\$	\$ (672,000.00)	
CBD	\$	\$	\$	\$	\$ 1,350,000.00	\$	\$	\$ 1,350,000.00	\$ 13,500,000.00	\$	\$ 1,350,000.00	\$	\$ 17,550,000.00	
CBD tax	\$	\$	\$	\$	\$ (337,500.00)	\$	\$	\$ (337,500.00)	\$	\$	\$ (337,500.00)	\$	\$ (4,387,500.00)	
<b>TOTAL</b>					\$ 1,788,500.00			\$ 1,788,500.00	\$ 10,125,000.00		\$ 1,788,500.00		\$ 15,490,500.00	
<b>EXPENSES</b>														
<b>LEGAL</b>														
Matt Goldberg, Industry Attorney	\$	750.00	\$	750.00	\$	750.00	\$	750.00	\$	750.00	\$	750.00	\$	9,000.00
Melissa Turczyn, Corporate Attorney	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	500.00	\$	6,000.00
<b>LICENSING</b>														
Tier 2 Producer	\$	5,750.00	\$		\$		\$	4,750.00	\$		\$		\$	10,500.00
Tier 2 Processor	\$	4,750.00	\$		\$		\$	4,750.00	\$		\$		\$	9,500.00
Non-refundable Renewal Fees	\$		\$		\$		\$	500.00	\$		\$		\$	500.00
<b>FINANCIAL</b>														
Consulting - Industry CPA/Bookkeeper	\$	4,000.00	\$	727.27	\$	727.27	\$	727.27	\$	727.27	\$	727.27	\$	12,000.00
Employer Payroll Taxes	\$	9,080.59	\$	9,080.59	\$	9,080.59	\$	9,080.59	\$	9,080.59	\$	9,080.59	\$	108,967.10
Payroll Expense, Solutions In Balance	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	3,000.00
<b>INSURANCE</b>														
Business Liability	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	20,000.00
Processing Liability	\$		\$		\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	1,666.67	\$	15,000.00
Workers Comp	\$	5,108.25	\$	5,108.25	\$	5,108.25	\$	5,108.25	\$	5,108.25	\$	5,108.25	\$	61,299.00
Umbrella	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	5,000.00
Unemployment	\$	833.33	\$	833.33	\$	833.33	\$	833.33	\$	833.33	\$	833.33	\$	10,000.00
Auto	\$		\$		\$	450.00	\$	450.00	\$	450.00	\$	450.00	\$	3,600.00
Property	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	416.67	\$	5,000.00
Health	\$	2,400.00	\$	2,400.00	\$	2,400.00	\$	2,400.00	\$	2,400.00	\$	2,400.00	\$	29,600.00
<b>BUSINESS DEVELOPMENT</b>														
Marketing	\$		\$	750.00	\$	750.00	\$	750.00	\$		\$	750.00	\$	6,000.00
Website	\$	3,000.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	5,750.00
Client Expense Account	\$	500.00	\$	500.00	\$	500.00	\$	1,500.00	\$	750.00	\$	750.00	\$	11,250.00
<b>OFFICERS</b>														
CEO, Linda Taylor	\$	7,500.00	\$	7,500.00	\$	7,500.00	\$	7,500.00	\$	7,500.00	\$	7,500.00	\$	90,000.00
CFO, Rachel Rykal	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	120,000.00
CDO/Sales Exec, Jeremy Endres	\$	4,150.00	\$	4,150.00	\$	4,150.00	\$	4,150.00	\$	7,500.00	\$	7,500.00	\$	69,900.00
<b>ON SITE, FULL TIME STAFF</b>														
Head of Operations, Eric Smith	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	120,000.00
Processing Manager, Scott Boyeson	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	120,000.00
Farm Manager, Sean Kearney	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	10,000.00	\$	120,000.00
Growth Manager, Kyle Wylie	\$		\$		\$		\$	7,500.00	\$	7,500.00	\$	7,500.00	\$	52,500.00
Compliance Manager, Grant Dettmering	\$	4,333.33	\$	4,333.33	\$	4,333.33	\$	4,333.33	\$	4,333.33	\$	4,333.33	\$	52,000.00
Administrative Assistant (TBD for Grant)	\$		\$		\$		\$	3,000.00	\$	3,000.00	\$	3,000.00	\$	21,000.00
<b>PART TIME STAFF</b>														
Resident Manager, Billy Taylor	\$		\$		\$		\$		\$		\$		\$	
10-20 Farm Workers \$36K p/yr	\$		\$	3,000.00	\$	3,000.00	\$	15,000.00	\$	3,000.00	\$	15,000.00	\$	96,000.00
Security \$48,000	\$		\$		\$		\$		\$		\$		\$	
Misc Contractors	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	2,500.00	\$	35,000.00

