

- b. A parcel in an existing, duly recorded major or minor land partition; or
- c. By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations, provided that contiguous units of land so created under common ownership and not conforming to the minimum lot size requirement of this ordinance shall be considered one (1) lot of record. (revised 2/89)

Lot of Record - Background: Per ORS 215.700... The legislative Assembly declares that land use regulations limit residential development on some less productive resource land acquired before the owners could reasonably be expected to know of the regulations. In order to assist these owners while protecting the state's more productive resource land from the detrimental effects of uses not related to agriculture and forestry, it is necessary to:

- 1. Provide certain owners of less productive land an opportunity to build a dwelling on their land; and
- 2. Limit the future division of and the siting of dwellings upon the state's more productive resource land.

See Section 3.210(C)(2) of this ordinance for the specific authorizations for Lot of Record as established by ORS 215.700 - 215.705.

(added 12/96)

Medical Hardship: Means a temporary circumstance caused by serious illness or infirmity, not to exceed 2 years in duration, and authorized by a licensed medical practitioner (added 6/98).

Part of Parcel - Creation of a non-farm parcel (division of land) in the EFU zone, for a specified and authorized non-farm use. The non-farm parcel created may be between two (2) acres and 20 acres. The remnant parcel must meet the minimum parcel size (160 acres). The parcel must be generally unsuitable for the production of farm crops and livestock or merchantable tree species, 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. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. See WCLUDO Section 3.210 (G)(3) for specific application of part of parcel. (added 12/96)

Seasonal Farm Worker - Means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities. (added 12/96)

Seasonal Farm Worker Housing - Means housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than nine months a year. (added 12/96)

STANDARDS FOR ON-SITE FILMING

For Operations Less than 45 days Duration:

1. No filming shall occur without written permission of the landowner.
2. Filming may be restricted during the hours between 10:00 PM and 8:00 AM if nearby residents would be disturbed by noise, lights or any other filming activity.
3. Filming shall not create traffic hazards.
4. 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.
5. All federal, state and county aircraft regulations shall apply. It is the responsibility of the applicant to be aware of all regulations.
6. All structures shall be self-supporting. Digging or construction of permanent foundations will not be allowed.
7. Weekly garbage pickup shall be provided and any garbage or debris gathered daily.
8. All garbage, debris, sets, or other equipment or props must be removed and properly disposed of within 24 hours of completion of filming.
9. All food concessions shall obtain a permit from the Wasco County Health Department.
10. It is the responsibility of the applicant to provide proper sanitation, potable water, off-road parking, and security.
11. No mammals, fish, reptiles, or other animals shall be released into the environment during or after filming.
12. All animals should be tethered, leashed or caged when not immediately required for filming.

For Operations Exceeding 45 days Duration:

If filming exceeds 45 days, the use will require filing an application for a conditional use permit.

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. AUM ratings per soil type is found in Section 3.210, Appendix E. (added 12/96)

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.

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. And, 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; 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. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4. (added 12/96)

Agricultural Produce Stand - A temporary structure providing for the retail sale of any agricultural produce where more than one-half of the gross receipts results from the sale of produce grown on the unit of land where the roadside stand is located. Produce stands are subject to the licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture and the site plan review requirements, Chapter 20, of this Ordinance. (Added 1/92)

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.

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 a six to eight inch 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. (added 12/96)

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.

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.

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

Arterial Street - A street used primarily for through traffic and identified on the comprehensive plan map.

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)

Blade - An element of a WECS 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.

Board - The Wasco County Board of Adjustment.

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 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.

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.

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.

Camp, Tourist, or Trailer Park - Any area or tract of land used or designed to accommodate two or more camping outfits, including cabins.

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 Street - A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through

traffic and to some extent for access to abutting properties. (Collector streets are usually sixty feet in width).

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

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.

Commercial Energy Facility - An electrical power generating plant with a nominal electrical generating capacity of more than 25,000 kilowatts or operates at more than 230 kilovolts; including, but not limited to: a thermal power plant, hydroelectric power plant, combustion turbine power plant, geothermal power plant, electric power transmission facility, or a nuclear installation, including a power reactor, re-processing plant, waste disposal facility, and any facility handling a quantity of fissionable materials sufficient to form a critical mass. A commercial power generation facility includes related or supporting facilities including any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, office or industrial structures built in conjunction with and used as part of the energy facility. A commercial power generation facility does not include a portable power plant, the principal use of which is to supply power in emergency or for individual domestic use.

