

# **WASCO COUNTY LAND USE & DEVELOPMENT ORDINANCE**

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## **EFFECTIVE**

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Please note: The hyperlinks in this document direct to external sources on state law. The Oregon Administrative Rules (OARs) are maintained by the Secretary of State and are generally kept up to date with changing legislation. The Oregon Revised Statutes (ORS) are directed to a 2013 resource, [OregonLaws.org](http://OregonLaws.org), which provides the statutes in a reader friendly, searchable format. Please note that both of these sources are provided as reference, and may not be current or reflect all legislative changes.





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## CHAPTER 1 - INTRODUCTORY PROVISIONS

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### 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** – See Wind Power Related Definitions

**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** – See Road and Access Easement Related Definitions

**Access easement** – See Road and Access Easement Related Definitions

**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 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 Related Definitions -

**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.

**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.

**All Weather Road** – See Road and Access Easement Related Definitions

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

**Alteration** (Historic District/Historic Landmarks) – To remove, add to, or otherwise change the physical appearance of any part or portion of the EXTERIOR of a historic landmark, individually or within a historic district.

**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** – See Wind Power Related Definitions

**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.

**Appeal** – A request for a review of the interpretation of any provision of this ordinance.

**Approach Road** – See Road and Easement Related Definitions

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

**Architectural Significance** – The term shall mean the historic landmark (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural type; (3) is the work of an architect or master builder whose individual work has influence the development of the County or region; or (4) contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

**Area of Special Flood Hazard (ASFH)** – See Flood Hazard Related Definitions

**Arterial Road or Street** – See Road and Access Easement Related Definitions

**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)

**Auxillary** – See Forest Land Related Definitions

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

**Base Flood** – See Flood Hazard Related Definitions

**Base Flood Elevation (BFE)** – See Flood Hazard Related Definitions

**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** – See Wind Power Related Definitions

**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** – See Wind Power Related Definitions

**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** – See Medical Facility Related Definitions

**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)** - See Road and Access Easement Related Definitions

**Collector Road or Street (Minor)** – See Road and Access Easement Related Definitions

**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.

**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** – See Lot Related Definitions

**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** - See Road and Access Easement Related Definitions

**County Road District** – See Road and Access Easement Related Definitions

**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.

**Covenants, Conditions & Restrictions (CC&Rs) or Irrevocable Deed Restrictions** – When referred to in the 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.

**Critical Facility** – A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installation that produce, store or use hazardous materials or hazardous waste. (Approval of any new Critical Facility within the ASFH must be reviewed through the Administrative Variance provisions (Chapters 6 and 7) of the Wasco County Land Use and Development Ordinance.)

**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.

**Cubic Food 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 assumption based on surrounding site capability cannot be substituted for site specific analysis by a qualified professional nor can be unclassified soils be presumed to be more or less productive than surrounding soils previously classified by NRCS.

**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)

**Demolish** – To raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated historic landmark, individually or within a historic district.

**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. Also includes storage of equipment or materials located within the area of special flood hazard.

Development does not include low impact practices using hand based tools to perform habitat restoration activities, which do not result in: the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means; alteration of the topography of the designated ASFH; the accumulation of woody vegetative debris within the ASFH; a violation of any prior condition of approval associated with a review on the subject property; a violation of any Wasco County or other agency natural resource regulations; or the siting of any structure.

**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.

**District** – A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past event or physical development.

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

**Downwind** – See Wind Power Related Definitions

**Downwind Properties** – See Wind Power Related Definitions

**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:

**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.

**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.

**Single Family Detached** - A single household unit whose construction is characterized by no common wall or ceiling with another unit.

**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)

**Elevated Building** (for Insurance Purposes) – See Flood Hazard Related Definitions

**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)

**ESEE Analysis** – An analysis of the economic, social, environmental, and energy consequences that designation of the historic resource would have on all identifiable conflicting uses permitted under the Zoning Ordinance.

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

**Exterior** – All outside features of a historic landmark, individually or within a historic district.

**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)

**Fire District** (for the Purpose of Application of Fire Standards) – An actively trained and reporting structural fire protection district having a boundary on file with the State Fire Marshal and recognized as a qualified structural fire protection district by the State Fire Marshal’s Office.

#### **Flood Hazard Related Definitions -**

**Area of Special Flood Hazard (ASFH)** – The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year. Designation on maps always includes the letters A or V.

**Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100 year flood”. Designation on maps always includes the letters A or V.

**Base Flood Elevation (BFE)** – The computed elevation to which floodwater is anticipated to rise during the Base Flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure’s elevation determines the flood insurance premium.

**Elevated Building** (for Insurance Purposes) – A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study** – The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Map, and the water surface elevation of the Base Flood.

**Flood-Resistant Material** – Any building product capable of withstanding direct and prolonged (at least 72 hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low-cost cosmetic repair such as painting.)

**Lowest Floor-** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this ordinance found at Section 3.743 E – Specific Standards.

**Raised Structure** – A non-basement structure that has its lowest elevated floor raised a minimum of one foot above the Base Flood Elevation.

**Regulatory Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

**Flow** – See Hydroelectric Related Definitions

**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](#).

#### **Forest Land Related Definitions -**

**Auxillary** – 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 auxillary 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 auxillary use is removed when a particular forest practice has concluded.

**Forest Tree Species** – Trees recognized under rules adopted under ORS [527.620](#) for commercial production.

**Forest Operation** – Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS [527.620](#) (6).

**Temporary** (Forest Zones) – 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.



**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** – See Road and Access Easement Related Definitions

**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) – See Flood Hazard Related Definitions

**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** - See Road and Access Easement Related Definitions

**Head** – See Hydroelectric Related Definitions

**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** – See Wind Power Related Definitions

**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.

**Historic Landmark** – A district, corridor, ensemble, building, portions of building, site, landscape feature, cemetery, bridge, sign, plaque, archaeological site or artifact, or other objects of historical and/or architectural significance, locally, regionally, or nationally designated by the Landmarks Commission and County Court under Section 5.080 of this ordinance.

**Historic Resources** – Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

**Historic Significance** – Those historic landmarks which have a relationship to events or conditions of the human past. The historic resource (1) has character, interest or value, as part of the development, heritage or cultural characteristic of the county, state, or nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had an influence on society; or (4) exemplifies the cultural, political, economic, social, or historic heritage of the community.

**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)** – See Medical Facility Related Definitions

**Hospital (Mental)** – See Medical Facility Related Definitions

**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 OAR [635-047](#).

#### **Hydroelectric Related Definitions -**

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

**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.

**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.

**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.

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

**Improvement or Repair Costs** – The cost to improve or repair a structure. This is used to determine if the proposed repairs and/or improvements constitute Substantial Damage and/or Substantial Improvement.

Improvement or Repair Costs include but are not limited to structural elements, footings, concrete slabs, attached decks and porches, interior partition walls, wall finishes, windows, doors, roofing materials, flooring, sub-flooring, cabinets, utility equipment, and labor.

Improvement or Repair Costs exclude plans, surveys, permitting costs, post-emergency debris removal and clean-up, landscaping, sidewalks, fences, yard lights, pools, detached structures, and landscape irrigation systems.

**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)

**Landmarks Commission** - "Landmarks Commission" shall mean the Wasco County Historic Landmarks Commission.

**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** – See Road and Access Easement Related Definitions

**Local Road or Street** - A See Road and Access Easement Related Definitions

**Lot Related Definitions -**

**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.

**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.

**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.

**Lowest Floor**- See Flood Hazard Related Definitions

**LUDO** – Wasco County’s Land Use and Development Ordinance

**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)

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

**Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Approval of any New or expansion of a manufactured home park or subdivision within the ASFH must be reviewed through the Administrative Variance provisions (Chapter 6 and 7) of the Wasco County Land Use and Development Ordinance.)

**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.

**Matching or Like Materials** - Materials that duplicate the original material in size, shape, composition, and texture as closely as possible.

#### **Medical Facility Related Definitions –**

**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.

**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, outpatient 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.

**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 outpatient basis.

**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, Physician’s 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** –See Wind Power Related Definitions

**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)

**New Construction** – Structures for which the lawful “start of construction” commenced on or after the effective 1 June 2010.

**Non-conforming 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.

**ORS** - 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 ORS [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** – See Road and Access Easement Related Definitions

**Private Road** - See Road and Access Easement Related Definitions

**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** – See Road and Access Easement Related Definitions

**Raised Structure** – See Flood Hazard Related Definitions

**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** (Flood Hazard Overlay Section only) – A vehicle which is:

- a. Built on a single chassis; and
- b. 400 square feet or less when measured at the largest horizontal projection; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**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.

**Regulatory Floodway** – See Flood Hazard Related Definitions

**Rehabilitation** – The return of property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property's historic value.

**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.

**Restoration** – The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later works or the replacement of missing earlier work.

**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** – See Lot Related Definitions

#### **Review Types -**

**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).

**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.

**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).

#### **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 and Access Easement Related Definitions -**

**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.

**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.

**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.

**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.

**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.

**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](#).

**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.

**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.

**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.

**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.

**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. (ORS [368.001](#))

**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:

1. Ways described as streets, highways, throughways, or alleys;
2. Road related structures that are in the right of way such as tunnels, culverts or similar structures; and
3. 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.

**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](#).

**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.

**Rotor** – See Wind Power Related Definitions

**Rotor Diameter** – See Wind Power Related Definitions

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

**Sensitive Habitat Sites:** The sensitive habitat area is the area identified in the Wasco County Comprehensive Plan inventory and site specific ESEE for each sensitive bird site. The sensitive habitat site to be protected by the provisions of this section is defined as the area within ¼ mile or 1,320 feet of a sensitive bird site.

Significant sensitive habitat sites located on federal land are not subject to the provisions of this Section unless sensitive habitat area extends onto non-federal land.

Unless identified for interim protection under subsection F of 3.960, only inventoried sites determined to be significant and evaluated for protection through a site specific ESEE analysis are afforded Goal 5 protection.

### **School Definitions**

**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** – See Wind Power Related Definitions

**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** – See Road and Access Easement Related Definitions

**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.

**Start of Construction** – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstructions, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**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** – See Road and Access Easement Related Definitions

**Street Plug or Reserve Strip** - See Road and Access Easement Related Definitions

**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.

**Structure (Flood Hazard Overlay Section only)** – A walled and roofed building, as well as any gas or liquid storage tank, that is principally above ground.

**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.

**Substantial Damage** – Damage of any origin sustained by a structure whereby the costs of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.



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

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Swept Area** – See Wind Power Related Definitions

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

**Temporary** – See Forest Land Related Definitions

**Tentative Plan Map for Minor Partition** - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to ORS [92.046](#), and regulations of ~~ORS 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** – See Hydroelectric Related Definitions

**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. A tract shall not be considered to consist of less than the required acreage because it is cross by a public road or waterway.

**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 flatbed 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** – See Wind Power Related Definitions

**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. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by 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** – See Medical Facility Related Definitions

**Veterinary Office** – See Medical Facility Related Definitions

**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** – A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations, including but not limited to bridges, docks, piers, wharfs, certain fish and wildlife structure, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts and motels are not water dependent.

**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 Power Related Definitions -**

**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.

**Anemometer** - A device to measure the wind speed, generally mounted to a meteorological tower. (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.

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

**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)

**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)

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

**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.

**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.

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

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

**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)

**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)

**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.

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### Section 2.010 - Purpose

The purpose of this Chapter is to establish procedures for approval of development required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

### Section 2.020 - Review Process

An application for development approval required by Wasco County shall be processed by quasi-judicial public hearing or by Administrative Action, pursuant to applicable sections of this Ordinance. Quasi-judicial hearings shall be held on all applications for a permit or approval required by these regulations, provided that hearings shall not be held in those matters the Director has authority to act upon, unless the Director, under Section [2.100 C](#), schedules a hearing before the Planning Commission or an appeal be taken. (Revised 5-93)

### Section 2.030 - Coordination of Development Approval

- A. The Director or the Director's designee shall be responsible for the coordination of a development application and decision making procedures and shall approve developments when proper application is made and the proposed development is in

compliance with the provisions of this Ordinance and the Wasco County Comprehensive Plan. Before approving any development the Director or the Director's designee shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance. (Revised 5-93)

- B. The coordination of development application shall include the opportunity for the applicant to apply for all permits necessary for a development project at one time. The consolidated procedure shall be subject to the time limitations set out in this chapter. (Added 2/89)
- C. After an application has been submitted, no building permit for the proposed use shall be issued until final action has been taken. Following final action on the application, the issuance of a building permit shall be in conformance with the zoning regulations of this Ordinance, and any conditions of development approval.

#### **Section 2.040 - Who May Apply**

- A. Development request may be initiated by one or more of the following:
  - 1. The owner of the property which is the subject of the application; or
  - 2. The purchaser of such property who submits a duly executed written contract, or copy thereof, which has been recorded with the Wasco County Clerk; or
  - 3. The purchaser of such property who submits a duly executed earnest money agreement stating the land use action proposed; or (Added 1/92)
  - 4. A lessee in possession of such property who submits written consent of the owner to make such application; or
  - 5. Resolution of the County Governing Body; or
  - 6. County Road Department, (when dealing with land involving public works projects).

Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

#### **Section 2.050 - Pre Application Conference**

A pre-application conference shall be required for all applications the Director determines to be complex enough to require it. This shall include but not be limited to larger scale commercial energy projects, subdivisions, planned unit development, and reviews that involve numbers departments and agencies. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of



information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. (Revised 5/53; Amended 4/12)

#### **Section 2.060 - Application/Completeness (Amended 4/12)**

- A. The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review. Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:
  - 1. Conditional Use Review (Chapter 5)
  - 2. Administrative Variances (Chapter 7)
  - 3. Temporary Use Permits (Chapter 8)
  - 4. Partition, Replat and Lot Line Adjustment Approval, except as provided for in Section [2.060 B.10](#) (Chapter 21)
  - 5. Site Plan Reviews (Chapters 3 and 20)
  - 6. Uses Permitted Subject to Standards (Chapter 3)
  - 7. Similar use.
  - 8. Significance Determination for Aggregate Overlay (Chapter 3, Section 3.815)
  - 9. Nonconforming Use Verification, Restoration, or Alteration (Chapter 13)
- 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:
  - 1. Recommendation to County Governing Body on a Legislative or Quasi-Judicial Plan Amendment (Comprehensive Plan)
  - 2. Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)
  - 3. Subdivision (Chapter 21)
  - 4. Planned Unit Development (Chapter 18)

5. Mobile Home Parks (Chapter 16)
  6. Recreational Vehicle Parks (Chapter 17)
  7. Division of Non Resource Land in Designated Resource Areas (Chapter 10)
  8. Variance (Chapter 6)
  9. Private Road Approval (Chapter 21)
  10. Preliminary Partitions involving private or public road approval.
  11. Recommendation to the County Governing Body on public road dedications (Chapter 21).
  12. Revocation of Conditional Use Permits (Chapter 5)
  13. Appeals of Decision of Director made pursuant to Section 2.060 [A 1](#), [A 2](#), [A 3](#), [A 4](#) & [A 5](#), and any Type I (ministerial) action of the Director.
  14. Matters which the Director elects not to review, pursuant to Section 2.060 [A 1](#), [A 2](#), [A 3](#), [A 4](#), [A 5](#), [A 6](#), [A 7](#), and [A 8](#).
  15. Recommendation for implementation of Aggregate Overlay zone (Chapter 3, Section 3.800)
- C. Complete Application - An application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. A complete application is one which contains the information required to address the relevant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan as specified by this ordinance. (Added 4/12)
- D. Incomplete Application - If an application is incomplete, the Director shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection C, Complete Application, upon receipt by the Director of:
1. All of the missing information;
  2. Some of the missing information and written notice from the applicant that no other information will be provided; or

3. Written notice from the applicant that none of the missing information will be provided.

On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted the applicable information as described above. (Added 4/12)

## **Section 2.070 - Filing Fees**

- A. Any application filed with the Planning Department shall be accompanied by the appropriate filing fee to reimburse the County for processing costs attendant upon the application.
- B. Fees shall not exceed the actual or average cost of providing the service.
- C. Any and all fees shall be established by County Governing Body Order, be separate from this Ordinance, and may be revised whenever necessary.
- D. A filing fee may be waived by the County Governing Body for Governmental agencies or nonprofit groups, or upon satisfactory showing that an applicant is without means and is unable to pay the established fee. Said waiver shall be approved by the County Governing Body prior to submitting an application or appeal to the Planning Office. FAX copies of a purchase order or check for payment of an application or appeal are not acceptable. True payment must be paid prior to the expiration of an appeal period, or prior to acceptance of an application.
- E. All fees received pursuant to this Section shall be deposited in the County General Fund.
- F. Fees are not transferable or refundable.

## **Section 2.080 - Notice**

Citizen and Agency Involvement - The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested agencies and departments such as County departments, sheriff and fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Affected jurisdictions and agencies could include the Department of Environmental Quality, the Oregon Department of Transportation, Wasco County Transportation Network, and other applicable local, state or federal agencies.

If the subject property is being considered for a comprehensive plan or zone change, notice of receipt of the application shall be provided to the Oregon Department of Transportation.

- A. At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section [2.060 B](#), notice shall be sent to: (Revised 1-92)
1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
  2. All owners of property within one hundred feet (100') if located wholly or in part within an urban growth boundary, three hundred feet (300') if located outside an Urban Growth Boundary and not within a farm, farm/forest or forest zone, and five hundred (500) feet within a farm, farm/forest or forest zone. (Revised 1-92)
  3. The appropriate Citizen Advisory Group;
  4. Any affected governmental agency or public district within whose boundary the subject property lies;
  5. The city within whose recognized Urban Growth Boundary the subject property lies or whose facilities may be impacted;
  6. Other persons as may be clearly and necessarily affected by the result of the development request.
- B. Notice of Administrative Action for the use listed in Sections 2.060 [A 1](#) and [A 9](#), shall be given as prescribed by subsection (A) (1) – (6) of this Section, with the exception that notice be given at least ten (10) days prior to a decision. (Revised 1-92, 5-93, 9-99)
- C. Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing, pursuant to Section [2.060 B](#). An affidavit of publication shall be made part of the record. (Revised 1-92)
- D. Notice of Review by the County Governing Body pursuant to Section [2.180](#) shall be sent to all parties, posted in at least two (2) different public locations and published in the official newspaper of Wasco County ten (10) days prior to the date set for the hearing. (Revised 1-92)
- E. An affidavit of all mailing notices shall be made part of the record.
- F. Notice shall be sent to owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty five (35) feet tall outside the runway approach surface. (Added 2/89)

## **Section 2.090 - Contents of Notice**

- A. Notice of a quasi-judicial hearing on any development request shall be filed with the Director and also given pursuant to Section [2.080](#) and shall include the following information:
1. The date, time and place of hearing and the name of the hearing body;
  2. The general location of the subject property and legal description;
  3. The legal owner of record of the property and the name of applicant seeking the review;
  4. The present zoning of the subject property and applicable Ordinances and sections that apply to the application at issue;
  5. The request and purpose of the proposal;
  6. That failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
  7. The name of a local government representative to contact and the telephone number where additional information may be obtained;
  8. That a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
  9. That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
  10. General explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- B. Notice of an Administrative Action on a conditional use permit shall be filed with the Director and also given pursuant to Section [2.080](#), and shall include the following information: (Revised 1-92, 5-93)
1. The location, title of the request and the date such notice was sent;
  2. The general location of the subject property and legal description;
  3. The legal owner of record and the name of applicant seeking review;

4. The present zoning of the subject property and applicable Ordinances and sections;
5. The nature of the application;
6. The deadline established for rendering a final decision;
7. The deadline for filing comments on the request.

#### **Section 2.100 - Administrative Action Procedure of the Director**

- A. After accepting an application for Administrative Action pursuant to Section [2.060 A](#) 1 – A 9 of this Ordinance, the Director shall act on or cause a hearing to be held on the application within the time requirements of ORS 215.427. (Revised 2 89, 5-93, 4-16)

The Director shall not accept any application which he/she deems cannot be acted upon initially in a rational manner within the time requirements of ORS 215.427, unless the applicant consents to a longer period for action. (Revised 5-93, 4-16)

- B. Within such time period, the Director shall: (Revised 5-93)
1. Publish or otherwise file notice pursuant to Section [2.080](#);
  2. Prepare findings of fact and conclusions of law;
  3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan pursuant to Section [2.110 D](#).
  4. Provide opportunity for and conclusion to all local appeals. (Added 5/93)
- C. If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under Section [2.060 A](#) for public hearing before the Planning Commission, pursuant to Section 2.060 [B 14](#), and the Commission shall decide the matter, as if the matter were listed under Section [2.060 B](#). (Revised 1-92)

#### **Section 2.110 - The Decision of the Director**

- A. A decision on an Administrative Action under Section [2.060 A](#) shall be rendered by the Director within the time limitations of this Ordinance.
- B. In making a decision, the Director shall consider the following:

1. The burden of proof is placed upon the petitioner seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Chapter, such burden shall be to prove:
    - a. The proposed action fully complies with the applicable map elements of the relevant Comprehensive Plan and also the goals and policies of the applicable plan.
    - b. The proposed action is in accordance with the applicable criteria of this Ordinance.
  2. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.
  3. Written comments from parties or other persons.
- C. In all cases, the Director shall enter findings and conclusions to justify his decision.
- D. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time.
  2. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:
    - a. Protection of the public from the potentially deleterious effects of the proposed use; or
    - b. Fulfillment of the need for public service demands created by the proposed use.
  3. Changes or alterations of conditions shall be processed as a new Administrative Action.
  4. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their

heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

5. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of Administrative Action or revocation of approval by the Director.
  6. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Governing Body or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Wasco County Clerk.
- E. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order of the action denying the application.

#### **Section 2.120 - Notice of a Decision by the Director**

- A. Notice of a decision by the Director pursuant to Section [2.060](#) A 1 – A 9 shall be filed in the records of the Director and also mailed to the applicant, the owner(s) or contract purchasers of the subject property, and all parties within the required notification areas, as described by Section [2.080](#). (Revised 1-92)
- B. Notice of a decision shall contain:
  1. Identification of the application;
  2. The findings of fact and conclusions of law of the Director;
  3. Other information pertinent to the application, if any;
  4. The date of the filing of the decision of the Director;
  5. Notice that any party may appeal the decision within twelve (12) days from the date such notice was sent by filing a timely statement with the Director.
- C. The decision of the Director pursuant to Section [2.060](#) A 1 - A 9 shall be final unless an appeal from an aggrieved person is received by the Director within ten (10) days after the filing of a decision on an Administrative Action or unless the Commission or County



Governing Body on its own motion, orders review within ten (10) days after the filing of the proposed decision. (Revised 2 89, 5-93, 9-99)

### **Section 2.125 - Time Limits for Permits and Extensions of Time**

- A. Time Limits for Permits: A permit will become invalid without special action if:
  - 1. Development has not commenced within two (2) years of the date of approval;
  - 2. The use approved is discontinued for any reason for one (1) continuous year or more.
- B. Extension of Time Request: If an extension of time is required, the holder of the approved permit must file an application which will be processed as an administrative action. A one-time extension may be granted for a maximum of two (2) years. Extensions shall be granted only upon findings that:
  - 1. Request for an extension of time has been made prior to expiration of the approved permit.
  - 2. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.
  - 3. The applicant has provided reasons that prevented the applicant from beginning or continuing development within the approval period.

### **Section 2.130 - Establishment of Party Status**

- A. In order to have standing under this Chapter, a person shall be recognized as a party by the Approving Authority.

Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this Chapter.

- B. A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.
- C. Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.

- D. With respect to applications under Section [2.060 B](#) of this Chapter, the Approving Authority may authorize a person to have party status, at any time prior to the close of a hearing, if that person is not otherwise a party, as defined by Section 1.090 of this Ordinance. (Revised 1-92)
- E. A request for establishment of party status for an Administrative decision pursuant to Section [2.060 A](#) of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:
  - 1. The name, address and telephone number of the person filing the statement;
  - 2. How the person qualifies as a party; as defined in Section 1.090 of this Ordinance; and
  - 3. Comments which the party wishes to make with respect to the application under consideration.
- F. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

#### **Section 2.140 - Hearing Procedure**

- A. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Governing Body, to:
  - 1. Determine who qualifies as a party.
  - 2. Regulate the course, sequence and decorum of the hearing.
  - 3. Dispose of procedural requirements or similar matters.
  - 4. Rule on offers of proof and relevancy of evidence and testimony.
  - 5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony. (Revised 1-92)
  - 6. Take such other action appropriate for conduct commensurate with the nature of the hearing.
  - 7. Grant, deny, or in appropriate cases, attach conditions pursuant to Section [2.110 D](#) of this Chapter to the matter being heard.

- B. Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:
1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.
  2. Recognize parties.
  3. Ask for disclosure of any potential conflicts of interest by those on the decision making body. (Added 2/89)
  4. Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case. (Added 2/89)
  5. Request the Director or his designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.
  6. Allow the applicant to be heard first, on his own behalf or by representative.
  7. Allow parties or witnesses in favor of the applicant's proposal to be heard.
  8. Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
  9. Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
  10. Allow only the proponent to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence. (Revised 1/92)
  11. Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.
  12. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.
  13. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions

taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision and findings and conclusions, the Approving Authority may be either the Chairman of the Planning Commission or the Director of Planning. (Revised 1-92)

14. At the latest, the next regularly scheduled meeting shall be the time the Approving Authority shall grant, deny or, in appropriate cases, pursuant to [Section 2.110 D](#), attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail. (Revised 5-93)
15. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to [Section 2.110 D](#) of this Ordinance.
  - a. For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.
  - b. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

#### **Section 2.150 - Official Notice**

- A. The Approving Authority may take official notice of the following:
  1. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
  2. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.
- B. Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

#### **Section 2.160 - Appeal from Decision of the Director**

- A. Any action taken by the Director or his designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission, pursuant to Section [2.060 B 13](#). (Revised 1-92)
- B. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.
- C. The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in Section [2.160](#). For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to Section [2.180](#).
- D. Every Notice of Appeal shall contain:
  - 1. A reference to the application sought to be appealed.
  - 2. A statement as to how the petitioner qualifies as a party.
  - 3. The specific grounds relied upon in the petition request for review.
  - 4. The date of the final decision of the action.
  - 5. The required fee, unless waived pursuant to Section [2.070](#).
- E. At least twenty (20) days prior to the date of the Approving Authority meeting, the Director shall give notice to all parties to the case as provided by Section [2.080](#) of the time, date and place of the meeting. (Revised 1-92)
- F. Members of the Approving Authority shall neither:
  - 1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
  - 2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.

- G. During the course of the review, the Director shall first present to the Approving Authority the decision and the reasons for such action. The appellant then may present its argument and may call witnesses to give additional relevant testimony.
- H. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public. (Revised 5-93)
- I. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.
- J. All evidence offered and not objected to may be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to Oregon Revised Statutes [183.450](#) except as otherwise provided for herein.
- K. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan pursuant to Section [2.110 D](#).
  - 1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.
  - 2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

### **Section 2.170 - Review of a Decision of the Planning Commission**

Twelve (12) days from the date of a final decision of the Planning Commission, the decision shall become effective unless review is sought pursuant to this Section. (Revised 1-92)

- A. Review of the decision of the Planning Commission: (Revised 1-92)
  - 1. Shall be made by the County Governing Body Court, pursuant to Section [2.180](#), upon any party filing a Notice of Review with the Director within twelve (12) days from the date of the final decision sought to be reviewed; or (Revised 1-92)
  - 2. May be made by the County Governing Body, pursuant to Section [2.180](#), on its own motion passed within twelve (12) days from the date of the final decision sought to be reviewed. (Revised 1-92)

- B. Notice of the time and place of the review together with any Notice of Review filed shall be mailed to parties at least ten (10) days prior to the date of review.
- C. Every Notice of Review shall contain:
  - 1. A reference to the decision sought to be reviewed;
  - 2. A statement as to how the petitioner qualifies as a party;
  - 3. The specific grounds relied upon in the petition request for review; and
  - 4. The date of the decision sought to be reviewed.
- D. A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Governing Body.
  - 1. If the Court does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this subsection shall be a jurisdictional defect.
  - 2. If a transcript is desired by the Court, the costs shall be borne by Wasco County.

#### **Section 2.180 - Review by the County Governing Body**

- A. Except as provided in Sections B. and C. below, appeal to the Governing Body of all final decisions of the Planning Commission shall be confined to the record. The record shall include:
  - 1. All materials received as evidence at any previous stage;
  - 2. Verbatim Record:
    - a. For quasi-judicial plan amendments, unless waived by the Court, a verbatim record of the hearing below, in the form of audio tapes, together with a transcription thereof, or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error.