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<b>GREEN HOUSES</b>															
Construction	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000.00
Farm Tek Building (5000 sq ft canopy)	\$ 25,000.00	\$ 75,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000.00
<b>SECURITY MEASURES</b>															
Fencing/Trees	\$ 10,000.00	\$ 10,000.00	\$ -	\$ 20,000.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 100,000.00
Security System	\$ -	\$ 20,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 30,000.00
<b>OPERATIONAL</b>															
Power	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water/Irrigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Soil	\$ 25,000.00	\$ -	\$ -	\$ 50,000.00	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ 105,000.00
<b>PROCESSING</b>															
Processing Machines	\$ 60,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 60,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 210,000.00
Discount - Infinity Super Critical	\$ (25,000.00)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (25,000.00)
Misc. Lab Equipment	\$ 15,000.00	\$ 50,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000.00
Professional Grade Freezers	\$ -	\$ -	\$ 18,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,000.00
<b>BUILDINGS</b>															
Building Improvements	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00
Processing Lab	\$ 20,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00
100x45x12 Steel Barn	\$ 34,353.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,353.00
<b>UTILITIES</b>															
Water	\$ 500.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 17,500.00
Electricity	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 20,000.00
Internet	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,200.00
<b>PRODUCT COMPLIANCE</b>															
Testing	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00	\$ -	\$ -	\$ 2,500.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ -	\$ 5,500.00
Processing	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ -	\$ 4,000.00
Packaging	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00	\$ -	\$ -	\$ 2,500.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ -	\$ 5,500.00
Transportation	\$ -	\$ -	\$ -	\$ -	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ -	\$ 4,000.00
<b>ADMINISTRATIVE</b>															
Office equipment/supplies	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 5,000.00
Travel															
Flights	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 30,000.00
Hotels	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 2,700.00	\$ 32,400.00
Rental Car	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 6,000.00
Charitable Contributions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	\$ 4,583.33	\$ 27,500.00
Wasco County Outreach	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,750.00	\$ 13,750.00	\$ 13,750.00	\$ 13,750.00	\$ 13,750.00	\$ 13,750.00	\$ 13,750.00	\$ 13,750.00	\$ 82,500.00
Miscellaneous	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 20,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 31,000.00
<b>TOTAL EXPENSES</b>	<b>\$ 320,308.51</b>	<b>\$ (284,682.78)</b>	<b>\$ (147,932.78)</b>	<b>\$ (224,299.45)</b>	<b>\$ 1,596,450.55</b>	<b>\$ (127,049.45)</b>	<b>\$ (160,032.78)</b>	<b>\$ 1,610,467.22</b>	<b>\$ 9,844,967.22</b>	<b>\$ (151,032.78)</b>	<b>\$ 1,611,467.22</b>	<b>\$ (154,782.78)</b>	<b>\$ (1,254,782.78)</b>	<b>\$ 13,193,230.90</b>	
<b>REVENUE LESS EXPENSES</b>															
Save	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,000,000.00)
Green House Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fencing/Trees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Security System	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Power	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Water/Irrigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Soil	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Farm/processing Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Buildings/ Farm/Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>LAND PURCHASE (est \$500k total)</b>	<b>\$ (175,000.00)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (175,000.00)</b>
<b>PAYMENT STRUCTURE</b>															
Business loan repayment	\$ -	\$ -	\$ -	\$ -	\$ (125,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (50,000.00)	\$ (500,000.00)
<b>NET PROFITS</b>	<b>\$ (495,308.51)</b>	<b>\$ (284,682.78)</b>	<b>\$ (147,932.78)</b>	<b>\$ (224,299.45)</b>	<b>\$ 1,471,450.55</b>	<b>\$ (227,049.45)</b>	<b>\$ (260,032.78)</b>	<b>\$ 1,510,467.22</b>	<b>\$ 9,844,967.22</b>	<b>\$ (251,032.78)</b>	<b>\$ 1,511,467.22</b>	<b>\$ (1,254,782.78)</b>	<b>\$ (1,254,782.78)</b>	<b>\$ 11,193,230.90</b>	







Angie Brewer <angieb@co.wasco.or.us>

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## Wasco County resident testimony re: draft ordinance pertaining to cannabis

1 message

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Olen <oc@dozico.com>

Thu, Dec 3, 2015 at 12:16 PM

To: angieb@co.wasco.or.us, John Pearson <mosierhighlands@gmail.com>, Michael Pearson <jmichael313@gmail.com>

Hello Angie,

Great to see you yesterday at the commissioner meeting. I wanted to echo our thanks for all the time and energy you and your team have put into creating a time, manner, and place ordinance for Wasco County.

There a a lot of people who will benefit from a non-prohibitive approach to HB 3400 and Measure 91. If we can learn anything from Colorado, it's that putting the money from cannabis sales into the hands of local government through taxation is vastly more beneficial to society than leaving it exclusively in the hands of those involved in the black market.

John and I have reviewed the proposed draft ordinance and wanted to take this opportunity to formally present our thoughts and concerns on the matter.

### Our situation

We are located on 1,300 acres on a remote property with no immediate neighbors. We are in a F2-80 zone. In addition to timber production, the property has been used for agricultural purposes for roughly 115 years; illustrating the historic mixed use of the property.

None of the previous agricultural or forest activities have been sufficient to support the cost of this property. Previous and current owners have had to engage in other business activities to sustain the ranch. With the emergence of this new industry, we can see that the opportunity to support the ranch from agricultural actives has finally arrived.

We have a few existing structures on the property which have been used for medical cannabis production. They are as follows:

1. 4,500 sq. ft. barn
2. 1,800 sq. ft. shop building
3. 3,600 sq. ft. greenhouse

In light of the draft ordinance, we are concerned about being able to continue using the greenhouse for cannabis production.

The greenhouse is within 75 ft. of the neighboring parcel, which is a large forest parcel. As the draft ordinance is currently written, this pre-existing structure would not conform to the 200 ft rule and would result in the loss of a \$100,000 in investment capital and impede a large number of patients' access to their medical product.

Because of the following facts regarding the neighboring property, we do not see how continued use of the greenhouse for cannabis production would affect any neighbors:

- The nearest neighboring parcel to the north is 423 acres. It doesn't have any roads, utilities, or easy access to build any structures near this lot line. The neighboring property also has restrictive forest zoning which would make it ill-suited for building near our lot line.
- To the east, the nearest residence is roughly 3 miles.
- To the south is thousands of acres of timberland.
- To the west is also thousands of acres of timberland.
- Because of these facts, it seems clear that remote location of this greenhouse will not affect any

neighbors through continued cannabis production.

### Our requested changes to the draft

We request that the county allow an exception to the 200 ft. restriction placed on structures used for the production of cannabis in either (1) Forest Zones, (2) or creates a process to allow exceptions to the restriction on a case-by-case basis.

We understand that Production is allowed in forest zoning. According to the OLCC Business Readiness Guide, we can see that Production is defined as the "Ability to plant, cultivate, grow, harvest, and dry marijuana."