Commercial Utility Facility - Any energy facility or commercial energy facility.

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.

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 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.

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 Court - The County Court 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 Court. For the purposes of regulating access for development, any road maintained by a public body shall be treated as a county road. A county road shall not act as a dividing feature of a lot-of-record. (Revised 1/92)

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.

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.

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.

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.

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

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.

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 - One or more rooms designed for occupancy by one (1) family or individual for living purposes, either temporary or permanent, and having a kitchen and/or laundry facility. (Revised 1/92)

Easement - A grant of the right to use a strip of land for specific purposes.

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 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 hydroelectric, wind energy, biomass, geothermal or transmission facility with a nominal electric generating capacity of 25 MW or less or carrying 230 kV or less.

Energy Facility Project Area - The proposed location of an energy facility, any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures proposed to be built in connection with the energy facility, and the area affected by the facility.

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 Ranch Recreation - Means farm ranch recreation activities may include overnight facilities that are in conjunction with commercial farm operation(s). The recreation activities must demonstrate how they are in conjunction with the commercial farming operation via a farm management plan identifying the scope, scale and timing of activities and the farming activities. Such consideration may include, but are not limited to: fee hunting, hunting preserve, fishing, fur trapping, trap and skeet range, archery range, fly fishing and tying clinics, water activities, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, outdoor schools, educational and technical tours, workshops, retreats. Farm ranch recreation and lodging is a conditionally permitted use in the EFU pursuant to WCLUDO 3.210(K). (added 12/96)

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 and disposal by marketing

or otherwise. Farm use also includes the current employment of the 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 species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Game Commission. Farm use also 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 (Timber taxation), except land used exclusively for growing cultured Christmas trees.

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 subsections (D) following, 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. Land under buildings supporting accepted farm practices, except land under a single family dwelling;
- 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(1)(e) or 321.415(5); and
- k. Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming.

Accepted farming practice:

Accepted farming practice means a mode of operation that is common to farms of similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

(revised 12/96)

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.

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.

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.

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.

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)

Homestead Retention - The retention of the primary farm dwelling for the elderly farmer and/or spouse. When the elderly farmer wishes to retire and other family members wish to run the farm, the elderly

farmer may create a separate parcel with just the homestead "dwelling" located on that parcel, and the partition is subject to WCLUDO 3.21(E)&(G) Requirements for Dwellings Not Provided in Conjunction With Farm Use, and Part of Parcel respectively. Also, the critical elements of the farming operation such as grain storage, equipment storage must not be severed from the farming unit. The intent is to protect the farming unit in the EFU zone. And while the purpose of homestead retention is to allow the elderly farmer to continue to live on the farm after retirement, the dwelling could subsequently be sold to non farmers and not act as a part of the farming unit. (added 12/96)

Horizontal Axis WECS - A WECS on which the rotor axis substantially is parallel to the ground.

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 640 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. (added 12/96)

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)

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.

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.

Legally Created Lot or Parcel - This is commonly referred to as Legal Lot of Record, but because House Bill 3661 from the 1993 Legislature established a specific definition for "Lot of Record" it is necessary to distinguish a "Legal lot of Record" from "Lot of Record" which follows. Prior to September 1974 a lot or parcel could be legally created by a duly recorded deed, subdivision or land partition. Subsequent to September 1974, the Wasco County Land Use and Development Ordinance (WCLUDO) established the process and conformity by which land could be legally subdivided or partitioned in Wasco County. All land in Wasco County being divided after September 1974 is required to conform to WCLUDO Chapter 21, Land Divisions. WCLUDO Chapter 1 Severability clause disallows planning officials from approving development or land use on land divided or developed in violation of the Ordinance. Remedies for persons owning illegally created lots or parcels is cited in ORS 92.018. (added 12/96)

Also, 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, if there were no applicable planning, zoning or partitioning ordinances or regulations, provided that contiguous units of land so created under common ownership and not conforming to the minimum lot size

requirement of this ordinance shall be considered one (1) lot of record. (revised 2/89)

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 Street - A street primarily used for access of abutting properties.