- b. In appeals of all other development actions, unless waived by the Court, a verbatim record of the hearing below in the form of audio tapes or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error. However, a party may prepare all or a portion of the transcript for submission to the Court.
  3. The findings and conclusions supporting the action being appealed; and
  4. Oral and written argument from the parties as defined by Section [2.130](#), or their representatives presented during the hearing or appeal but not including new evidence.
- B. A party, or the Director, may request that the Court conduct a de novo or partial de novo hearing on appeal. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:
1. Reference the name, case number and date of the decision;
  2. Contain the name and address of the requesting party;
  3. Indicate the reasons for the request without addressing the merits of the land use action; and
  4. Indicate any persons known to be opposed to the request.
- C. The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Court as a nonpublic hearing item, except that the Court may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:
1. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
  2. The substantial rights of the parties will not be significantly prejudiced; and
  3. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.



- D. In conjunction with determining whether to conduct a de novo hearing for the appeal of a quasi-judicial plan amendment, the Court may remand the matter to the Planning Commission. The decision on whether to remand shall not be appealable. Upon remand, the appealing party shall be entitled to return of the appeal fee less actual costs incurred by the County. Appeal from a decision on remand shall be taken as any other appeal.
- E. Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.
- F. The County Governing Body may affirm, reverse or modify the action of the Planning Commission and may approve or deny the request, or grant approval subject to conditions necessary to carry out the Comprehensive Plan as provided by Section [2.110 D](#).
  - 1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it, as justification for its action.
  - 2. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decisions shall be filed in the records of the Director.
- G. Only those members of the County Governing Body reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the prior Approving Authority shall stand.
- H. Per Section 9.080, for Zone or Ordinance Changes or Amendments, 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.

#### **Section 2.190 - General Conduct of All Hearings; Legislative, Administrative or Quasi-Judicial**

The following rules apply to the general conduct of the hearing:

- A. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- B. No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.

- C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.
- D. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.
- E. The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.

## **Section 2.200 - Additional Hearing Notification Requirements**

- A. Notice
  - 1. Notice of a legislative hearing will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be impacted by the proposed action. Affected agencies and jurisdictions could include the Department of Environmental Quality, the Oregon Department of Aviation, cities within Wasco County, and neighboring jurisdictions.
  - 2. Notice of a legislative or quasi-judicial hearing for any proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and public transit providers. Information that should be conveyed with the notice includes the following:
    - a. Project location
    - b. Proposed land use action
    - c. Location of project access point(s)
  - 3. 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.

## **Section 2.210 – Zoning Maps**

### **A. A Zoning Map or Zoning Amendment shall:**

1. Be prepared by the authority of the Planning Commission or be a modification by the County Court of a map amendment so prepared;
2. Be adopted by order of the County Court thereon;
3. Be dated with the effective date of such action; and
4. Be filed and maintained without change in the Office of the County Clerk as long as this Ordinance remains in effect.



## CHAPTER 3 BASIC PROVISIONS

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### Section 3.010 - Introduction

In order to achieve the purposes outlined in Chapter 1 of this Ordinance and assure that the development and use of land in Wasco County conforms to the Comprehensive Plan, zoning classifications have been established for all unincorporated lands in Wasco County. These classifications specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Wasco County Zoning maps.

### Section 3.020 - Compliance Required

A lot may be used and a structure or part of a structure may be constructed, moved, occupied, or used only as this Ordinance permits.

### Section 3.030 - Location of Zones

The boundaries of each of the foregoing zones, the zoning classifications and use of each tract in each of said zoning districts are hereby prescribed to coincide with the identifying zone classifications.

### Section 3.040 - Zoning Maps

A Zoning Map or Zoning Amendment shall:

- A. Be prepared by authority of the Planning Commission or be a modification by the County Court of a map amendment so prepared;
- B. Be adopted by order of the County Court thereon;
- C. Be dated with the effective date of such action; and
- D. Be filed and maintained without change in the Office of the County Clerk as long as this Ordinance remains in effect.

### Section 3.050 - Boundaries of Zones

Where uncertainty exists with respect to any of the boundaries of the zones shown on the zoning maps, the following rules shall apply:

- A. Where the boundaries of the zones designated on a zoning map are approximately highways, roads, streets or alleys, the center lines of such highways shall be construed to be the boundaries of such zones.

- B. Where the boundaries of the zones designated on a zoning map are approximately recorded property lines, such property lines shall be construed to be the boundaries of such zones.

### **Section 3.060 - Classification of Zones**

For the purposes of this Ordinance, the following zones are hereby established:

#### **ZONE**

Forest Zone	F-1
Forest Zone	F-2
Exclusive Farm Use Zone	A-1
Forest-Farm Zone	F-F
Agricultural-Recreational Zone	A-R
Rural Residential Zone	R-R(5)
Rural Residential Zone	R-R(10)
Rural Residential Zone	R-R(2)
Rural Commercial Zone	R-C
Rural Industrial Zone	R-I
Tygh Valley Residential Zone	RC-TV-R
Tygh Valley Commercial Zone	RC-TV-C
Tygh Valley Light Industrial/Commercial Zone	RC-TV-M1
Tygh Valley Rural Reserve Zone	RC-TV-RR
Tygh Valley Agriculture Zone	RC-TV-AG
Wamic Residential Zone	RC-Wam-R2
Wamic Residential Zone	RC-Wam-R5
Wamic Commercial Zone	RC-Wam-C2
Wamic Medium Industrial Zone	RC-Wam-M2

#### **OVERLAY ZONES & ENVIRONMENTAL PROTECTION DISTRICTS**

Division 1	Flood Hazard Overlay
Division 2	Geologic Hazards Overlay
Division 3	Airport Impact Overlay
Division 4	Cultural, Historic, and Archaeological Overlay
Division 5	Mineral & Aggregate Overlay
Division 6	Reservoir Buffer Overlay
Division 7	Natural Areas Overlay
Division 8	Sensitive Wildlife Habitat Overlay
Division 9	Big Muddy Limited Use Overlay
Division 10	Badger Creek Limited Use Overlay
Division 11	Pine Hollow Airport Overlay
Division 12	Sensitive Bird Overlay
Division 13	Pond Turtle Sensitive Area Overlay
Division 14	Camp Morrow Limit Use Overlay

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### **Section 3.111 - Purpose**

The purpose of the Forest (F-1) 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 Forest (F-1) 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 Forest (F-1) Zone shall comply with the following regulations:

### **Section 3.112 - Uses Permitted Without Review**

The following uses are permitted on lands designated Forest (F-1) Zone without review:

In the Forest (F-1) 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**

- A. 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.

- B. 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 (see Chapter 1).
- C. 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.
- D. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- E. Exploration for mineral and aggregate resources as defined in ORS Chapter [517](#).
- F. 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)
- G. 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)

- H. 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 1.090 in 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 [3.114\(E\)](#) below.

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

- I. 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.
- J. 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)



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

Any Home Occupation that exceeds these standards is Major and subject to Section [3.115 R](#) below.

### **Section 3.113 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Forest (F-1) Zone subject to Section [3.117 - General 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)

- A. 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 Chapter 1.
- B. 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)
- C. Alteration, restoration or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) subject to Sections [3.117\(A\)\(1\)\(a\)](#) - Addition, Modification or Relocation Setbacks & [3.119\(A\)](#) - 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 [3.114\(C\)](#) below.

- D. Non-commercial/standalone 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)
- E. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 1.090 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 [3.114\(E\)](#) below. (Amended 4/12)
- F. The production of marijuana, subject to compliance with Chapter 11.

#### **Section 3.114 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Forest (F-1) Zone subject to the Section [3.117 – General 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)

- A. Fire stations for forest fire protection.
- B. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Chapter 1.

#### **RESIDENTIAL USES**

- C. 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 to Sections [3.117\(A\)\(1\)\(a\)](#) - Addition, Modification or Relocation Setbacks & [3.119\(A\)](#) - Replacement Dwelling Standards (Dwellings only) and [3.119\(B\)](#) - Siting Requirements for Compatibility.
- D. A building or structure accessory to a legally established residential use subject to Section [3.119\(B\)](#) - 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**

- E. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- F. 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 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

#### ENERGY FACILITIES

- G. 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

- H. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.

#### **Section 3.115 - 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 Forest (F-1) Zone subject to Sections [3.116 – Conditional Use Approval Standards](#), [3.117- General 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

- A. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
- B. Log scaling and weigh stations.
- C. Forest management research and experimentation facilities as defined in ORS [526.215](#) or when accessory to forest operations.
- D. 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.

- E. 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](#).
- F. 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

- G. 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

- H. 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)
- I. 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 [660-004](#) and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities. (Amended 4/12)
- J. 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)
- K. Television, microwave and radio communication facilities and transmission towers.
- L. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- M. Reservoirs and water impoundments.

## TRANSPORTATION

- N. Public road and highway projects as described in ORS [215.283](#) (2)(p) through (r).
- O. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- P. Expansion of existing airports.
- Q. Aids to navigation and aviation.

## COMMERCIAL USES

- R. 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.

### **Section 3.116 - Conditional Use Approval Standards**

The following review criteria shall apply to conditional uses applied for in Section [3.115](#) of this zone:

- A. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.
- B. 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 [30.936](#) or [30.937](#).
- C. Prohibited Uses – Marijuana processing, wholesaling, retailing and all other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

### **Section 3.117 - General Development Standards**

- A. Setbacks
  - 1. 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.

2. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in 1 above.
  - 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. 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)
3. Waterways (Added 4/12)
  - a. 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.
    - (1) 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.
    - (2) 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.
    - (3) 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.

- (4) If the proposal does not meet these standards it shall be subject to [subsection 2 above - Additions or Modifications to Existing Structures](#).
- (5) 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:
  - (a) Fences;
  - (b) Streets, roads, and paths;
  - (c) Drainage facilities, utilities, and irrigation pumps;
  - (d) Water-related and water-dependent uses such as docks and bridges;
  - (e) Forest practices regulated by the Oregon Forest Practices Act;
  - (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
  - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- B. Height-Maximum height for all structures shall be thirty five (35) feet. Height is measured from average grade.
- C. 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).
- D. Signs-Signs shall not extend over a public right-of-way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.

- E. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
- F. 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.
- G. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

### **Section 3.118 - Parcel Size Standards**

The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

- A. 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.
- B. 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 3.115 [A](#), [B](#), [E](#), [F](#), [I](#), [K](#), [L](#), [M](#), [Q](#), OAR [660-006-0025](#) (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
- C. 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:
  - 1. 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
  - 2. The remaining parcel, not containing the dwelling, shall either:
    - a. meet the minimum parcel size standard of the zone; or
    - b. be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.



3. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
  4. 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.
  5. A forest farm management easement shall be recorded for each resulting parcel.
- D. 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:
1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
  2. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  3. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  4. At least one dwelling shall be located on each parcel created, including the parent parcel;
  5. 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.
  6. A lot or parcel may not be divided under the provisions of this subsection if;
    - a. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - b. 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

- c. 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.
- E. 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:
  - 1. Shall not be eligible for siting of a new dwelling;
  - 2. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  - 3. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
  - 4. Shall not result in a parcel of less than 35 acres, except:
    - a. where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
    - b. 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
  - 5. 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.
  - 6. 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.
  - 7. A forest farm management easement shall be recorded for each parcel.
- F. Division of land for public park uses provided that:
  - 1. 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

2. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
3. The parcel created for park or open space uses shall not contain a dwelling, and:
  - 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 forest lands 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:
    - (1) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
    - (2) 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.

### **Section 3.119 - Additional Standards**

#### **A. Replacement Dwelling Standards**

1. A replacement dwelling must have:
  - a. Intact exterior walls and roof structures;
  - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - c. Interior wiring for interior lights;
  - d. Heating system; and
  - e. 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.

2. A replacement dwelling shall be subject to the following siting standards:
  - a. 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:
    - (1) General Development Standards,
    - (2) Siting Requirements for Compatibility.
  - b. 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:
    - (1) General Development Standards, and

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

- (2) Siting Requirements for Compatibility

B. 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:

1. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
  - a. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
  - b. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
  - c. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.
2. Dwelling and Accessory Structure Set Backs - To satisfy a. 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 a. above.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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:
  - a. 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
  - b. A water use permit issued by the Water Resources Department for the use described in the application; or
  - c. 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.

8. Forest Stocking Requirements - Approval of a replacement dwelling in a new location shall be subject to the following requirements:
- a. 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;
  - b. 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;
  - c. 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;
    - (1) 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.
    - (2) 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 [30.936](#) or [30.937](#).

## **Section 3.120 - Forest (F-2) Zone**

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### **Section 3.121 - Purpose**

The purpose of the Forest (F-2) 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 Forest (F-2) Zone shall comply with the following regulations:

### **Section 3.122 - Uses Permitted Without Review**

The following uses are permitted on lands designated Forest (F-2) Zone without review:

#### **RESOURCE USES**

- A. 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.
- B. 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 Chapter 1.

- C. 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.
- D. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- E. Exploration for mineral and aggregate resources as defined in ORS [517](#).
- F. 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)
- G. 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

- H. 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 1.090 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 [3.124 H](#) below. (Amended 4/12)

#### UTILITIES & TRANSPORTATION

- I. 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.
- J. 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

- K. Private hunting and fishing operations without any lodging accommodations or any other physical development.
- L. Minor Home occupation that:



1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
2. Does not serve clients or customers on-site;
3. Does not produce odor, dust, glare, flashing lights or noise;
4. Does not occupy more than 25 percent of the floor area of the dwelling; and
5. Does not include the on-premises display or sale of stock in trade.
6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.125 Y](#) below.

- M. 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.

### **Section 3.123 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Forest (F-2) Zone subject to Section [3.217 - 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)

- A. 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.
- B. 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.

- C. 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 [3.127 A 2 a - Addition, Modification or Relocation Setbacks](#) & [3.129 A - 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 Section [3.124 A](#) below.
- D. 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.
- E. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 1.090 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 [3.124 G](#) below.
- F. 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.
- G. The production of marijuana, subject to compliance with Chapter 11.

### **Section 3.124 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Forest (F-2) Zone subject to the Section [3.127 - 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**

- A. Fire stations for forest fire protection.
- B. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Chapter 1.

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

- C. 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 [3.127 A 2 a - Addition, Modification or Relocation Setbacks](#) & [3.129 A - Replacement Dwelling Standards](#) (Dwellings only)& [3.129 D - Siting Requirements for Compatibility](#).

- D. Lot of Record Dwelling subject to Section [3.219 B - Lot of Record Test](#) & [3.129 D - Siting Requirements for Compatibility](#).
- E. Large Tract Dwelling subject to Section [3.219 C - Large Tract Test](#) & [3.129 D - Siting Requirements for Compatibility](#).
- F. A building or structure accessory to a legally established residential use subject [3.129 D - 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)

- G. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).
- H. 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 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

#### ENERGY FACILITIES

- I. 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

- J. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.