Question: is Wasco County using the same definitions to as the state for the terms Producer, Processor, Wholesaler, and Retailer?

We are also requesting that in addition to producing, the ability to process and wholesale be added to the Forest Zones. The details of this request are listed below:

### Processing:

As the draft is currently written in Chapter 3, Section 3.120 C 3, Pages 2-3, and Section 3.120 D 7, Pages 4-5 we will be unable to process our own product onsite which is the current practice. We fear this means that we would be unable to sell our product since there are not currently any Processors or Wholesalers to purchase it until they are approved by OLCC which could happen as late as Q3 or Q4 of 2016. This would create a huge time gap when we would be unable to continue production on this property since the draft ordinance in it's current form applies to both medical and recreational cannabis.

### Wholesaling:

By disallowing wholesaling in Forest Zones, it creates a loss of revenue at the wholesale level, and is not how the medical industry has been operating for the past 17 years. Under the current medical system, the producer processes and wholesales to medical dispensaries. The draft ordinance seems like it would prohibit business as usual. Additionally, by not being able to wholesale, we must rely on dispensaries having a wholesale license in order to sell to them which may limit the number of outlets we can sell our product.

### Other questions / concerns:

Are pre-existing uses required to undergo a Type 1 Review?

Again, thank you for your continued attention to this. We are hopeful that together we can all come to a resolution that encourages our local economy and maintains quality of life for Wasco residents.

John Pearson &  
Olen Christianson  
Mosier, OR



Angie Brewer <angieb@co.wasco.or.us>

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**Re: Marijuana zoning draft rules**

1 message

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Owen Papworth <opapworth@gmail.com>  
To: angieb@co.wasco.or.us

Thu, Dec 3, 2015 at 11:36 AM

Hi Angie,

I have one more question. Were there minutes taken at your work sessions? I'm curious because I would like to hear the concerns raised so that I may help develop a compromise that works. Thank you

Owen Papworth

On Dec 3, 2015 9:22 AM, "Owen Papworth" <opapworth@gmail.com> wrote:

Dear Angie,

First off I want to say I appreciate the steps that the planning department has taken around the new marijuana laws to establish rules that make sense to the county. I have gotten the feeling from the start that you and your staff are taking this seriously and trying to work with both sides of this issue, those who are both for and against legalization. I am disappointed that I missed the previous work sessions around this I would have very much liked to attend.

I am concerned about how the draft ordinance will affect medical marijuana patients in Wasco county that are compliant with state law? These grows provide medicine for a variety of illness and are vital to these patients lives. Restricting them just causes more pain and expense of finding another legal way to get their medicine. I think that if you polled the community you would hear a variety of testimonials about the medical benefits of cannabis. I know that I personally have heard countless stories about benefits individuals have had over the years. I just hope that the planning commission is considerate of this when drafting these new rules.

I am also concerned about limiting rural residential zoning from participating in marijuana business. Some areas that's first historic use has been farming and farm use would be prohibited from participating in future marijuana business. These limits effectively reduce the value of a large demographic of land whose owners wish to use their land to its highest and best use.

I propose establishing reasonable rules around minimum lot size in rural residential zones RR-5 and RR-10 that allow for farm land to be used to farm as it has been historically allowed. Wouldn't it be reasonable to adopt a rule that limits it based on the impact on neighbors rather than a blanket restriction based on zoning? The OLCC has stringent regulations already with regards to the main concerns of individuals in the community around children accessing facilities and public view or access.

If a business can comply with the OLCC's rules you would think that would be good enough for Wasco county? At the very least it seems reasonable to allow neighbors permission on adjacent properties within a reasonable distance or view of the proposed facility to be sufficient to allow a production license?

Thank you for your time and consideration I know that you have a difficult task. I hope that the county comes to a resolution that works long term and meets the communities needs.

--

Best Regards,

Owen Papworth



Angie Brewer <angieb@co.wasco.or.us>

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## Marijuana zoning draft rules

1 message

---

Owen Papworth <opapworth@gmail.com>  
To: angieb@co.wasco.or.us

Thu, Dec 3, 2015 at 9:22 AM

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--  
Best Regards,

Owen Papworth



Angie Brewer <angieb@co.wasco.or.us>

**Re: Draft Marijuana Ordinance Language - feedback please**

1 message

Lane Magill <lanem@co.wasco.or.us>

Mon, Nov 16, 2015 at 1:58 PM

To: Angie Brewer <angieb@co.wasco.or.us>

Angie,

I looked over Chapter 11 and it looks pretty good to me, so based on that I don't think I have any real comments about the document(s). I do have one question about 20.100. Is this saying marijuana can be sold/distributed during an event?

Lane

On Fri, Nov 13, 2015 at 4:17 PM, Angie Brewer <angieb@co.wasco.or.us> wrote:

Dear Management Team and Commissioners:

Thank you in advance for your time to help us provide the County with time, manner, and place ordinance provisions as they relate to marijuana businesses provided by HB3400. I have attached the first draft of a new chapter that will be added to the Wasco County Land Use and Development Ordinance, *Chapter 11 – Marijuana Production, Processing, Wholesaling, and Retailing*. Existing chapters proposed to be amended are also attached. All new text or changes to existing text are shown in red, italicized font. These documents are also shared on Google Drive.

As you know, we are trying to adopt an ordinance by the end of the year. The Planning Commission met November 3<sup>rd</sup> and November 9<sup>th</sup> to discuss the work plan, process requirements, and provide staff with direction. To ensure transparency and solicit stakeholder feedback, Planning Commission work sessions are tentatively scheduled for November 23<sup>rd</sup> and December 1<sup>st</sup>.