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 of Record - Background: Per ORS 215.700... The legislative Assembly declares that land use regulations limit residential development on some less productive resource land acquired before the owners could reasonably be expected to know of the regulations. In order to assist

these owners while protecting the state's more productive resource land from the detrimental effects of uses not related to agriculture and forestry, it is necessary to:

1. Provide certain owners of less productive land an opportunity to build a dwelling on their land; and
2. Limit the future division of and the siting of dwellings upon the state's more productive resource land.

See Section 3.210(C)(2) of this ordinance for the specific authorizations for Lot of Record as established by ORS 215.700 - 215.705.

(added 12/96)

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.

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.

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 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.

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.

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.

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.

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.

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.

Parcel - A unit of land that is created by a partitioning of land.

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.

Part of Parcel - Creation of a non-farm parcel (division of land) in the EFU zone, for a specified and authorized non-farm use. The non-farm parcel created may be between two (2) acres and 20 acres. The remnant parcel must meet the minimum parcel size (160 acres). The parcel must be generally unsuitable for the production of farm crops and livestock or merchantable tree species, 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. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. See WCLUDO Section 3.210 (G)(3) for specific application of part of parcel. (added 12/96)

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)

Pedestrian Way - A 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.

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

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.

Prevailing Wind Direction - Within 45 degrees of the direction from which wind flows for at least 20 percent of the year based on at least one year's site-specific recorded wind data.

Private Road - A road which is not public, but which intersects with an existing public road, including but not limited to:

- a. roads designed primarily for resource use and under the jurisdiction of Bureau of Land Management (BLM), U.S. Forest Service, or Oregon State Forestry Department;
- b. gateway roads; and,
- c. statutory ways of necessity.

Property Line Adjustment - The relocation of a common property line between two abutting properties. (Revised 1/92)

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.

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.

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.

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.

Right-of-Way - The area between boundary lines of a street or other easement.

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.

Roadway - The portion or portions of a street 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.

Seasonal Farm Worker - Means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities. (added 12/96)

Seasonal Farm Worker Housing - Means housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than nine months a year. (added 12/96)

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.

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.

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.

Significant Interference With Wind Access - A ten (10) percent decrease in wind speed caused by an obstruction(s).

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

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

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.

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 Court 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, structures includes buildings, walls, fences, billboards, poster panels and parking lots.

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.

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.

Total WECS Height - The height of a WECS measured from ground level to the highest vertical extension of a WECS.

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.

Transmission Facility - The conductors, lines, structures, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from major power sources to the regional power grid and from the regional power grid to the local power distribution system. Such a facility operates at a current of 230 kilovolts (230kV) or less. Such a facility does not include electric power substations, switching stations, or generating facilities.

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.

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 Facilities Necessary for Public Service - Facilities for providing communication, water, sewers or transportation and facilities accessory to energy facilities.

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.

Vertical Axis WECS - A WECS which rotor axis is vertical.

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.

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

WECS (Wind Energy Conversion System) - A device that converts the kinetic energy in the wind into electric energy. The WECS includes all parts of the system except transmission lines.

WECS Site - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots.

WECS Tower - Subsystem of a WECS that supports the rotor, or other collection device, above-ground.

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 Energy Facility - A WECS or group of WECS including all parts of the system except transmission lines. Such a facility has a nominal electric generating capacity of 25 MW or less.

Wind Farm - A cluster or array of three or more electrical WECS which are under the same ownership or management.

Wind Measurement Device - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted.

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.

GOAL #3 AGRICULTURAL LANDS
TO PRESERVE AND MAINTAIN AGRICULTURAL LANDS.

POLICY 1 Maintain Exclusive Farm Use zoning.

IMPLEMENTATION

- A. Maintain Exclusive farm Use zone consistent with Oregon Revised Statutes 215.203 to 215.327 to qualify for special farm use assessment as set forth in ORS 308.370 to 308.407.

POLICY 2 Encourage better management of all agricultural lands.