#### **Section 3.125 - 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 Forest (F-2) Zone subject to Section [3.126 – Conditional Use Approval Standards](#), Section [3.127 - 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

- A. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
- B. Log scaling and weigh stations.
- C. Forest management research and experimentation facilities as defined in ORS [526.215](#) or when accessory to forest operations.
- D. 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.
- E. 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](#).
- F. 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

- G. 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

- H. 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.
- I. 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 [660-004](#) and must be

reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.

- J. 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.
- K. 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.
- L. Television, microwave and radio communication facilities and transmission towers.
- M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- N. Reservoirs and water impoundments.

#### TRANSPORTATION

- O. Public road and highway projects as described in ORS [215.283](#) (2)(p) through (r).
- P. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- Q. Expansion of existing airports.
- R. Aids to navigation and aviation.

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

- S. 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 [3.219 E – Additional Standards](#) below.

- T. 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;
1. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.
  2. Only minor incidental and accessory retail sales are permitted.
  3. 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.
  4. Fishing accommodations must be located within 1/4 mile of fish-bearing waters.
  5. Other conditions imposed by the Approving Authority deemed necessary.
  6. 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.)
- U. Youth Camps subject to the limitations and requirements of [OAR 660-006-0031](#).
- V. Public parks subject to OAR [660-034-0035](#) or [660-034-0040](#), whichever is applicable.
- W. Cemeteries.
- X. Firearms training facility.

#### COMMERCIAL USES

- Y. Major Home occupations
- Z. 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.
- AA. 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.

### **Section 3.126 - Conditional Use Approval Standards**

The following review criteria shall apply to a conditional use applied for in Section [3.125](#) of this Section:

- A. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- B. 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 [30.936](#) or [30.937](#).

### **Section 3.1265 - Prohibited Uses**

Marijuana processing, wholesaling, retailing and all other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

### **Section 3.127 - Property Development Standards**

- A. Setbacks
  - 1. 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.
  - 2. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above. (Added 4/12)
    - 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.

- b. 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.

### 3. Waterways

- a. 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)
  - (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) If the proposal does not meet these standards it shall be subject to [subsection 2. above - Additions or Modifications to Existing Structures.](#)
  - (5) 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:
    - (a) Fences;
    - (b) Streets, roads, and paths;
    - (c) Drainage facilities, utilities, and irrigation pumps;
    - (d) Water-related and water-dependent uses such as docks and bridges;
    - (e) Forest practices regulated by the Oregon Forest Practices Act;



- (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
  - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- B. Height: Maximum height for all structures shall be thirty five (35) feet. Height is measured from average grade.
- C. 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).
- D. Signs: Signs shall not extend over a public right-of-way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.
- E. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.
- F. 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.
- G. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

### **Section 3.128 - Parcel Size Standards**

The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

- A. 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.

- B. 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 [3.125 A, B, D, E, F, I, K, L, M, N, R, S, V, W, & X](#) OAR [660-006-0025](#) (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
- C. 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:
  - 1. 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
  - 2. The remaining parcel, not containing the dwelling, shall either:
    - a. meet the minimum parcel size standard of the zone; or
    - b. be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
  - 3. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
  - 4. 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.
  - 5. A forest farm management easement shall be recorded for each resulting parcel.
- D. 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:
  - 1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

2. Each dwelling complies with the criteria for a replacement dwelling in this zone;
  3. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
  4. At least one dwelling shall be located on each parcel created, including the parent parcel;
  5. 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.
  6. A lot or parcel may not be divided under the provisions of this subsection if;
    - a. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
    - b. 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
    - c. 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.
- E. 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:
1. Shall not be eligible for siting of a new dwelling;
  2. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
  3. Shall not, as a result of the land division, be used to justify re-designation or rezoning of resource lands;
  4. Shall not result in a parcel of less than 35 acres, except:

- a. where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
  - b. 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
- 5. 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.
- 6. 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.
- 7. A forest farm management easement shall be recorded for each parcel.
- F. Division of land for public park uses provided that:
  - 1. 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
  - 2. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel; and
  - 3. The parcel created for park or open space uses shall not contain a dwelling, and:
    - 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 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
    - d. May not be smaller than 25 acres unless the purpose of the land division is:

- (1) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
- (2) 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.

### **Section 3.129 - Additional Standards**

#### **A. Replacement Dwelling standards**

1. A replacement dwelling must have:
  - a. Intact exterior walls and roof structures;
  - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - c. Interior wiring for interior lights;
  - d. Heating system; and
  - e. 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.
2. A replacement dwelling shall be subject to the following siting standards:
  - a. 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:
    - (1) General Development Standards,
    - (2) Siting Requirements for Compatibility.
  - b. 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:
    - (1) General Development Standards, and

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

- (2) Siting Requirements for Compatibility.

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

1. 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:
  - a. Prior to January 1, 1985; or
  - b. 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.

2. 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
3. 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 Chapter 1 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:
  - a. A United States Bureau of Land Management road; or
  - b. 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
4. The tract on which the dwelling will be sited does not include a dwelling; and
5. 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

6. 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
  7. 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
  8. A Forest Farm Management Easement is filed with the deed records of the property.
- C. 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:
1. The tract on which the dwelling will be sited does not include a dwelling; and
  2. The tract consists of at least 240 contiguous acres or 320 non-contiguous acres in one ownership in the same county or contiguous counties;
  3. 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
  4. A Forest Farm Management Easement is filed with the deed records of the property.
- D. 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:
1. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
    - a. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
    - b. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
    - c. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone. (Added 4/12)

2. 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 1. above.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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:
  - a. 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
  - b. A water use permit issued by the Water Resources Department for the use described in the application; or



- c. 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.
- 8. Forest Stocking Requirements - Approval of a dwelling shall be subject to the following requirements:
  - a. 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;
  - b. 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;
  - c. 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;
    - (1) 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.
    - (2) 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 [30.936](#) or [30.937](#).

E. Private Parks and Campgrounds Standards:

1. 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](#).
2. 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.
3. 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
4. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except for yurts meeting the following requirements:
  - a. No more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; and
  - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation; and
  - c. 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\(1\)](#).
  - d. 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.
5. 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 (A-1) Zone

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### Section 3.211 - Purpose

The purpose of the Exclusive Farm Use (A-1) 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 [660-033](#).

Uses, buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the Exclusive Farm Use (A-1) 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](#).

### Section 3.212 - Uses Permitted Without Review

The following uses are permitted on lands designated Exclusive Farm Use (A-1) Zone without review:

#### RESOURCE USES

- A. Farm use as defined by Section 1.090, Definitions and ORS [215.203](#) that is non-discretionary.
- B. Propagation and harvesting of a forest product.
- C. 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).
- D. 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

- E. Creation, restoration or enhancement of wildlife habitat and wetlands that do not include development as defined by Section 1.090 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 [3.214 K](#) below.

#### TRANSPORTATION FACILITIES

- F. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.
- G. 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.
- H. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.
- I. 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

- J. 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:
  - 1. A public right of way;
  - 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  - 3. The property to be served by the utility.
- K. 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 [3.214 B](#) below.

- L. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS [540.505](#).

#### COMMERCIAL USES

- M. 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.

- N. Minor Home occupation that:

1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
2. Does not serve clients or customers on-site;
3. Does not produce odor, dust, glare, flashing lights or noise;
4. Does not occupy more than 25 percent of the floor area of the dwelling; and
5. Does not include the on-premises display or sale of stock in trade.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.215 BB](#) below.

#### **Section 3.213 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to Section [3.216 - 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)

- A. 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.

- B. 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.
- C. 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.
- D. 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 Section [3.216 A 1 c - Addition, Modification or Relocation Setbacks](#) and [3.219 C - Replacement Dwellings](#) (Dwellings only). (Amended 4/12)
- E. 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)

### **Section 3.214 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section [3.216 - Property Development Standards](#), Section [3.218 - 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**

- A. Farm use as defined by Section 1.090, Definitions and ORS [215.203](#) that is discretionary.
- B. 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 [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 [3.219 K](#) below.

#### **COMMERCIAL USES RELATED TO FARM USE**

- C. A winery subject to [3.219 F](#) below:
- D. A facility for the processing of farm crops or the production of biofuel as defined in ORS [315.141](#) subject to the following:
  - 1. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.
  - 2. 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.
  - 3. 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.
- E. Farm stands subject to Section [3.219 L](#) below:

#### RESIDENTIAL USES

- F. Farm Dwelling: One single family dwelling customarily provided in conjunction with farm use, subject to Section [3.219 E](#) below.
- G. 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 [3.219 B](#) below.
- H. 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:
  - 1. 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;

2. The farm operator does, or will require the assistance of the relative in the management of the farm use;
  3. 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
  4. The farm operator shall submit a farm management plan documenting how the relative dwelling is necessary for maintaining the farm use.
- I. 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 [3.215 I](#) below and also subject to Section [3.219 D](#) below.
  - J. 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 Section [3.216 A1c - Addition, Modification or Relocation Setbacks](#) and [3.219C - Replacement Dwellings](#) (Dwellings only).

#### NATURAL RESOURCE USES

- K. Creation, restoration or enhancement of wetlands that includes development as defined by Section 1.090 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.

- L. 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 [3.219 H](#) below.
- M. Non-commercial/standalone 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



- N. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary and the following:
1. 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.
  2. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use.
  3. 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.
  4. "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.
- O. 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 [660-004](#), 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

- P. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 – Land Divisions.
- Q. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section [3.219 O](#) below. On-site filming in excess of 45 days is a conditional use.

#### **Section 3.215 - Uses Permitted Subject to Conditional Use Review/Type II or Type III**

The following uses may be permitted on a legal parcel designated Exclusive Farm Use (A-1) Zone subject to Section [3.216 - Property Development Standards](#), Section [3.218 - 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

- A. 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.
- B. Primary processing of forest products, subject to the following:
  - 1. Such facility does not seriously interfere with accepted farming practices and is compatible with farm uses as defined.
  - 2. Such facility may be approved for a one-year period which is renewable.
  - 3. The facility is intended to be only portable or temporary in nature.
  - 4. 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.
- C. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section [3.219 I](#) below, Section 3.800 - Mineral & Aggregate Overlay.
- D. 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.
- E. Processing of other mineral resources and other subsurface resources.
- F. 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 [3.212 D](#) above.

#### COMMERCIAL USES RELATED TO FARM USE

- G. 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 [3.214 D](#) above, subject to Section [3.219 D](#) below.

- H. 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 [3.219 G](#) 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

- I. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section [3.219 A](#) , below.
- J. 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:
- K. 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

- L. 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)
- M. 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 [3.219 Q](#) 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 [660-004](#), or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter [660-004](#) and ORS [197.732](#). (Added 4/12)

- N. Electrical Transmission Facilities and Utility Facility Lines greater than 200' in height, and Natural Gas or Petroleum Product Pipelines subject to Section [3.219 H](#) below and Chapter 19 - Standards for Energy Facilities - Section 19.030. (Amended 4/12)
- O. 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.
- P. 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 [3.219 J](#) below.

## TRANSPORTATION

- Q. 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.
- R. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
- S. 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.
- T. 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.
- U. Roads, highways and other transportation facilities and improvements not otherwise allowed by this ordinance subject to:
  - 1. 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
  - 2. 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

- V. Fire service facilities providing rural fire protection services.
- W. 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.

- X. 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](#).
- Y. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS [565.210](#).
- Z. Any gathering subject to review by a county planning commission under the provisions of ORS [433.760](#). 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.
- AA. 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:
  - 1. 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.
  - 2. 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 [660-004](#).
  - 3. 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.

4. 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

BB. Major Home occupation subject to Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

CC. 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.

1. Room and board arrangements shall:
  - a. Not exceed accommodations for five unrelated persons beyond the inhabitants of the house; and
  - b. Include month to month rental with food contract.
2. Bed and breakfast arrangements shall:
  - a. Not exceed five rooms;
  - b. Limit occupation by guests to no more than 30 consecutive days; and
  - c. Only allow breakfast to be served to guests and no other meals.

DD. 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.

If the commercial event is in conjunction with a farm use, the applicant shall submit a q Farm Management Plan which includes documentation that the property is capable of meeting the Farm Dwelling income test in Section [3.219 E2](#) below.

EE. Dog Kennels, except that such uses are prohibited on high value farmland.

FF. 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 [3.219 N](#) below.

GG. 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 [3.219M](#) below.

HH. Operations for the extraction and bottling of water.

II. 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 [3.219 O](#) below.

### **Section 3.216 - 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.

#### **A. Setbacks**

##### **1. Property Line**

a. All dwellings (farm and non-farm) and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements:

(1) If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.

(2) 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.

(3) 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.

- (4) If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:
  - (a) The structure shall be set back a minimum of 25 feet from the road right of way or easement;
  - (b) 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
  - (c) 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.
- b. Farm structures shall be set back a minimum of 25 feet from the property line.
- c. 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:
  - (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) 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.
- d. 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.

## 2. Waterways

- a. 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.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) If the proposal does not meet these standards it shall be subject to Section [3.216 A1c - Additions or Modifications to Existing Structures](#), above.
- (5) 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:
  - (a) Fences;
  - (b) Streets, roads, and paths;
  - (c) Drainage facilities, utilities, and irrigation pumps;
  - (d) Water-related and water-dependent uses such as docks and bridges;
  - (e) Forest practices regulated by the Oregon Forest Practices Act;
  - (f) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and
  - (g) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

- b. 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).

3. 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.
4. Wasco County Fairground
  - a. 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.
  - b. 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.
  - c. Rear Yard: No structure other than a fence shall be located closer than ten (10) feet from the rear yard property line.
  - d. RV Spaces: RV spaces are subject to the setback requirements of Chapter 17 - Recreational Vehicle Parks.
  - e. 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.
- B. 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.
- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. Signs
  1. Permanent signs shall not project beyond the property line.
  2. Signs shall not be illuminated or capable of movement.

3. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.
4. Size and Height of Permanent Signs:
  - a. Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.
  - b. 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.
5. Number of permanent signs:
  - a. 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.
  - b. Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.
6. 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.
- E. 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.
- F. Parking: Off street parking shall be provided in accordance with Chapter 20.
- G. 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.