Formal notice was provided to DLCD Wednesday, November 11, 2015 (there is a 35 pre-notice requirement). The first evidentiary hearing is a Planning Commission hearing, scheduled for December 16, 2015; public testimony will be encouraged. To facilitate additional feedback, the hearing will be continued on the 21<sup>st</sup>. The Planning Commission intends to provide a recommendation to the Board on the 21<sup>st</sup>, and move forward with a final hearing in front of the Board on December 28<sup>th</sup>. We will be seeking permission from the state to adopt this ordinance as an emergency ordinance, making it effective before the January OLCC application dates previously discussed as a concern. Also, we plan to provide notification to all landowners, pursuant to Measure 56.

The complexities of this issue and the attached ordinance language should not be overlooked, but to assist you in your review, here are a few high-level items to keep in mind.

This draft:

- has a few typos... I'm aware of some, but send me any more you might find;
- except for prohibition in Residential zones, language was closely modeled after Clackamas County's marijuana ordinance amendments (view online);
- addresses both medical and recreation marijuana businesses;
- prohibits all marijuana businesses from residential and rural residential zones;
- prohibits marijuana related home occupations in all zones;

12/15/2015

Wasco County Mail - Re: Draft Marijuana Ordinance Language - feedback please

- provides 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- provides a 200 foot setback from all residential zoned properties;
- requires the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11;
- requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- addresses odor, water, lighting, waste management, access, and several other significant issues; and
- provides applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department.

I will be fleshing out three new documents early next week – including (1) a timeline with important dates for hearings and public participation, (2) a stakeholder list identifying key audiences or outreach needs, and (3) a revised LUDO matrix that quickly demonstrates in a table what the current ordinance allows, and what this draft proposes for each zone.

### Here's how you can help –

- Provide me with email distribution lists of key stakeholders and audiences that you feel should be included in the development of these rules;
- Take a look at the draft language, run it past your staff and key stakeholders, and provide feedback - and please keep in mind your feedback is public record.
  - Please provide feedback in summary form as a letter or memo from your department is preferred so it can be retained as part of the coordination record.
  - Strikes and underlines of the ordinance would be fine, but please keep your edits as separate documents that can be retained and reviewed later.
- Help me craft the message for the delivery and implementation of the ordinance. I will be preparing a staff report for December 9th and 28th, but there will be a need for messaging tools beyond the technical report. If you have any ideas, please don't hesitate share them with me.

**If you are able to help, please provide feedback and support information by December 2<sup>nd</sup>. If you'd like your feedback to be shared at a Planning Commission work session, please provide it by November 30<sup>th</sup>. Apologies for the rushed response, this is a tight timeline all the way around.**

One nice thing about the timing of this work is that it will almost immediately be followed by a larger update process. If we come across any needed revisions or refinements in the next year or two, we can make them as part of an existing update effort that will be moving forward soon.

Thanks again everyone! I think we're on a good path.

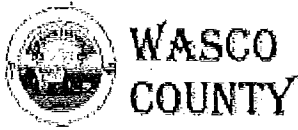
Please call or write if you need anything.

Angie

**Angie Brewer, AICP**  
Planning Director  
Wasco County Planning Department  
(541) 506-2566 direct / (541) 506-2560 main  
[www.co.wasco.or.us/planning/](http://www.co.wasco.or.us/planning/)

On Fri, Nov 6, 2015 at 4:36 PM, Kathy White <kathyw@co.wasco.or.us> wrote:  
| Good Afternoon,

P 2-15



Angie Brewer <angieb@co.wasco.or.us>

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**Re: Draft Marijuana Ordinance Language - feedback please**

1 message

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**Debby Jones** <debbyj@co.wasco.or.us>

Sat, Nov 28, 2015 at 12:05 PM

To: Angie Brewer <angieb@co.wasco.or.us>

Wow Angie ... you have be very busy! I don't necessarily have any corrections, more questions or possible suggestions. Thank you and your team for all the work you have put towards this effort.

The one main question I would like to ask of our commissioners is this ... do you want Wasco County to be marijuana "friendly" or marijuana "restrictive"? I get the impression that we are not looking at marijuana "prohibitive".

Here we go ...

3.110 - F-1 Forest Zone, page 7

Under H Prohibited Uses it states marijuana processing, wholesaling, retailing and all other uses not listed ... should marijuana producing be added in here? I definitely don't understand all of these like you all, just noticed that the language was different from the other additions.

3.120 - F-2 Forest Zone, page 9

Same as above under H

3.510 -RI Rural Industrial Zone, page 2

Same as above, number 11

3.120 - F-2 Forest Zone, page 18

This is the section dealing with Private Parks and Campgrounds. Was wondering if marijuana use is allowed in these areas ... (marijuana not to be used in public places)?

3.210 - A-1 Exclusive Farm Use Zone, page 33 and 34

Same question as above as far as campgrounds as well as golf courses. Will marijuana use be allowed in these public places?

Chapter 20, Site Plan Review, Page 20-14

Just not wanting to assume anything ... can marijuana be "served" similar to alcohol? I'm assuming not ... but not sure if a private event is considered "public use"?

Chapter 1 - Introductory Provisions, page 1-26

The wording under Person Designated to Produce marijuana by a Registry Identification Cardholder ...

I looked up the language in SB 964 section 7. Not sure if this language is more comprehensive ... just wanted to share. Section 7 deals with new grow site limits. The section states that if a grow site is located within city limits, there is a cap of 12 mature plants maximum, regardless of how many patients have registered there. I know that we are dealing with new grow sites outside of city limits ... that language is,



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Wasco County Mail - Re: Draft Marijuana Ordinance Language - feedback please

Sub-section 4 - If the address of a person responsible for a marijuana grow site under ORS 475,304 is located in an area other than an area described in subsection (3) of this section:

(a) Except as provided in paragraph (b) of this subsection, no more than 48 mature marijuana plants may be produced at the address; or ...

Again, I'm not sure if any of these apply. Just wanted to throw them out there and be helpful.