IMPLEMENTATION

- A. Consider in all land division reviews the use of methods to minimize negative impacts of such development on surrounding agricultural areas.
- B. Non-farm uses permitted within farm use zones adopted pursuant to ORS 215.283 should be minimized to allow for maximum agricultural productivity.
- C. Non-farm dwellings within the Exclusive Farm Use Zone may be permitted with a conditional use permit in accordance with the provisions of ORS 215.284.
- D. Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305 - 92,495—Subdivisions and Series Partitions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone. This shall apply only to applications for a land division submitted after July 1, 1997.
- E. Encourage the development of conservation plans utilizing Best Management Practices (BMP's) as developed by Wasco County Soil and Water Conservation Districts as defined by its standards and specifications.

POLICY 3 Land division criteria and minimum lot sizes used in areas designated as agricultural by this Plan shall be appropriate for the continuation of existing commercial agricultural enterprise in the area.

EXHIBIT B

IMPLEMENTATION

- A. In order to promote the continuation of existing commercial agricultural enterprise in Wasco County, the zoning regulations shall provide for two classifications of Exclusive Farm Use. The "A-1(160)" Exclusive Farm Use Zone shall have a minimum property size of one hundred and sixty (160) acres for purposes of land divisions.
- B. The "A-1(40)" zone shall have a minimum property size of forty (40) acres for purposes of land divisions after determination that:
 - 1. The original parcels are within two miles of and outside the Columbia River Gorge National Scenic Area boundary and are:
 - 2. Predominantly planted to perennial crops such as cherry orchards and
 - 3. Adjacent to land currently in perennial crops.
- C. Land designated by the Comprehensive Plan as agricultural and containing acreage greater than or equal to the minimum property size of the appropriate zone classification shall be presumed to be commercial agricultural entities.
- D. Land divisions for non-farm uses other than dwellings pursuant to ORS 215.283 (2) shall be the minimum size necessary for the use but shall comply with minimum parcel sizes for the Exclusive Farm Use Zone.
- E. Revise the zoning regulations of the "A-1(160)" and "A-1(40)" zones and appropriate procedural sections to provide for the governing body or its designee to review all divisions of agricultural lands creating parcels for non-farm uses.
 - 1. Divisions of agricultural lands for non-farm uses shall be consistent with all existing ordinances and the following criteria:
 - (a) Any residential use which might occur on a proposed parcel will not seriously interfere with usual farm practices on adjacent agricultural lands.
 - (b) The creation of any new parcels and subsequent development of any residential use upon them will not materially alter the stability of the area's land use pattern.
 - (c) The proposed division or use of the proposed parcels will not eliminate or substantially reduce the commercial agricultural potential of the area nor be inconsistent with the goals and Policies of this Plan.

- (d) Such divisions are consistent with the provisions of ORS 215.283(2) and (3), ORS 215.243 and ORS 215.263 as applicable.

Or one or more of the following conditions apply:

- (e) The parcel to be created will be sold to an adjoining farm operator, and such transaction does not result in the creation of an additional parcel or homesite.
- (f) The proposed division will create a separate parcel for a second dwelling which exists on the property, and creation of the parcel is consistent with criteria (a) through (d) listed above.
- (g) The division clearly follows a physical feature which functionally divides and thus hinders normal farming activities, and creation of the parcel is consistent with criteria (a) through (d) listed above.

POLICY 4 Where rural agricultural land is to be converted to urbanizable land, the conversion shall be completed in an orderly and efficient manner.

Implementation

- A. Conversion of rural agricultural land to urbanizable land shall be in accordance with Goal #14, Policy 1, A-E.
- B. Extension of services, such as water supplies, shall be appropriate for proposed urban use.
- C. Minimize an adverse impact which electrical systems may have on the productivity of agricultural lands by reviewing future plans of the Bonneville Power Administration for major power-line corridors. Review and comment should be made by each of the affected planning areas.
- D. Pre-existing farm dwellings occupied on a rental or lease basis shall not justify the partitioning of good agricultural land or smaller acreage tracts in farm use zones.
- E. Normal agricultural practices (aerial pesticide applications, burning of prunings, dust and noise by machinery) shall not be restricted by non-agricultural interests within agricultural areas.

GOAL # 3 Agricultural Lands (con.)

- F. The opportunity for review and comment shall be provided for citizen groups in the development of plans for the location of utilities such as power-lines and highways which may adversely impact agricultural lands.