### **Section 3.217 - 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.

A. Farm Divisions:

1. 40 Acre: There shall be a 40 acre minimum land division for farm parcels in the A-1(40) zone.
2. 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:

- a. A farm management plan shall be submitted with the application. The farm management plan shall also include an evaluation of the following:
  - (1) 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.
  - (2) Determine the nature of this type of commercial agricultural enterprise in the county, or within the surrounding area.
- b. The proposed farm parcel or parcels have been planted in a higher value per acre crop adequate to meet the income requirement in c. below;
- c. 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.

- (1) Documentation of actual gross income received during the last two years or three of the last five years.
- (2) 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:

- (a) 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.
- (b) 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.
- (c) 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 Sections [3.214 F](#) and [3.219 E](#).

\* It is the intention of the Wasco County Court to reevaluate the validity of this inflationary adjustment percentage by 2014.

- 3. 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.

## B. Non-Farm Divisions (Part of Parcel)

### 1. Non-Farm Dwelling & Non-Farm Use Divisions

#### a. A one-time division of land to create:

- (1) 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 Sections [3.214 F](#) and [3.219 E](#) above; or
- (2) A parcel to contain a nonfarm use, except dwellings, listed in Section [3.215 - 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;

- b. 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;
  - c. 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;
  - d. 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
  - e. The parcels for the nonfarm dwellings are not located in the A-1(40) zone.
  - f. The non-farm parcels shall be disqualified from special assessment pursuant to Section [3.219 A7](#) below.
  - g. The non-farm parcels do not have established water rights for irrigation.
2. 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:
- a. A parcel created by the land division that already contains a dwelling is large enough to support continued residential use of the parcel; and
  - b. A parcel created pursuant to this subsection that does not contain a dwelling:
    - (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 forestlands 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 at least 2,000 acres of open space or park property.

### **Section 3.218 - Agricultural Protection**

The uses listed in Section [3.214 - Uses Allowed Subject to Standards](#) and Section [3.215 - Conditional Uses](#) must meet the following standards:

- A. 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](#).
- B. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

### **Section 3.2185 - Challenging Soil Class Rating**

- A. Lot of Record: For the purposes of approving a Lot of Record application under Section [3.214](#) above, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
  - 1. 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
  - 2. Submits the following:
    - a. 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
    - b. 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.

- B. 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:
1. 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:
    - a. Copy of the most current National Cooperative Soil Survey map(s) for the specified area;
    - b. Methods used by the Soil Scientist;
    - c. 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;
    - d. Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;
    - e. Notation of any limitations encountered;
    - f. Results, findings and decisions;
    - g. Overview of geology, parent material, and related factors;
    - h. Description of landforms, topography, confirming relationship of landforms to soil mapping units;
    - i. Description of on-site and adjacent hydrology, including surface and subsurface features;
    - j. Description of revised soil mapping units;
  2. Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.

### **Section 3.219 - Additional Standards**

- A. Non-Farm Dwelling:
1. The parcel is not within the A-1(40) Zone.



2. There is no other dwelling on the parcel;
3. 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;
4. 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:

- a. 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 c. below.
- b. 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 c. below.
- c. Generally Unsuitable Criteria:
  - (1) predominantly greater than 40 % slope, or
  - (2) 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

- (3) 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.

5. Criteria for Forested land within the EFU zone

- a. 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".
- b. 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:
  - (1) The dwelling is compatible; and
  - (2) 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

6. 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:

- a. 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;

- b. 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;
- c. 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;
- d. In addition to a – c, 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 a – c above.

7. Disqualification of Special Assessment:

The owner of the parcel shall provide evidence that:

- a. 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
- b. A Request has been made in writing to the County Assessor to disqualify the parcel from special assessment; and

- c. 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
- d. 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.

B. Accessory Farm Dwelling:

- 1. 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;
- 2. The accessory farm dwelling will be located:
  - a. On the same lot or parcel as the dwelling of the primary farm dwelling; or
  - b. 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
  - c. 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
  - d. 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

- e. 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..
3. 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;
  4. 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;
    - a. 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:
      - (1) 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.
      - (2) 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,
    - b. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
  5. 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 [3.214 G](#) 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 3.217 A - Farm Divisions; and

6. 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 [3.215 I](#), 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.*

C. Alteration, restoration, relocation or replacement of a lawfully established dwelling:

1. Has intact interior walls and roof structure;
2. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
3. Has interior wiring or interior lights;
4. Has a heating system;
5. In the case of replacement:
  - a. The new dwelling is subject to all applicable siting requirements;
  - b. The existing dwelling is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling;
  - c. 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
6. In the case of deferred replacement: (Added 4/12)
  - a. 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;
  - b. 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
  - c. 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.

D. Lot of Record Dwelling:

1. 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:
  - a. Since before January 1, 1985; or
  - b. By device or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.
2. The tract upon which the dwelling is to be sited does not include another dwelling;
3. 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;
4. The tract on which the dwelling is to be sited is not high value farmland as defined in Section 1.090, Definitions.
5. 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;
6. The director or the director's designee shall notify the county assessor of any decision to permit a lot of record dwelling;
7. 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
8. Land use approval for a lot of record dwelling may be transferred one time to any other person, prior to issuance of building permit.

E. Farm Dwelling:

1. Large Lot: a dwelling may be considered customarily provided in conjunction with farm use subject to the following:
  - a. The land on which the dwelling to be sited is not identified as high-value farmland;
  - b. The parcel on which the dwelling will be located is at least 160 acres;

- c. 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.
  - d. 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
  - e. There is no other dwelling on the subject tract.
2. Income Test (for Parcels Less than 160 acres) subject to the following and [Subsection c](#) below:
- a. Meets either (1) or (2) below:
    - (1) 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
    - (2) 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
  - b. In determining the gross income required by this subsection:
    - (1) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
    - (2) Only gross income from land owned, not leased or rented, shall be counted; and
    - (3) 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



- c. 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
- d. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.
- e. 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:
  - (1) 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
  - (2) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- d. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Chair of the Board of County Commissioners;
- e. Enforcement of the covenants, conditions and restrictions may be undertaken by the Dept. of Land Conservation & Development or Wasco County;
- f. 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.

F. Winery:

- 1. The winery is a facility that produces wine with a maximum annual production of:
  - a. Less than 50,000 gallons and it:
    - (1) Owns an on-site vineyard of at least 15 acres;
    - (2) Owns a contiguous vineyard of at least 15 acres;

- (3) 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
    - (4) Obtains grapes from any combination of subparagraph (1), (2) or (3) of this paragraph; or
  - b. At least 50,000 gallons and no more than 100,000 gallons and that:
    - (1) Owns an on-site vineyard of at least 40 acres;
    - (2) Owns a contiguous vineyard of at least 40 acres;
    - (3) 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
    - (4) Obtains grapes from any combination of subparagraph (1), (2) or (3) of this paragraph.
- 2. The winery described in subsection 1 a or b above shall allow only the sale of:
  - a. Wines produced in conjunction with the winery; and
  - b. 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](#).
- 3. Prior to the issuance of zoning approval to establish a winery under this section, the applicant shall show that vineyards, described in subsection 1 a or b of this section, have been planted or that the contract has been executed, as applicable.
- 4. Siting Standards to limit conflicts with accepted farming or forest practices on adjacent lands include:
  - a. Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and
  - b. Provision of direct road access, internal circulation and parking.
- 5. If a Home Occupation to host Commercial Events such as weddings, receptions or parties is desired, that use must be applied for under Section [3.215 BB](#). Failure to

apply under Section [3.215 BB](#) for such a use will result in the hosting of any such events to be considered a land use violation.

G. Farm Ranch Recreation:

1. 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.

2. 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.
3. 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.
4. New Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in Section [3.219 A 4](#), 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.
5. 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.
6. 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.

7. In addition to overnight lodging units a separate kitchen area, rest rooms, storage or other shared indoor space shall be allowed.
8. 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.
9. 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.
10. 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.

#### H. Utility Facility:

1. 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:
  - a. Technical and engineering feasibility;
  - b. 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;
  - c. Lack of available urban and non-resource lands;

- d. Availability of existing rights of way;
  - e. Public health and safety; and
  - f. Other requirements of state and federal agencies.
2. 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.
  3. 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.
  4. 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.
  5. 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](#).
  6. The provisions of 1– 4 do not apply to interstate natural gas pipelines and associated facilities authorized by a subject to regulation by the Federal Energy Regulatory Commission.

I. Aggregate

1. 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.
2. A land use permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.

3. "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.
4. "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.

J. Composting facilities:

1. 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.
2. 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.

K. Land application of reclaimed water, agricultural process or industrial process water or biosolids.

1. 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.

2. 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:
  - a. The tract is included within an acknowledged urban growth boundary;
  - b. The tract is rezoned to a zone other than an exclusive farm use zone;
  - c. The different use of the tract is a farm use as defined in ORS [215.203](#); or
  - d. The different use of the tract is a use allowed under:
    - (1) ORS [215.213](#) (1)(c), (e) to (g), (k), (m) to (q), (s) to (u), (x), (z) or (aa);
    - (2) ORS [215.213](#) (2)(a) to (c), (i), (m) or (p) to (r);
    - (3) ORS [215.283](#) (1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x); or
    - (4) ORS [215.283](#) (2)(a), (j), (L) or (p) to (s).
3. An evaluation of the alternatives to application and the reason for not using these alternatives.
4. The uses allowed under this section include:
  - a. The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;
  - b. 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;
  - c. 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:
    - (1) A public right of way; or
    - (2) Other land if the landowner provides written consent and the owner of the facility complies with ORS [215.275](#) (4); and

- d. 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.
  - 5. Uses not allowed under this section include:
    - a. 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
    - b. The establishment and use of utility facility service lines allowed under Section [3.212 J](#) above.
  - 6. A division of land for the land application of reclaimed water, agricultural or industrial process water or biosolids shall not be allowed.
- L. Farm Stands:
- 1. 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;
  - 2. 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;
  - 3. "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; and
  - 4. "Local agricultural area" includes Oregon or an adjacent county in Washington.
- M. Golf Courses
- 1. 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;



2. 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;
3. 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;
4. Accessory uses provided as part of a golf course shall be consistent with the following standards:
  - a. 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.
  - b. 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.
  - c. 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.

#### N. Private Parks, Playgrounds and Campgrounds

1. 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.
2. 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 [660-004](#).
3. 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.
4. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
5. 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.
6. 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.

#### O. On Site Filming

1. No filming shall occur without written permission of the landowner.
2. 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.
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 shall be tethered, leashed or caged when not immediately required for filming.

P. 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:

1. Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.
2. Farm product receiving plants, including processing, packaging, and reshipment facilities.(revised 2/89)
3. Livestock feed or sales yards.
4. Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm related equipment and implements.
5. Farm equipment storage and repair facilities.
6. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.

7. Veterinarian clinic.
8. Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.
9. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
10. Wineries for production from fruits, a portion of which are grown on the property, including retail sales.
11. 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.

Q. 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.

1. For high-value farmland soils described in ORS [195.300](#)(10), it must be found that all of the following are satisfied:
  - a. 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:
    - (1) Technical and engineering feasibility;
    - (2) Availability of existing rights of way; and
    - (3) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph b. of this subsection.

- b. 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.
  - c. Costs associated with any of the factors listed in paragraph a. 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.
  - d. The owner of a wind power generation facility approved under Section 1. 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.
  - e. The criteria in Section 2., below are satisfied.
2. 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:
- a. 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
  - b. 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

- c. 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
  - d. 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.
- 3. For non-arable lands, meaning lands that are not suitable for cultivation, it must be found that the requirements of Subsection 2. d. above are satisfied.
- 4. In the event that a wind power generation facility is proposed on a combination of arable and non-arable lands as described in Sections 2. and 3. above, the approval criteria of Section 2. shall apply to the entire project.

## **Section 3.220 - Forest-Farm (F-F 10) Zone (Non-Resource)**

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### **Section 3.221 – Purpose**

The purpose of the Forest-Farm (F-F 10) Zone (Non-Resource) 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 Forest-Farm (F-F 10) Zone shall comply with the following regulations.

### **Section 3.222 - Uses Permitted Without Review**

The following uses are permitted on lands designated Forest-Farm (F-F 10) Zone without review:

- A. Farm use, except marijuana production, as defined in ORS [215.203](#)(2).
- B. Forest use, including the propagation or harvesting of forest products.
- C. Utility Facilities (Minor)
- D. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
- E. 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.
- F. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- G. Minor Home occupation that:
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and

5. Does not include the on-premises display or sale of stock in trade.
6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.225 K](#) below. (Amended 4/12)

### **Section 3.223 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Forest-Farm (F-F 10) Zone subject to Section [3.226 - 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.

- A. 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.
- B. 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.
- C. Additions to, and replacement of, a lawfully established building or structure.
- D. 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.
- E. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
- F. 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.
- G. 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.



### **Section 3.224 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Forest-Farm (F-F 10) Zone subject to Section [3.226 - 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. 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:
  - 1. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record.
  - 2. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor.
- B. 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.
- C. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
- D. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.
- E. 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.)

### **Section 3.225 - 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 Forest-Farm (F-F 10) Zone subject to Section [3.226 - 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**

- A. A single-family dwelling, including mobile home, not provided in conjunction with a forest or farm use.

- B. 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

- C. 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. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.
- E. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.
- F. Utility Facilities (Major).

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

- G. 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.)
- H. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
- I. Public or private schools.
- J. Churches.

#### COMMERICAL/AGRICULTURAL /INDUSTRIAL USES

- K. 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.
- L. Kennels.
- M. 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.)

- N. Facilities to manufacture alcohol from farm or timber waste.
- O. The propagation, cultivation, maintenance and harvest of aquatic species.
- P. 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

- Q. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
- R. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- S. 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.
- T. 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.

### **Section 3.226 - Property Development Standards**

- A. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
- B. 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.
- C. 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.
- D. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- E. Height - Maximum height for all structures shall be thirty-five (35) feet.
- F. 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.
- G. 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).

- H. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.
- I. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- J. 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 - Agricultural-Recreational (A-R) Zone**

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### **Section 3.231 - Purpose:**

The purpose of the Agricultural-Recreational (A-R) 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 Agricultural-Recreational (A-R) Zone shall comply with the following regulations.

### **Section 3.232 - Uses Permitted Without Review:**

The following uses are permitted on lands designated Agricultural-Recreational (A-R) Zone without review:

- A. Farm use, except marijuana production provided animals and fowl are properly caged or housed and proper sanitation is maintained.
- B. Forest uses, including the propagation and harvesting of forest products.
- C. Utility Facilities (Minor)
- D. Minor Home occupation that:
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - 5. Does not include the on-premises display or sale of stock in trade.
  - 6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.235 A](#) below.