Please let me know if there is anything else I can do to help : )

Debby

**Debby Jones, CPS**

Wasco County Prevention Specialist

**YOUTHTHINK**

541-506-2673

debbyj@co.wasco.or.us

***"Whatever we do in life, never forget to ask the question ... What about the children."***

On Fri, Nov 13, 2015 at 4:17 PM, Angie Brewer <angieb@co.wasco.or.us> wrote:

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Please call or write if you need anything.

Angie

**Angie Brewer, AICP**  
Planning Director

Lisa Gambree  
County Clerk

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CHAPTER 11 MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND  
RETAILING

(Adopted mm/dd/yy)

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DRAFT

**CHAPTER 11**      **MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND RETAILING**

**SECTION 11.010**      **PURPOSES**

This chapter describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Wasco County. The goals of this chapter are to:

- Establish reasonable time, manner and place requirements for new <sup>businesses</sup> business that produce, process, wholesale or retail marijuana.
- Provide clear and objective standards for marijuana businesses;
- Minimize conflict with other permitted uses in underlying zones;
- Protect resources identified in the Wasco County Comprehensive Plan; and
- Protect the public health, safety, and general welfare of the citizens of Wasco County.

**SECTION 11.020**      **APPLICABILITY**

- A. Marijuana production, processing, wholesaling and retailing uses are only allowed if they are specifically listed as an allowed use in Chapter 3 under the zoning section that directly applies to the subject (legally created) property(ies).
- B. Marijuana production, processing, wholesaling, and retailing are prohibited uses in all Wasco County Residential or Rural Residential zones (R-R (2), R-R (5), R-R (10), RC-TV-R, RC-Wam-R2, and RC-Wam-R5). *What about existing medical marijuana businesses*
- C. Marijuana production, processing, wholesaling and retailing are prohibited as a home occupation in any zone. *businesses*
- D. Marijuana production in the Exclusive Farm Use zone (A-1) must comply with all provisions of Chapter 11.

**SECTION 11.030**      **PROCEDURES**

Marijuana uses are allowed as specified in the applicable zone.

*is this a reference to chapter 3?*

**SECTION 11.040**      **MARIJUANA PRODUCTION AND MARIJUANA PROCESSING**

Marijuana production and marijuana processing shall be subject to the following standards and criteria:

- A. **Minimum Yard Depth.** No land area or structure used for marijuana production or marijuana processing shall be located closer than 200 feet from any lot line.
- B. **Access.** The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or

easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific marijuana production or marijuana processing described in the application. Such evidence shall include any conditions stipulated in the agreement.

C. **Security Cameras.** If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.

D. **Odor.** A building used for marijuana production or marijuana processing shall be equipped with a carbon filtration system for odor control. *what if it's an outdoor grow?*

1. The system shall consist of one or more fans and filters.
2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space). *why the higher need for filtration in production than retail?*
3. The filter(s) shall be rated for the applicable CFM.
4. The filtration system shall be maintained in working order and shall be in use.
5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.

E. **Lighting.** Lighting shall be regulated as follows:

1. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
2. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall not spill onto adjacent lots.

F. **Water.** The applicant shall submit proof of a water right for the proposed marijuana production or marijuana processing, or a statement that water is supplied from a public water system as that is defined in Oregon Administrative Rules 333-061-0020 or from an irrigation district, along with the name of the water system or irrigation district. *does this mean new water right?*

G. **Waste Management.** Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. *what constitutes a secured waste receptacle? Does that mean "secured" as in "earthquake" secured, or does it mean locked?*

What are the rules on Marijuana Wholesaling? Seems to be missing.

**SECTION 11.050 MARIJUANA RETAILING**

Marijuana retailing shall be subject to the following standards and criteria:

- A. **Hours.** A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 10 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 10 p.m.
- B. **Odor.** A building used for marijuana retailing shall be equipped with a carbon filtration system for odor control.
  - 1. The system shall consist of one or more fans and filters.
  - 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to one-third of the square footage of the building floor space (i.e., one CFM per three square feet of building floor space).
  - 3. The filter(s) shall be rated for the required CFM.
  - 4. The filtration system shall be maintained in working order and shall be in use.
  - 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.
- C. **Window Service.** The use shall not have a walk-up window or drive-thru window service.
- D. **Waste Management.** Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the licensee. *same question as before*
- E. **Minors.** No one under the age of 21 shall be permitted to be present in the building space occupied by the marijuana retailer, except as allowed by state law.
- F. **Co-Location of Related Activities and Uses.** Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club. *are these licensed business?*
- G. **Minimum Separation Distances.** Minimum separation distances shall apply as follows:
  - 1. The use shall be located a minimum of:
    - a. 1,000 feet from a public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including any parking lot appurtenant thereto and any property used by the school; or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;

- b. 1,000 feet from a public park, public playground, government-owned recreational use, public library, licensed treatment center, or multifamily dwelling owned by a public housing authority. *What about County buildings?*
  - c. 1,000 feet from a licensed daycare facility or licensed preschool, including any parking lot appurtenant thereto and any property used by the daycare facility or preschool;
  - d. 1,000 feet from an established church, including church schools; *(How far is 1000 ft?)*
  - e. 200 feet from any residentially zoned property; however, this provision shall not apply if the subject property has street frontage on a principal interstate, principal expressway, principal arterial, or major arterial.
2. If the use is licensed by the Oregon Liquor Control Commission (OLCC) pursuant to [insert reference from Oregon Laws], it shall be located a minimum of 1,000 feet from any other marijuana retailer so licensed by the OLCC.
  3. If the use is registered with the Oregon Health Authority (OHA) pursuant to [insert reference from Oregon Laws], it shall be located a minimum of 1,000 feet from any other marijuana retailer so registered with the OHA.
  4. For purposes of Subsection 11.050(G)(1), distance shall be measured from the lot line of the affected property (e.g., a school) to the closest point of the building space occupied by the marijuana retailer. For purposes of Subsections 11.050(G)(2) and (3), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
  5. A change in use (including a zone change) to another property to a use identified in Subsection 11.050(G) after a complete application for marijuana retailing has been filed, shall not result in the marijuana retailer being in violation of Subsection 11.050(G). *} doesn't make sense.*
  6. Subsection 11.050(G) does not apply to:
    - a. Any marijuana retailer that applied for a registration with the Oregon Health Authority and has subsequently obtained full, unconditional approval on or before the adoption date of this ordinance (Chapter 11). *} is this medical marijuana?*
    - b. Any marijuana retailer operating in a building space that was approved for operation by the Oregon Health Authority on or before the adoption date of this ordinance (Chapter 11) and where approved marijuana retailing activities have been continuously occurring in that building space since approval.
  7. In case of a conflict under Subsection 11.050(G)(2) or (3), any person who has received approval of a land use permit for marijuana retailing, shall be deemed to have established marijuana retailing at the approved location, so long as the marijuana retailer begins operation within two years of the date of the County's final decision on land use permit application. If more than one application is in process