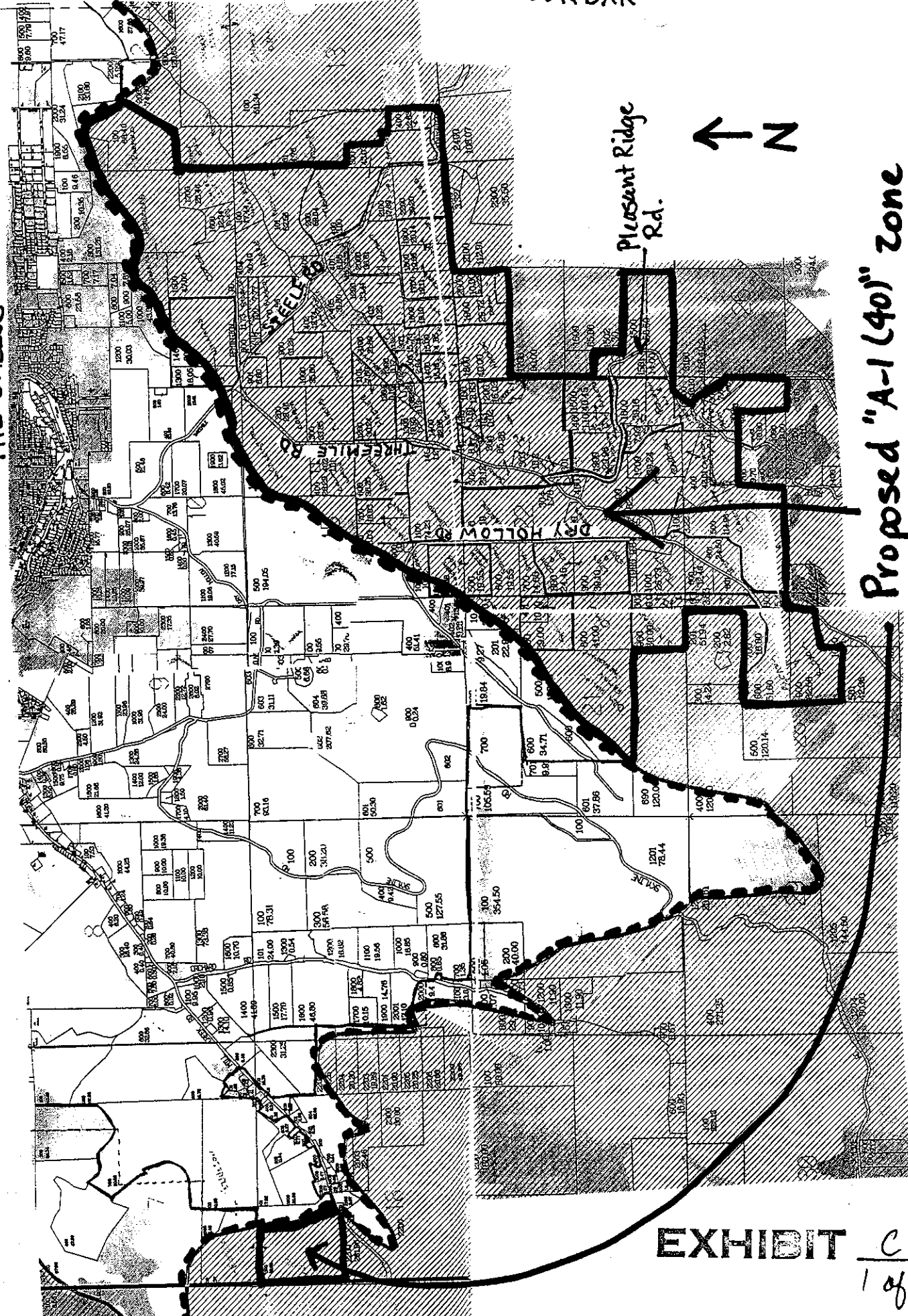
POLICY 5 Encourage multiple purpose storage reservoirs and land and water reclamation projects which enhance and benefit agricultural land.

Implementation

- A. Encourage individual farmers to develop soil conservation plans for each farming unit by coordinating land use planning with the United States Department of Agriculture and Wasco County Soil and Water Conservation Districts.
- B. Allow agriculture-related uses such as multiple purpose storage reservoirs and water reclamation projects in the "A-1" Exclusive Farm Use zone.