**Section 3.233 - Uses Permitted Subject to Type I Review:**

The following uses are permitted on a legal parcel on lands designated Agricultural-Recreational (A-R) Zone subject to Section [3.236 - 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)

- A. One single-family dwelling- including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.120.
- B. 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.
- C. 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.
- D. Additions to, and replacement of, a lawfully established building or structure.
- E. 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.

**Section 3.234 - Uses Permitted Subject to Standards/Type II Review:**

The following uses may be permitted on a legal parcel on lands designated Agricultural-Recreational (A-R) Zone subject to Section [3.236 - 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.)

- A. Guest house subject to Chapter 4 - Supplemental Provisions -Section 4.130.
- B. 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.
- C. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. Parks, recreation areas, and facilities preserves and community or neighborhood centers.
- I. 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.
- J. 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.)

**Section 3.235 - 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 Agricultural-Recreational (A-R) Zone subject to Section [3.236 - 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.)

- A. 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.
- B. Small scale low impact retail commercial uses provided the following conditions are met:
  - 1. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park;
  - 2. The use is designed to serve the residents and their guests of the development; and
  - 3. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
  - 4. The use does not include the production, processing, wholesaling, or retailing of marijuana.
- C. Bed and breakfast inns.
- D. 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.
- E. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.
- F. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.
- G. Auditoriums, outdoor stages and entertainment areas.
  - 1. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park.
  - 2. The use is designed to serve the residents and their guests of the development; and



3. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
- H. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
- I. Airports.
- J. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

### **Section 3.236 - Property Development Standards**

- A. 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.
- B. 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
- C. Setbacks
  1. 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.
  2. 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.
  3. Rear Yard
    - a. 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.

- b. 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.
- D. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- E. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
- F. Stream or Lake Setbacks
  - 1. Pine Hollow and Rock Creek Reservoirs are both subject to Section 3.900 - Reservoir Overlay Zone (EPD-6).
  - 2. 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.
- G. 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).
- H. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.
- I. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

- J. 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.
- K. 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**

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### **Section 3.241 - 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:

### **Section 3.242 - Uses Permitted Without Review:**

The following uses are permitted on lands designated (R-R (5)) Rural Residential zone without review:

- A. Farm uses, except marijuana production, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
- B. Forest uses, including the propagation and harvesting of forest products.
- C. Utility Facilities (Minor). (Added 4/12)
- D. Minor Home occupation that: (Added 4/12)
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - 5. Does not include the on-premises display or sale of stock in trade.
  - 6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.245 A](#) below.

**Section 3.243 - 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 Section [3.246 - 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.

- A. One single-family dwelling including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.120.
- B. 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)
- C. 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.
- D. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- E. 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)

**Section 3.244 - 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 Section [3.246 - 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. Guest House subject to Chapter 4 - Supplemental Provisions -Section 4.130.

- B. 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).
- C. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
- D. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.
- E. 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.)
- F. Cemetery.

**Section 3.245 - 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 Section [3.246 - 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.

- A. 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.
- B. 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.)
- C. 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. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- E. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)

- F. Utility Facilities (Major). (Added 4/12)
- G. 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.
- H. 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)
- I. 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.)
- J. Parks, playgrounds and recreation areas and community or neighborhood centers.
- K. Private schools or day nursery centers.
- L. 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.
- M. Kennels.
- N. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
- O. 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.
- P. Temporary tract office for the sale of lots in subdivision or Planned Development in which the office is located.
- Q. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

### **Section 3.246 - Property Development Standards**



- A. Property Size: The minimum property size for new parcels is five (5) acres with a three hundred (300) foot minimum average lot width.
- B. Setbacks
  - 1. 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.
  - 2. 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.
  - 3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. Height: Maximum height for structures shall be thirty five (35) feet. Height is measured from average grade.
- E. 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.
- F. 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).
- G. Signs: Signs shall not extend over a public right of way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.

- H. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- I. 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.
- J. 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 - Rural Residential (R-R (10)) Zone**

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### **Section 3.251 - Purpose**

The purpose of the Rural Residential (R-R (10)) 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 Rural Residential (R-R (10)) Zone shall comply with the following regulations.

### **Section 3.252 - Uses Permitted Without Review:**

The following uses are permitted on lands designated Rural Residential (R-R (10)) Zone without review:

- A. Except for the production of marijuana, Farm use, as defined in ORS [215.203\(2\)](#).
- B. Forest Uses, including the propagation or harvesting of forest products.
- C. Utility Facilities (Minor). (Added 4/12)
- D. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- E. 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.
- F. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- G. Minor Home occupation that: (Added 4/12)
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

2. Does not serve clients or customers on-site;
3. Does not produce odor, dust, glare, flashing lights or noise;
4. Does not occupy more than 25 percent of the floor area of the dwelling; and
5. Does not include the on-premises display or sale of stock in trade.
6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.255](#) below.

**Section 3.253 - Uses Permitted Subject to Type I Review:**

The following uses are permitted on a legal parcel on lands designated Rural Residential (R-R (10)) Zone subject to Section [3.257 - 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.

- A. 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)
- B. 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.
- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

- E. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
- F. 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.
- G. 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.

**Section 3.254 - Uses Permitted Subject to Standards/Type II Review:**

The following uses may be permitted on a legal parcel on lands designated Rural Residential (R-R (10)) Zone subject to Section [3.257 - 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. One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to Section [3.256](#) and [3.257](#) of this section.
- B. Guest House subject to Chapter 4 - Supplemental Provisions - Section 4.130.
- C. 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. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
- E. 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.)

**Section 3.255 - 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 Rural Residential (R-R (10)) Zone subject to Section [3.257 - 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**

- A. 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)
- B. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards of Energy Facilities - Section 19.030. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Utility Facilities (Major). (Added 4/12)

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

- E. 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.)
- F. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
- G. Public or private schools.
- H. Churches.

#### COMMERICAL/AGRICULTURAL /INDUSTRIAL USES

- I. 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.
- J. Kennels.
- K. 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.)
- L. Facilities to manufacture alcohol from farm or timber waste.

- M. The propagation, cultivation, maintenance and harvest of aquatic species.
- N. 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

- O. Personal use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
- P. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- Q. 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.
- R. 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.

#### **Section 3.256 - Standards for Establishment of a Dwelling and Accessory Structures**

- A. Scenic Development Standards including:
  - 1. Dwellings should be sited and landscaped to blend with their surroundings.
  - 2. 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.
  - 3. Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.
  - 4. Existing landforms will be preserved and utilized for screening where applicable.
  - 5. 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.
  - 6. All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.

7. 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.
- B. 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.)*

### **Section 3.257 - Property Development Standards**

- A. Property Size: The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
- B. 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.
- C. 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.
- D. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- E. Height: Maximum height for all structures shall be thirty five (35) feet. Height is measured from average grade.
- F. 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.
- G. 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).



- H. Signs: Signs shall not extend over a public right of way or project beyond the property line.
1. Signs shall not be illuminated or capable of movement.
  2. 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.
  3. 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.
- I. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- J. 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:
1. A statement that the property is served by a sub-standard road which does not meet the standards for safe access for emergency vehicles.
  2. 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
  3. A statement acknowledging that the property owner assumes all risk associated with the development of the subject property.
- K. 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.
- L. 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 - Rural Residential (R-R (2)) Zone**

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### **Section 3.311 - Purpose**

The purpose of the Rural Residential (R-R (2)) 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 Rural Residential (R-R (2)) Zone shall comply with the following regulations. New marijuana uses are prohibited in this zone.

### **Section 3.312 - Uses Permitted Without Review**

The following uses are permitted on lands designated Rural Residential (R-R (2)) Zone without review:

- A. Farm uses, except marijuana production, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
- B. Forest uses, including the propagation and harvesting of forest products.
- C. Utility Facilities (Minor).
- D. Minor Home occupation that:
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - 5. Does not include the on-premises display or sale of stock in trade.

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

Any Home Occupation that exceeds these standards is Major and subject to Section [3.315 A](#) below.

### **Section 3.313 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Rural Residential (R-R(2)) Zone subject to Section [3.316 - 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.

- A. 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.
- B. 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.
- C. 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.
- D. Additions to, and replacement of, a lawfully established building or structure.
- E. 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)

### **Section 3.314 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Rural Residential (R-R(2)) Zone subject to Section [3.316 - 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. Guest House subject to Chapter 4 - Supplemental Provisions - Section 4.130 - Development Standards for Guest Houses.

- B. 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)
- C. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
- D. 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.)
- E. Cemetery.

**Section 3.315 - 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 Rural Residential (R-R(2)) Zone subject to Section [3.316 - 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:

- A. 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.
- B. 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)
- C. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- E. Utility Facilities (Major). (Added 4/12)
- F. 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.)
- G. 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.

- H. Private schools or day nursery centers.
- I. Parks, playgrounds and recreation areas and community or neighborhood centers.
- J. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
- K. 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.)
- L. Temporary tract office for the sale of lots in subdivision in which the office is located.

### **Section 3.316 - Property Development Standards**

- A. Property Size: The minimum property size is two (2) acres with a one hundred twenty five (125) foot average lot width.
- B. Setbacks:
  - 1. 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.
  - 2. 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.
  - 3. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. 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.

- E. 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.
- F. 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).
- G. Signs: Signs shall not extend over a public right-of-way or project beyond the property line.<sup>1</sup>
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.
- H. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- I. 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.
- J. 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 - Rural Commercial (R-C) Zone**

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### **Section 3.411 - Purpose**

The Rural Commercial (R-C) 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 Rural Commercial (R-C) Zone shall make application for a site plan review, and comply with the following regulations.

### **Section 3.412 - Uses Permitted Without Review**

The following uses and activities are permitted on lands designated Rural Commercial (R-C) Zone without review.

- A. Utility Facilities (Minor). (Added 4/12)

### **Section 3.413 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Rural Commercial (R-C) Zone subject to Section [3.416 - 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.

- A. 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.
- B. 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)

- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

### **Section 3.414 - 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 Rural Commercial (R-C) Zone subject to Section [3.416 - 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)

- A. 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)
- B. 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)

- C. Retail or service business. Marijuana retail shall comply with Chapter 11.
- D. Eating or drinking establishment.
- E. Offices.
- F. Veterinary clinic and kennel entirely within an enclosed building.
- G. Studio.
- H. 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.

- I. Residential use in the same building as an allowed use.

**Section 3.415 - 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 Rural Commercial (R-C) Zone subject to Section [3.416 - 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.

- A. 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)
- B. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Utility facilities (Major) except landfill. (Amended 4/12)
- E. 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)
- F. Church.
- G. Public or semi-public buildings.
- H. Public or private school.
- I. Parks, athletic fields, playgrounds or community centers owned by a governmental or non-profit agency or community organization.
- J. 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)

- K. Automobile service stations.
- L. Place of public assembly, stadium, auditorium, recreation building or natatorium.

M. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).

N. Child care center.

### **Section 3.416 - Property Development Standards**

A. 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.

B. Setbacks:

1. 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.
2. 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.
3. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.

D. Height: Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.

E. 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.

F. 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).

- G. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
1. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
  2. No sign shall project above the building.
  3. 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.
  4. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
  5. 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.
  6. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  7. Signs capable of movement shall be prohibited.
  8. 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.
- H. Parking: Off-street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- I. 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.
- J. 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 - Rural Industrial (R-I) Zone**

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### **Section 3.511 - Purpose**

The Rural Industrial (R-I) 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 Rural Industrial (R-I) Zone shall make application for a site plan review and comply with the following regulations.

### **Section 3.512 - Uses Permitted Without Review**

The following uses are permitted on lands designated Rural Industrial (R-I) Zone without review:

- A. Utility Facilities (Minor). (Added 4/12)

### **Section 3.513 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Rural Industrial (R-I) Zone subject to Section [3.516 - Property Development Standards](#), Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

- A. 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.
- B. 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)

- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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).

### **Section 3.514 - 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 Rural Industrial (R-I) Zone subject to Section [3.516 - 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. 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)
- B. 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)

- C. 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.
- D. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
- E. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
- F. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
- G. 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.



- H. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
- I. Transfer company and trucking companies.
- J. Laundry and cleaning service industries.
- K. Circus, rodeo or like activity.
- L. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. Marijuana processing and wholesaling uses shall comply with Chapter 11.
- M. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
- N. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

**Section 3.515 - 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 "Rural Industrial (R-I) Zone subject to Section [3.516 - 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.

- A. 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)
- B. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Section 19.030. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. 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:

- E. Any use permitted subject to standards or conditionally in the Rural Commercial zone.

- F. 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.
- G. Junk yard or automotive wrecking yard, enclosed in a view obscuring fence or wall.
- H. Recreation areas and facilities, including but not limited to: golf courses.
- I. Bulk storage of petroleum or gas.
- J. 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).
- K. Concrete batching plants and the manufacture and sale of concrete products.
- L. Campground as defined by OAR [660-033-0130](#).

### **Section 3.516 - Property Development Standards**

- A. 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.
- B. Setbacks
  - 1. 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.
  - 2. 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.

3. 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.
- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  - D. Height: Maximum height for all structures shall be forty-five (45) feet. Height is measured from average grade.
  - E. 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.
  - F. 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).
  - G. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
    1. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
    2. No sign shall project above the building.
    3. 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.
    4. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
    5. 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.
    6. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
    7. Signs capable of movement shall be prohibited.

8. 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.
- H. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- I. 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.
- J. New Driveways - All new driveways which access a County road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- K. Outdoor Storage – Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

## **Section 3.550 - Limited Use (LU) Overlay Zone**

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### **Section 3.551 – Purpose**

The purpose of the "LU" Limited Use Overlay zone is to limit the list of permitted and conditional uses in an underlying zone. The "LU" zone may be applied to lands zoned using a "reasons" exception under ORS 197.732(1)(c) in order to carry out the administrative rule requirement pursuant to OAR 660-04-018(3)(a). This rule requires that uses permitted because of "reasons" be limited to those justified in the exception.

Where appropriate the "LU" zone may be applied to "physically developed" and "irrevocably committed" exceptions under ORS 197.732 (1)(a) & (b) in order to reduce the list of permitted uses in a zone to those that are suitable for a particular location. In such cases, the "LU" zone may be used to carry out the administrative rule requirements for "physically developed" and "irrevocably committed" exceptions pursuant to OAR 660-04-018 (2)(a) and (b).