with the County at one time, the County shall issue decisions in the order in which complete applications were filed.

**SECTION 22.060 APPROVAL PERIOD**

A. Approval of a permit under Chapter 11 is valid for two (2) years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the approval shall be implemented, or the approval will become void.

1. Implemented for production and processing means all major development permits shall be obtained and maintained for the approved conditional use. If no major development permits are required to complete the development contemplated by the approved conditional use, implemented means all other necessary County development permits (e.g., grading permit, building permit for an accessory structure) shall be obtained and maintained. A major development permit is:

- a. A building permit for a new primary structure that was part of the approved development; or
- b. A permit issued by the County for parking lot or road improvements required by the approved development.

B. Approval of a permit under Subsection 11.050 (retailing) is valid for two years from the date of the County's final decision. During this two-year period, the approval shall be implemented, or the approval will become void. Implemented means that the marijuana retailer has begun operation and is open for consumer business. Notwithstanding this two-year implementation period, a complete application for a marijuana retailing license shall be filed with the Oregon Liquor Control Commission, or a complete application for a medical marijuana dispensary registration shall be filed with the Oregon Health Authority, within three months of the date of the County's final decision, or the approval will become void.

How will you know if someone has filed with ORCC? Do they notify you?

Do you need to address re-approval? If a business is approved and begins w/in 2 years, do they ever have to renew or reapply? Are there any instances where re-applying would be denied?





Angie Brewer <angieb@co.wasco.or.us>

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**RE: Draft Marijuana Ordinance Language - feedback please**

1 message

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**WOOD Robert L** <robert.l.wood@state.or.us>  
To: Angie Brewer <angieb@co.wasco.or.us>

Tue, Dec 1, 2015 at 8:28 AM

No problem, thanks for including me. I appreciate the proactive approach you and the County are taking in this.

Bob

**Robert Wood**

*Watermaster, District 3*

*2705 E 2nd St*

*The Dalles, OR 97058*

*541-506-2652 (Office)*

*541-980-3565 (Cell)*

*<http://www.oregon.gov/owrd/>*

**From:** Angie Brewer [mailto:angieb@co.wasco.or.us].  
**Sent:** Monday, November 30, 2015 12:36 PM  
**To:** WOOD Robert L  
**Subject:** Re: Draft Marijuana Ordinance Language - feedback please

Thank you for spending some time with this Bob, I really appreciate it. Please watch for future emails with process updates and let me know if you have any other comments/feedback come to mind.

Best,

Angie

**Angie Brewer, AICP**  
Planning Director  
Wasco County Planning Department

(541) 506-2566 direct / (541) 506-2560 main  
www.co.wasco.or.us/planning/

On Mon, Nov 16, 2015 at 4:49 PM, WOOD Robert L <robert.l.wood@state.or.us> wrote:

Angle;

I read through all the proposed changes and only had one comment.

**Chapter 11, Page 2, F. Water**

I would recommend modifying this language somewhat. It currently reads:

*F. Water. The applicant shall submit proof of a water right for the proposed marijuana production or marijuana processing, or a statement that water is supplied from a public water system as that is defined in Oregon Administrative Rules 333-061-0020 or from an irrigation district, along with the name of the water system or irrigation district.*

As I understand OAR 333-061-0020's definition of a public water system, that would be any water system that has more than 3 hookups. Some small public systems under this definition may not have water rights but are operating under the domestic exemption for single or group domestic (15,000 gpd) from a well. Such a system would not necessarily be a legal source of water for marijuana production. I would propose something similar to the following:

*F. Water. The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing.*

This is a short and simple statement, but I think covers all the possibilities. Proof could include a copy of a water right, a letter from an irrigation district, or municipal water provider, a statement from the Watermaster, etc.

Let me know if you want to discuss in more detail. Thanks for the opportunity to review and comment.

Bob

**Robert Wood**

Watermaster, District 3

2705 E 2nd St

The Dalles, OR 97058

541-506-2652 (Office)

541-980-3565 (Cell)

<http://www.oregon.gov/owrd/>

**From:** Angie Brewer [mailto:angleb@co.wasco.or.us]  
**Sent:** Friday, November 13, 2015 4:18 PM  
**To:** Arthur Smith; Chad Krause; Dan Boldt; Debbie Smith - Wagar; Eric Nisley; Fred Davis; Jill Amery; Lane Magill; Lisa Gambie; Molly A. Rogers; Paul Ferguson; Paula Brunt; Rick Eiesland; Tom Linhares; Kathy White; Debby Jones; Tyler Stone; Leslie Wolf  
**Cc:** Dustin Nilsen; Brenda Jenkins; WOOD Robert L  
**Subject:** Draft Marijuana Ordinance Language - feedback please

Dear Management Team and Commissioners:

Thank you in advance for your time to help us provide the County with time, manner, and place ordinance provisions as they relate to marijuana businesses provided by HB3400. I have attached the first draft of a new chapter that will be added to the Wasco County Land Use and Development Ordinance, *Chapter 11 – Marijuana Production, Processing, Wholesaling, and Retailing*. Existing chapters proposed to be amended are also attached. All new text or changes to existing text are shown in red, italicized font. These documents are also shared on Google Drive.