NATIONAL SCENIC AREA BOUNDARY

THE DAILES



Pleasant Ridge Rd.



Proposed "A-1 (40)" zone
(South of The Dalles)

EXHIBIT C
1 of 2

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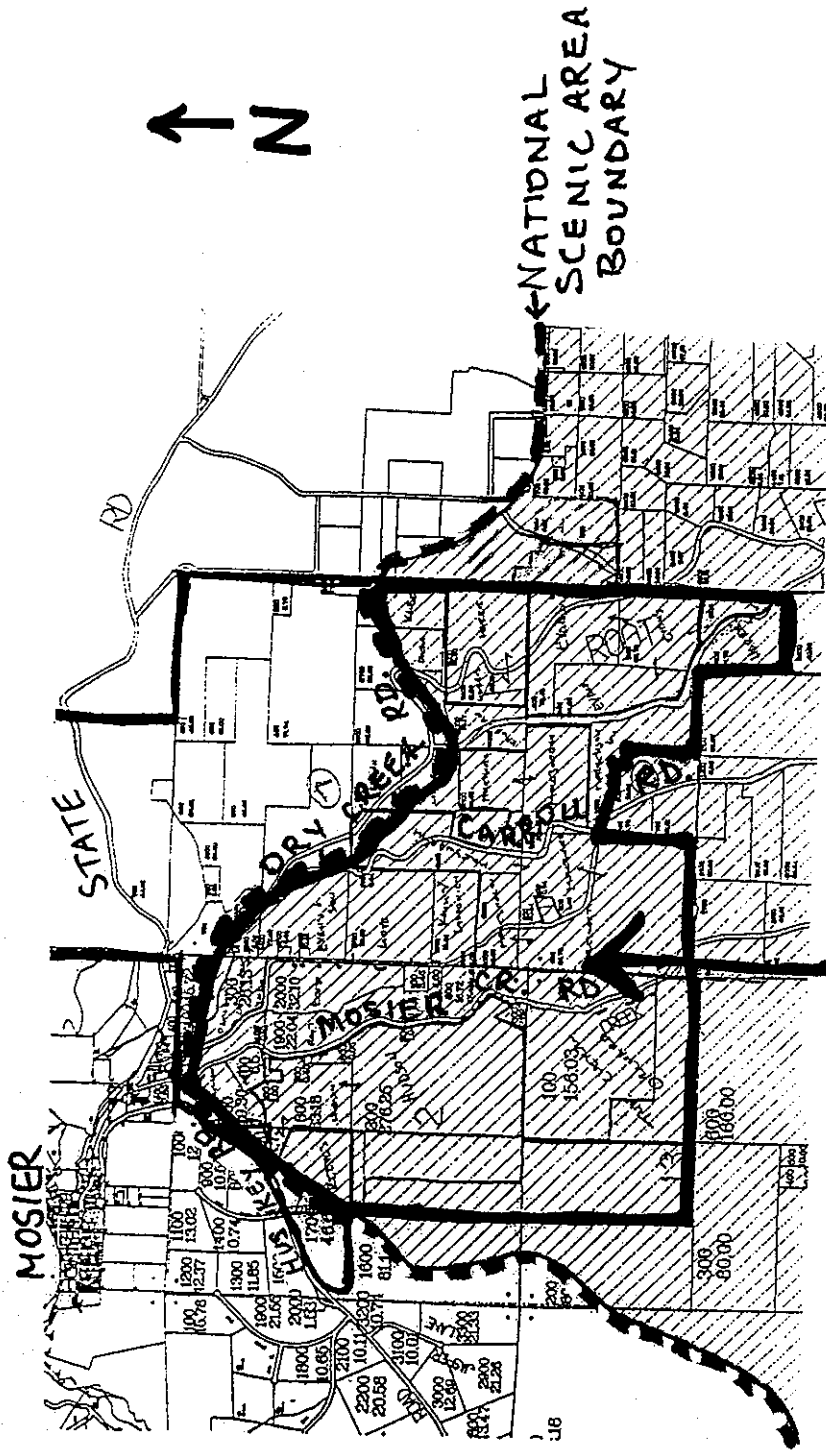


EXHIBIT C
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