### **Section 3.552 - Overlay Zone Requirements**

- A. When the "LU" zone is applied, the uses permitted in the underlying zone shall be limited to those uses and general activities specifically referenced in the ordinance adopting the "LU" zone. The "LU" zone cannot be used to authorize uses other than those expressly provided in the underlying zone.
- B. The "LU" zone can be used to identify appropriate uses and require a conditional use permit for other uses normally permitted outright or prohibit uses permitted outright or conditionally in the zone.
- C. Reasonable conditions may be imposed by the "LU" zone when necessary to carry out the provisions of this ordinance.
- D. Until the overlay zone has been removed or amended through the plan and land use regulation amendment process, the only permitted uses and general activities in the zone shall be those specifically referenced in the adopting ordinance.

### **Section 3.553 - Procedures**

- A. The Limited Use Overlay zone may be applied through the rezoning process at the time the underlying zone designation is being changed.

- B. It shall not be necessary to mention in the public hearing notice of a rezoning application that this overlay zone may be applied.
- C. The ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses or become conditional uses or be prohibited. The description of the permitted use may be qualified as necessary to achieve the intent of the "LU" zone.

#### **Section 3.554 - Limitations**

- A. The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the exception, pursuant to OAR 660-04-018 (2)(a), (2)(b) or (3)(a).
- B. A review of all zones in the Land Use and Development Ordinance determines that none of those zones limit the uses and general activities as required by OAR 660-04- 018 (2)(a), (2)(b) or (3)(a).
- C. The "LU" zone, when applied in combination with the proposed underlying zone, is consistent with the Comprehensive Plan and other applicable policies of the County.

#### **Section 3.555 - Official Zoning Map**

- A. The official zoning map shall be amended to show an "LU" suffix on any parcel where the Limited Use Zone has been applied.
- B. Subsequent amendment to the zoning map or permitted uses for any parcel with an "LU" suffix that has been limited due to an exception pursuant to ORS 197.732(1) shall require a new exception.

## **Section 3.600 - Tygh Valley Residential (TV-R) Zone**

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### **Section 3.601 - Purpose**

The purpose of the Tygh Valley Residential (TV-R) 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 Tygh Valley Residential (TV-R) Zone shall comply with the following regulations.

### **Section 3.602 -Uses Permitted Without Review**

The following uses are permitted on lands designated Tygh Valley Residential (TV-R) Zone without review:

#### **A. Minor Home occupation that:**

1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
2. Does not serve clients or customers on-site;
3. Does not produce odor, dust, glare, flashing lights or noise;
4. Does not occupy more than 25 percent of the floor area of the dwelling;
5. Does not include the on-premises display of sale of stock in trade; and
6. If the home occupation does not meet the standards above it shall be reviewed pursuant to Section [3.605 A](#) below.

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

B. Utility Facilities (Minor). (Added 4/12)

**Section 3.603 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Tygh Valley Residential (TV-R) Zone subject to Section [3.606 - 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.*

- A. One Single family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 – Supplemental Provisions - Section 4.120. Pre-existing substandard 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.
- B. 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)
- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

**Section 3.604 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Tygh Valley Residential (TV-R) Zone subject to Section [3.606 - 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. 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)



- B. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)

### **Section 3.605 - 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 Tygh Valley Residential (TV-R) Zone subject to Section [3.606 - 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. 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.
- B. 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)
- C. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- E. Utility facilities (Major), except landfills.
- F. Public parks, recreation areas and community or neighborhood centers.
- G. Public and semi-public buildings and uses not otherwise specified in this section.
- H. Golf courses.
- I. Mobile home parks subject to the density of the "TV-R" zone and the provisions of Chapter 16 - Mobile Home Parks.
- J. 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.)
- K. Multi-family dwelling complex.
- L. Planned Unit Developments subject to Chapter 18 – Planned Unit Development.

M. Retirement Center or nursing home.

N. Church.

### **Section 3.606 - Property Development Standards**

A. 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.

1. 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.

2. 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.

B. Setbacks

1. 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.
2. 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.
3. Rear Yard: No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.
4. 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.
5. 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.

C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.

D. 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.

E. 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).

F. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

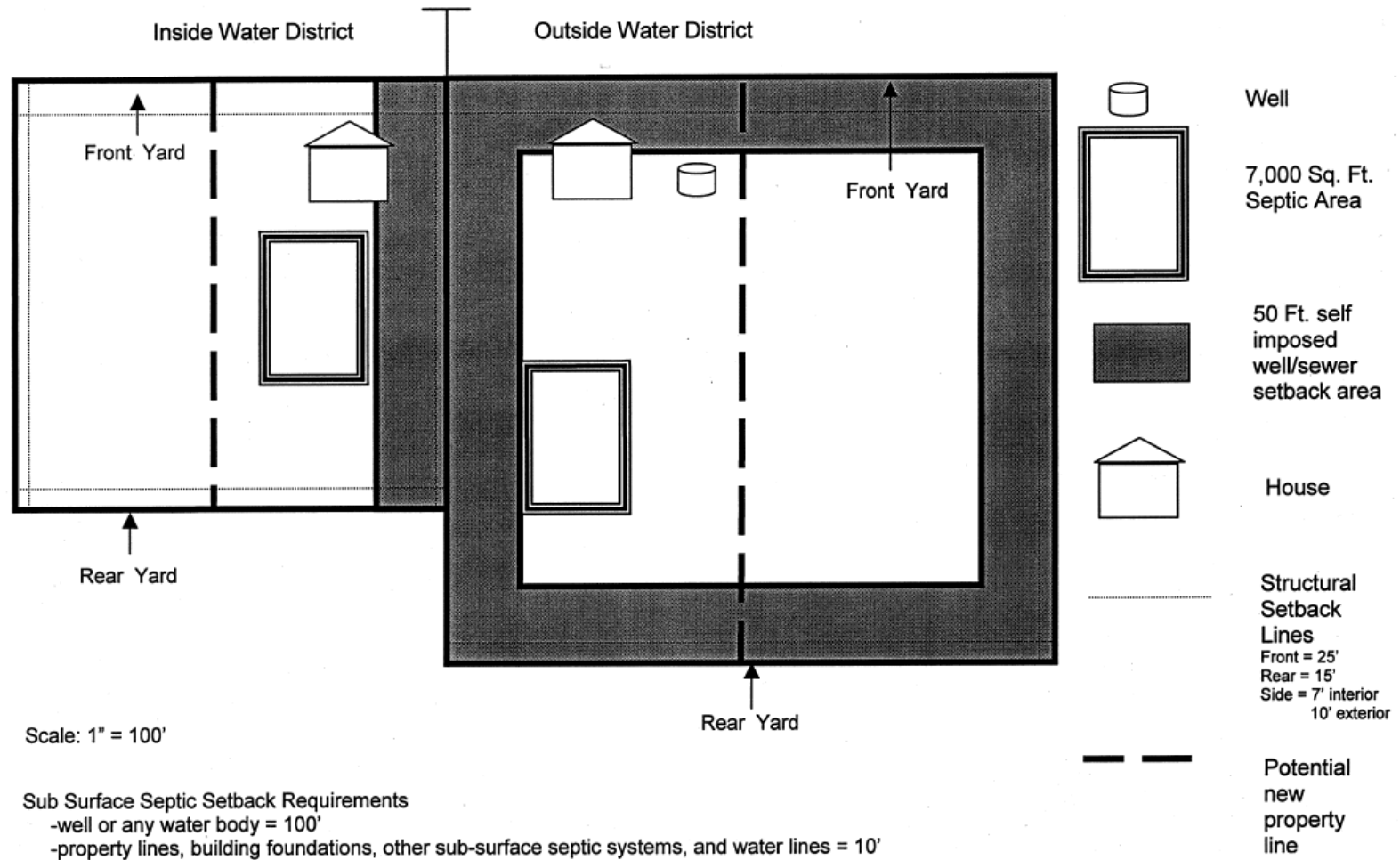
1. Signs shall not extend over a public right of way or project beyond the property line.
  2. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards, which shall be the minimum size for the intended purpose.
  3. 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.
  4. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  5. Signs capable of movement shall be prohibited.
- G. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- H. 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.
- I. Building Orientation: New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.
- J. Garage/Carport Placement: Garages and carports are encouraged to be located on the side of the single family dwelling.
- K. 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:
1. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
  2. 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.
  3. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.

4. 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](#).
5. Be encouraged to have an attached or detached garage or a carport.

L. Access

1. No access will be allowed off of US Highway 197.
2. 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.
3. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

Diagram 1. Two Acre Density Test Model



## **Section 3.610 - Tygh Valley Commercial (TV-C) Zone**

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### **Section 3.611 - Purpose**

The purpose of the Tygh Valley Commercial (TV-C) 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 Tygh Valley Commercial (TV-C) Zone shall comply with the following regulations.

### **Section 3.612 - Uses Permitted Without Review**

The following uses are permitted on lands designated Tygh Valley Commercial (TV-C) Zone without review.

- A. Utility Facilities (Minor).

### **Section 3.613 - Uses Permitted Subject to Type I Review**

The following small scale low impact uses are permitted on a legal parcel on lands designated Tygh Valley Commercial (TV-C) Zone subject to Section [3.616 - Property Development Standards](#), Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

- A. Any new commercial service, or retail use, listed in Section 3.614 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.
- B. 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)

- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

### **Section 3.614 - Uses Permitted Subject to Standards/Type II Review**

The following small scale low impact uses Tygh Valley Commercial (TV-C) Zone subject to Section [3.616 - Property Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review, as well as any other listed, referenced or applicable standards.

- A. 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)
- B. 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)

- C. Retail or service business. Marijuana retail businesses shall comply with Chapter 11.
- D. Eating or drinking establishment.
- E. Offices.
- F. Veterinary clinic and kennel entirely within an enclosed building.
- G. Studio.
- H. 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.
- I. Residential use in the same building as an allowed use.



### **Section 3.615 - 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 Tygh Valley Commercial (TV-C) Zone subject to Section [3.616 - 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.

- A. 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)
- B. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Utility facilities (Major) except landfill.
- E. Church.
- F. Public or semi-public buildings.
- G. Public or private school.
- H. 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)

- I. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR [660-22-101\(2\)](#).
- J. Automobile service stations.
- K. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
- L. Place of public assemble, stadium, auditorium, recreation building or natatorium.

- M. 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.)
- N. Child care center.
- O. Parks, athletic fields, playgrounds or community centers owned by a governmental agency or non-profit community organization.

### **Section 3.616 - Property Development Standards**

- A. 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.
- B. Setbacks
  - 1. 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.
  - 2. 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.

- 3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
- 4. 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.
- 5. 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.

- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. 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.
- E. 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).
- F. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - 1. Signs shall pertain only to goods and services sold on the premises.
  - 2. No sign shall project above the building.
  - 3. 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.
  - 4. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - 5. 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.
  - 6. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - 7. Signs capable of movement shall be prohibited.
  - 8. 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.
- G. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

- H. Design standards: Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
1. 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.
  2. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.
- I. 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.
- J. Outdoor Storage: Outdoor storage must be enclosed by a sight obscuring fence, wall or landscaping; all of which shall be maintained.
- K. Access
1. No access will be allowed off of US Highway 197.
  2. 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.
  3. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.
  4. 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 3.620 - Tygh Valley Light Industrial/Commercial (TV-M1) Zone**

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### **Section 3.621 – Purpose**

The Tygh Valley Light Industrial/Commercial (TV-M1) 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 Tygh Valley Light Industrial/Commercial (TV-M1) Zone shall comply with the following regulations.

### **Section 3.622 - Uses Permitted Without Review**

The following uses are permitted on lands designated Tygh Valley Light Industrial/Commercial (TV-M1) Zone without review:

- A. Utility Facilities (Minor) (Added 4/12)

### **Section 3.623 - Uses Permitted Subject to Type I Review**

The following small scale low impact uses are permitted on a legal parcel on lands designated Tygh Valley Light Industrial/Commercial (TV-M1) Zone subject to Section [3.626 - Property Development Standards](#), Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

- A. 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.
- B. 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)

- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

### **Section 3.624 - 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 Tygh Valley Light Industrial/Commercial (TV-M1) Zone subject to Section [3.626 - Property Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.

- A. 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)
- B. 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)

- C. 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.
- D. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
- E. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
- F. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
- G. 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.

- H. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
- I. Transfer company and trucking companies.
- J. Laundry and cleaning service industries.
- K. Circus, rodeo or like activity.
- L. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. Marijuana processing and wholesaling uses shall comply with Chapter 11.
- M. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
- N. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

**Section 3.625 - 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 Tygh Valley Light Industrial/Commercial (TV-M1) Zone subject to Section [3.626 - 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.

- A. 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)
- B. Utility facilities (Major) except landfill.
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- E. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR [660-22-101\(2\)](#).
- F. Church.
- G. Public or semi-public buildings.

- H. Public or private school.
- I. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
- J. Medical center. Medical marijuana dispensaries shall comply with Chapter 11.
- K. Junk yard or automotive wrecking yard.
- L. Recreation areas and facilities, including but not limited to: golf courses.
- M. Bulk storage of petroleum or gas.
- N. 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)

- O. Retail or service business. Marijuana retail shall comply with Chapter 11.
- P. Eating or drinking establishment.
- Q. Offices.
- R. Veterinary clinic and kennel entirely within an enclosed building.
- S. Studio.
- T. 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.
- U. Residential use in the same building as an allowed use in 14 through 19 above.
- V. Automobile service station
- W. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
- X. Place of public assembly, stadium, auditorium, recreation building or natatorium.



- Y. 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.)
- Z. Child care center.

### **Section 3.626 - Property Development Standards**

- A. 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.
- B. Setbacks
  - 1. 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.
  - 2. 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.
  - 3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
  - 4. 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.
  - 5. 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.
- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. Height: Maximum height for all structures shall be forty five (45) feet.

- E. 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).
- F. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - 1. Signs shall pertain only to goods and services sold on the premises.
  - 2. No sign shall project above the building.
  - 3. 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.
  - 4. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  - 5. 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.
  - 6. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - 7. Signs capable of movement shall be prohibited.
  - 8. 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.
- G. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- H. 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.
- I. Outdoor Storage: Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

- J. Design standards: Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
1. 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.
  2. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.



## **Section 3.630 - Tygh Valley Medium Industrial (TV-M2) Zone**

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### **Section 3.631 – Purpose**

The purpose of the Tygh Valley Medium Industrial (TV-M2) Zone is to provide for the location of needed industrial uses which are not dependent upon urban services. The 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 Tygh Valley Medium Industrial (TV-M2) Zone shall comply with the following regulations.

### **Section 3.632 - Uses Permitted Without Review**

The following uses and activities are permitted on lands designated Tygh Valley Medium Industrial (TV-M2) Zone without review.