As you know, we are trying to adopt an ordinance by the end of the year. The Planning Commission met November 3<sup>rd</sup> and November 9<sup>th</sup> to discuss the work plan, process requirements, and provide staff with direction. To ensure transparency and solicit stakeholder feedback, Planning Commission work sessions are tentatively scheduled for November 23<sup>rd</sup> and December 1<sup>st</sup>.

Formal notice was provided to DLCD Wednesday, November 11, 2015 (there is a 35 pre-notice requirement). The first evidentiary hearing is a Planning Commission hearing, scheduled for December 16, 2015; public testimony will be encouraged. To facilitate additional feedback, the hearing will be continued on the 21<sup>st</sup>. The Planning Commission intends to provide a recommendation to the Board on the 21<sup>st</sup>, and move forward with a final hearing in front of the Board on December 28<sup>th</sup>. We will be seeking permission from the state to adopt this ordinance as an emergency ordinance, making it effective before the January OLCC application dates previously discussed as a concern. Also, we plan to provide notification to all landowners, pursuant to Measure 56.

The complexities of this issue and the attached ordinance language should not be overlooked, but to assist you in your review, here are a few high-level items to keep in mind.

This draft:

- has a few typos... I'm aware of some, but send me any more you might find;
- except for prohibition in Residential zones, language was closely modeled after Clackamas County's marijuana ordinance amendments (view online);
- addresses both medical and recreation marijuana businesses;
- prohibits all marijuana businesses from residential and rural residential zones;
- prohibits marijuana related home occupations in all zones;
- provides 1,000 foot setbacks from schools, public parks, daycares preschools, and churches;
- provides a 200 foot setback from all residential zoned properties;
- requires the growing of marijuana on EFU lands to comply with the setbacks and requirements of new Chapter 11;
- requires the growing of marijuana on non-EFU lands to provide a Type I application for review and approval with Chapter 11 and any other requirements of the zone;
- addresses odor, water, lighting, waste management, access, and several other significant issues;

and

- provides applicants with a two-year time frame to implement the business they've been approved for, consistent with existing permit timelines for the County Planning Department.

I will be fleshing out three new documents early next week – including (1) a timeline with important dates for hearings and public participation, (2) a stakeholder list identifying key audiences or outreach needs, and (3) a revised LUDO matrix that quickly demonstrates in a table what the current ordinance allows, and what this draft proposes for each zone.

### Here's how you can help –

- Provide me with email distribution lists of key stakeholders and audiences that you feel should be included in the development of these rules;
- Take a look at the draft language, run it past your staff and key stakeholders, and provide feedback - and please keep in mind your feedback is public record.
  - Please provide feedback in summary form as a letter or memo from your department is preferred so it can be retained as part of the coordination record.
  - Strikes and underlines of the ordinance would be fine, but please keep your edits as separate documents that can be retained and reviewed later.
- Help me craft the message for the delivery and implementation of the ordinance. I will be preparing a staff report for December 9th and 28th, but there will be a need for messaging tools beyond the technical report. If you have any ideas, please don't hesitate share them with me.

**If you are able to help, please provide feedback and support information by December 2<sup>nd</sup>. If you'd like your feedback to be shared at a Planning Commission work session, please provide it by November 30<sup>th</sup>. Apologies for the rushed response, this is a tight timeline all the way around.**

One nice thing about the timing of this work is that it will almost immediately be followed by a larger update process. If we come across any needed revisions or refinements in the next year or two, we can make them as part of an existing update effort that will be moving forward soon.

Thanks again everyone! I think we're on a good path.

Please call or write if you need anything.

Angie

**Angie Brewer, AICP**  
Planning Director  
Wasco County Planning Department  
(541) 506-2566 direct / (541) 506-2560 main  
[www.co.wasco.or.us/planning/](http://www.co.wasco.or.us/planning/)

On Fri, Nov 6, 2015 at 4:36 PM, Kathy White <kathyw@co.wasco.or.us> wrote:

Good Afternoon,

Looks like you are back on for the Management Team meeting next Thursday. I have attached the agenda.

Please let me know if you have any questions.

12/15/2015

Wasco County Mail - RE: Draft Marijuana Ordinance Language - feedback please

Thank you,

Kathy White  
Executive Assistant

Wasco County  
Board of County Commissioners  
511 Washington Street, Suite 302  
The Dalles, OR 97058  
work 541.506.2520  
fax 541.506.2551



**While the Board and staff deliberate and make decisions regarding the various aspects of the marijuana issue, you should not fail to consider several important elements, that have serious ramifications for not only the County, but individuals both elected and administrative as well as the citizenry as a whole.**

**While the State of Oregon has exercised through the State legislative process the legalization of marijuana, it is still a federally classified schedule-1 drug, and so controlled.**

**In assessing how the County wants to approach all aspects of production and sale, as well as consumption of this substance, take into account both the political and legal downside.**

**It is a given fact that the administration at the federal level will change next year, and in that change it is possible, some would contend probable, that an administration committed to the enforcement of Federal drug laws already on the books will emerge.**

**The fact that the State of Oregon has legalized marijuana, does not override Federal statutes on the subject, [US Code Title 21; Public Law 91-513] nor does it indemnify any individual or agency that is in violation of these laws.**

**US Attorney's have often built their careers on 'low hanging fruit'. Facilitating a criminal enterprise and RICO prosecution are not just matters of mob activities. Do your homework, and you will find that both elected and staffs of cities and counties across the country have been the subject of such actions over the years. At a minimum malfeasance or criminal facilitation.**

**By being complicit in the accommodation of state laws that are in conflict with federal laws in the area of drugs, you are exposing not only the governmental agencies and personnel of the County, but also the citizens that participate under the auspices of such actions, as part of illegal activities.**

**Lastly, given the legal limbo involved in permitting such activities, the attraction of organized crime and gang involvement is assured, with the inevitable negative results. It is already happening in Colorado and Washington, and Wasco County is unprepared for such confrontations.**

**The Dalles has already put itself in legal jeopardy, other cities such as Dufur have opted out entirely. For the Board to follow a path that potentially make Federal criminals out of not only yourselves and your staff, but also others in the County that may follow your guidance in this matter is irresponsible. You have no choice but to opt out of the marijuana proposal entirely, and put the issue on the November 2016 ballot where it will again be defeated.**

12.27.2015 Comments from Tracee Lynn Sallee via Facebook Private Messaging 7:56 p.m.

What way you guys leaning on this marijuana deal? Rural residential or FF? Are you going to vote tomorrow?

I won't be there, have to work but for your FYI it would be nice to have rural residential for us farmers who would like to have the option without having to go buy new property if we chose to partake in this.





# Oregon's Statewide Planning Goals & Guidelines

## GOAL 4: FOREST LANDS

OAR 660-015-0000(4)

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

### USES

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture

and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law.

### IMPLEMENTATION

Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands.

Zoning applied to forest land shall contain provisions which limit, to the extent permitted by ORS 527.722, uses which can have significant adverse effects on forest land, operations or practices. Such zones shall contain numeric standards for land divisions and standards for the review and siting of land uses. Such land divisions and siting standards shall be consistent with the applicable statutes, goal and administrative rule. If a county proposes a minimum lot or parcel size less than 80 acres, the minimum shall meet the requirements of ORS 527.630 and conserve values found on forest lands. Siting standards shall be designed to make allowed uses compatible with forest operations, agriculture and to conserve values found on forest lands.

Local governments authorized by ORS 215.316 may inventory, designate

Testimony of Michelle Halle  
Barlow Road Farm  
Wasco County Public Hearing  
January 11, 2016

Good Evening Commissioners and thank you for the opportunity to submit comments for the record regarding the proposed Ordinance to regulate the time, place and manner of marijuana businesses. I very much appreciate the hard work, time, thought and careful consideration that you, Ms. Brewer and all County staff have put into this effort.

My husband and I have a small outdoor, medical cannabis production operation utilizing certified organic production processes in southern Wasco County that has been registered with the Oregon Health Authority for 6 years. While it appears that our operation, being in the EFU zone, will not be significantly limited, we are concerned for others who are currently operating or want to operate in the Rural Residential zones.

My request to you is to allow cannabis production in the RR 5 acre and 10 acre zones. Even Clackamas County's marijuana ordinance, ~~supposedly~~ reportedly used as a model for Wasco's ordinance, allows for cannabis production on a minimum 5 ac parcel in an RR zone. And Clackamas is a much more densely populated county than Wasco.

The proposed prohibition does not make sense given all the other uses currently allowed in the RR zone that have noise, odor and dust impacts, including:

- Alcohol manufacturing from timber or ag waste;
- Mining;
- Personal helicopter pads and airplane landing strips;
- Power generation;
- All farm uses except cannabis.

It is this last use where I think the County may be inviting unnecessary trouble for itself. As you are all well aware, HB3400 Section 34 sub(1) sub(a) specifically identifies cannabis as a crop for purposes of determining a farm use. Farmers all over this State should be very concerned by any County's attempt to arbitrarily exclude the production of a single crop from the definition of farm use.

If you were to allow cannabis production on RR parcels of a minimum 5 acres, you could require greenhouse or indoor grows with carbon filtration ventilation equipment to minimize any nuisance odors.

On the other hand, I believe that maintaining a blanket restriction potentially sets the County up for lawsuits which will cost money and staff time and be a fight that taxpayers, including me, don't want to pay for.

Thank you for your time and consideration.

Michelle Halle  
Barlow Road Farm  
78905 Rock Creek Dam Road  
Wamic, OR

## Wasco County Zoning - Non-Scenic Area Lands

FID	Shape *	DESCRIPTIO	Acres	%
0	Polygon	A-1(160)	846,746.00	75.48
1	Polygon	A-1(40)	4,429.63	0.39
2	Polygon	A-R	2,194.96	0.20
3	Polygon	F-1(80)	21,771.60	8.45
4	Polygon	F-2(80)	235,970.00	21.03
5	Polygon	F-F(10)	4,437.57	0.40
6	Polygon	LAKE	230.94	0.02
7	Polygon	R-R(10)	3,097.48	0.28
8	Polygon	R-R(5)	1,816.32	0.16
9	Polygon	RC	23.54	0.00
10	Polygon	RI	108.48	0.01
11	Polygon	RR-2	166.93	0.01
12	Polygon	TV-A	31.38	0.00
13	Polygon	TV-C	53.76	0.00
14	Polygon	TV-M1	11.33	0.00
15	Polygon	TV-M2	97.97	0.01
16	Polygon	TV-R	475.19	0.04
17	Polygon	TV-RR	15.16	0.00
18	Polygon	WAM C-2	24.87	0.00
19	Polygon	WAM M-2	16.08	0.00
20	Polygon	WAM R-2	103.39	0.01
21	Polygon	WAM R-5	37.05	0.00

Total acres - non-NSA lands:	1,121,859.63	100.00
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Total Agriculture lands:	851,207.01	75.87
Total Forest Lands:	257,741.60	22.97
Total Rural Residential:	12,344.05	1.10
Total Industrial:	233.86	0.02
Total Commercial:	102.16	0.01
Total Lake:	230.94	0.02

Created January 11, 2015