- A. Utility Facilities (Minor). (Added 4/12)

### **Section 3.633 - Uses Permitted Subject to Type I Review**

The following small scale low impact uses are permitted on a legal parcel on lands designated Tygh Valley Medium Industrial (TV-M2) Zone subject to Section [3.636 - Property Development Standards](#), Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

- A. 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.
- B. 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)

- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

### **Section 3.634 - 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 Tygh Valley Medium Industrial (TV-M2) Zone subject to Section [3.636 - Property Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards:

- A. 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)
- B. 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)

- C. 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.
- D. 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.
- E. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
- F. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
- G. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

- H. 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.
- I. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
- J. Transfer company and trucking companies.
- K. Laundry and cleaning service industries.
- L. Circus, rodeo or like activity.
- M. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. Marijuana processing and wholesaling shall comply with Chapter 11.
- N. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
- O. Veterinary clinic or kennel.

**Section 3.635 - 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 Tygh Valley Medium Industrial (TV-M2) Zone subject to Section [3.636 - 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.

- A. 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)
- B. Utility facilities (Major) except landfill. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. 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)

- E. Concrete batching plants and the manufacture and sale of concrete products.
- F. One mobile home or watchman's quarters accessory to a permitted or conditional use.
- G. 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:
  - 1. 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.
  - 2. The request shall meet all applicable County health and sanitation requirements.
  - 3. The location and use of the mobile home or recreational vehicle shall meet all other requirements of the zoning district.
  - 4. No conditional use for a mobile home or recreational vehicle shall be transferable to any other owner or occupant.
  - 5. 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.
- 6. Automobile Service Stations.
- 7. Junk yard or automotive wrecking yard enclosed with 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. A campground as defined by OAR [660-033-0130](#).

### **Section 3.636 - Property Development Standards**

- A. 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.



## B. Setbacks

1. 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.
2. 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.

3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
  4. 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.
  5. 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.
- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. Height: Maximum height for all structures shall be seventy five (75) feet.
- E. 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).

- F. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
1. Signs shall pertain only to goods and services sold on the premises.
  2. No sign shall project above the building.
  3. 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.
  4. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
  5. 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.
  6. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  7. Signs capable of movement shall be prohibited
  8. 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.
- G. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- H. 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.
- I. Outdoor Storage: All outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

## **Section 3.635 - TYGH VALLEY RURAL RESERVE (TV-RR) ZONE**

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### **Section 3.635 – Purpose**

Provide a zone where sensitive areas can be protected and community open space and recreational needs can be accommodated.

### **Section 3.636 - Uses Permitted Without Review**

The following uses are permitted on lands designated TV-RR” Tygh Rural Reserve zone without review.

- A. Utility Facilities (Minor). (Added 4/12)

### **Section 3.637 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated “TV-RR” Tygh Valley Rural Reserve zone subject to Section 3.639- Property Development Standards, Chapter 10 – Fire Safety Standards as well as any other listed, referenced or applicable standards.

- A. Repair, maintenance, operation and improvement of existing, legally implemented, serviceable structures, including roads.

### **Section 3.638 - 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 Tygh Valley Rural Reserve (TV-RR) Zone subject to Section 3.639- 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.

- A. Suitable community facilities to accommodate community gatherings and/or appropriate levels of recreational activities such as, community buildings, trails, waterfront access, cemeteries, athletic fields and parks.
- B. Utility facilities (Major), except landfill. (Added 4/12)
- C. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)

### Section 3.639 - Property Development Standards

- A. Property Size - No new parcels.
- B. Setbacks
  - 1. 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.
  - 2. 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.
  - 3. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.
  - 4. 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.
  - 5. 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.
- C. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. Height - Maximum height for all structures shall be twenty five (25) 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.

- E. 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).
- F. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - 1. Signs shall not extend over a public right-of-way or project beyond the property line
  - 2. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

3. Signs capable of movement shall be prohibited.
  4. 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.
  5. 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.
- G. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- H. 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.



## **Section 3.640 - Tygh Valley Agricultural (TV-AG) Zone**

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### **Section 3.641 – Purpose**

The purpose of the Tygh Valley Agriculture (TV-AG) Zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.

### **Section 3.642 - Uses Permitted Without Review**

The following uses are permitted on lands designated Tygh Valley Agriculture (TV-AG) Zone without review:

- A. Farm use as defined by ORS [215.203](#), Oregon Revised Statutes, and found in Section 1.090 (Definitions). Marijuana production is subject to compliance with Chapter 11.
- B. Forest uses, including the propagation and harvesting of forest products.
- C. Creation, restoration and enhancement of wildlife habitat and wetlands that do not include development as defined by Section 1.090 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 [3.644 E](#) below. (Added 4/12)
- D. Minor Home occupation that:
  - 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - 5. Does not include the on-premises display of sale of stock in trade.

6. If the home occupation does not meet the standards above it shall be reviewed pursuant to Section [3.645 A](#) below.
7. Does not include the production, processing, wholesaling or retailing of marijuana.

E. Utility Facilities (Minor). (Added 4/12)

**Section 3.643 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Tygh Valley Agriculture (TV-AG) Zone subject to Section [3.646 - 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.

- A. One Single family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 - Supplemental Provisions - Section 4.120.
- B. 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)
- C. 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)
- D. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- E. 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)

**Section 3.644 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Tygh Valley Agriculture (TV-AG) Zone subject to Section [3.646 - 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. 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)
- B. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.
- C. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers.
- D. 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.)
- E. Creation, restoration or enhancement of wildlife habitat or wetlands that includes development as defined by Section 1.090 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). (Added 4/12)

**Section 3.645 - 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 Tygh Valley Agriculture (TV-AG) Zone subject to Section [3.646 - 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.

- A. 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.
- B. 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.)
- C. 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.)
- D. Dog kennels, except that such uses are prohibited on high value farmland.
- E. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.

- F. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
- G. 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).
- H. 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)
- I. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- J. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- K. Utility facilities (Major). (Added 4/12)

### **Section 3.646 - Property Development Standards**

- A. Property Size: New lots or parcels shall have a minimum average width of 500 feet and a minimum area of 20 acres.
- B. Setbacks
  - 1. 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.
  - 2. Side Yard: No structure other than a fence shall be located closer than twenty-five (25) feet from side property.
  - 3. Rear Yard: No structure other than a fence shall be located closer than forty (40) feet from the rear property line.
  - 4. 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.
  - 5. 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.

- C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- D. 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.
- E. 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).
- F. Signs: Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - 1. Signs shall not extend over a public right of way or project beyond the property line.
  - 2. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - 3. Signs capable of movement shall be prohibited
  - 4. 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.
  - 5. 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.
- G. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- H. 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.

- I. 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:
  1. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
  2. 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.
  3. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
  4. 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 3.650 - Wamic Residential (WAM-R2) Zone**

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### **Section 3.651 - Purpose**

The purpose of the Wamic Residential (WAM-R2) 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 Wamic Residential (WAM-R2) Zone shall comply with the following regulations.

### **Section 3.652 - Uses Permitted Without Review**

The following uses are permitted on lands designated Wamic Residential (WAM-R2) Zone without review.

- A. Utility Facilities (Minor). (Added 4/12)
- B. Minor Home occupation that: (Added 4/12)
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - 5. Does not include the on-premises display or sale of stock in trade.
  - 6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.655 A](#) below.

### **Section 3.653 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Wamic Residential (WAM-R2) Zone subject to Section [3.656 - 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.

- A. 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.
- B. 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)
- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

### **Section 3.654 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Wamic Residential (WAM-R2) Zone subject to Section [3.656 - 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. 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)
- B. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)
- C. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

### **Section 3.655 - 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 Wamic Residential (WAM-R2) Zone subject to Section [3.656 - 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. 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.
- B. 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)
- C. 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.
- D. Public parks, recreation areas and community or neighborhood centers.
- E. Public and semi-public buildings and uses not otherwise specified in this section.
- F. Golf courses.
- G. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- H. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- I. Utility facilities (Major) except landfill. (Added 4/12)
- J. 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.)

### **Section 3.656 - Property Development Standards**

- A. Property Size
  - 1. 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.

2. 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.
3. 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:
  - a. 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.

B. Setbacks

1. 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.
2. 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.
3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.

D. 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.

E. 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.



- F. 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).
- G. Signs: Signs shall not extend over a public right-of-way or project beyond the property line.
  - 1. Signs shall not be illuminated or capable of movement.
  - 2. 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.
  - 3. 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.
- H. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- I. 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 3.660 - Wamic Residential (WAM-R5) Zone**

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### **Section 3.661 - Purpose**

The purpose of the Wamic Residential (WAM-R5) 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 Wamic Residential (WAM-R5) Zone shall comply with the following regulations.

### **Section 3.662 - Uses Permitted Without Review**

The following uses are permitted on lands designated Wamic Residential (WAM-R5) Zone without review:

- A. Utility Facilities (Minor). (Added 4/12)
- B. Minor Home occupation that: (Added 4/12)
  - 1. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;
  - 2. Does not serve clients or customers on-site;
  - 3. Does not produce odor, dust, glare, flashing lights or noise;
  - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
  - 5. Does not include the on-premises display or sale of stock in trade.
  - 6. Does not include the production, processing, wholesaling or retailing of marijuana.

Any Home Occupation that exceeds these standards is Major and subject to Section [3.665 A](#) below.

### **Section 3.663 - Uses Permitted Subject to Type I Review**

The following uses are permitted on a legal parcel on lands designated Wamic Residential (WAM-R5) Zone subject to Section [3.666 - 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.

- A. 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 substandard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.
- B. 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)
- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- D. 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)

### **Section 3.664 - Uses Permitted Subject to Standards/Type II Review**

The following uses may be permitted on a legal parcel on lands designated Wamic Residential (WAM-R5) Zone subject to Section [3.666 - 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. 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)
- B. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions.

- C. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

### **Section 3.665 - 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 Wamic Residential (WAM-R5) subject to Section [3.666 - 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. 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.
- B. 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)
- C. 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.
- D. Public parks, recreation areas and community or neighborhood centers.
- E. Public and semi-public buildings and uses not otherwise specified in this section.
- F. Golf courses.
- G. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- H. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- I. Utility facilities (Major) except landfill.
- J. 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.)

### **Section 3.666 - Property Development Standards**

- A. Property Size

1. 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.
2. 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:
  - a. 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.

B. Setbacks

1. 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.
2. 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.
3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

C. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.

D. 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.

E. 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.

F. 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).

- G. Signs: Signs shall not extend over a public right-of-way or project beyond the property line.
1. Signs shall not be illuminated or capable of movement.
  2. 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.
  3. 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.
- H. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- I. 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 3.670 - Wamic Commercial (WAM- C2) Zone**

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### **Section 3.671 – Purpose**

The purpose of the Wamic Commercial (WAM-C2) 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 Wamic Commercial (WAM-C2) Zone shall comply with the following regulations.

### **Section 3.672 - Uses Permitted Without Review**

The following uses and activities are permitted on lands designated Wamic Commercial (WAM-C2) Zone without review.

- A. Utility Facilities (Minor). (Added 4/12)

### **Section 3.673 - Uses Permitted Subject to Type I Review**

The following small scale low impact uses are permitted on a legal parcel on lands designated Wamic Commercial (WAM-C2) Zone subject to Section [3.676 - Property Development Standards](#), Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards:

- A. 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.
- B. 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)
- C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)

- D. 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)

#### **Section 3.674 - Uses Permitted Subject to Standards/Type II Review**

The following small scale low impact may be permitted on a legal parcel on lands designated Wamic Commercial (WAM-C2) Zone subject to Section [3.676 - Property Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.

- A. 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)

- B. 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)

- C. Retail or service business. Marijuana retail businesses shall comply with Chapter 11.
- D. Eating or drinking establishment
- E. Offices
- F. Veterinary clinic and kennel entirely within an enclosed building
- G. Public garage, including usual automobile repairs and servicing enclosed within the building that:
- H. 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.
- I. Residential use in the same building as an allowed use.

#### **Section 3.675 - 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 Wamic Commercial (WAM-C2) Zone subject to Section [3.676 - 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.

- A. 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)
- B. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. Utility facilities (Major). (Added 4/12)
- E. Church.
- F. Public or semi-public buildings.
- G. Public or private school.
- H. 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:

- I. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR [660-22-101\(2\)](#).
- J. Automobile service stations.
- K. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
- L. Place of public assembly (stadium, auditorium, recreation building or natatorium).
- M. 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.)
- N. Child care center.

- O. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.

### **Section 3.676 - Property Development Standards**

- A. 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.
- B. 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.
- C. The county shall notify the Wamic Water and Sewer District of land use action made under this chapter.
- D. Setbacks
  - 1. 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.
  - 2. 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.
  - 3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
- E. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- F. Height: Maximum height for all structures shall be thirty five (35) feet.
- G. 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.

- H. 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).
- I. 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.
- J. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- K. Site Plan Review: Provisions of Chapter 20 shall apply to Sections [3.672](#) and [3.673](#).
- L. 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 3.680 - Wamic Medium Industrial (WAM-M2) Zone**

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### **Section 3.681 - Purpose**

The purpose of the Wamic Medium Industrial (WAM-M2) 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 Wamic Medium Industrial (WAM-M2) Zone shall comply with the following regulations.

### **Section 3.682 - Uses Permitted Without Review**

The following uses and activities are permitted on lands designated Wamic Medium Industrial (WAM-M2) Zone without review.

- A. Utility Facilities (Minor). (Added 4/12)

### **Section 3.683 - Uses Permitted Subject to Type I Review**

The following small scale low impact uses are permitted on a legal parcel on lands designated Wamic Medium Industrial (WAM-M2) Zone subject to Section [3.686 - Property Development Standards](#), Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

- A. 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)
- B. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)
- C. 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)

### **Section 3.684 - 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 Wamic Medium Industrial (WAM-M2) Zone subject to Section [3.686 - Property Development Standards](#), Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards:

- A. 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)

- B. 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.:

- C. 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.
- D. Railroad yard, shipyard and barge docking facilities.
- E. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
- F. Wholesale business, storage warehousing, transfer company and trucking companies.
- G. Contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
- H. 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.
- I. Welding and machine shop.
- J. Laundry and cleaning service industries.
- K. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.



- L. Retail or combination retail whole lumber and building materials yard, not including concrete mix.
- M. Outdoor storage when enclosed by a fence, wall or sight obscuring landscaping; all of which shall be maintained.
- N. Circus, rodeo or like activity.
- O. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above. Marijuana processing and wholesaling shall comply with Chapter 11.

**Section 3.685 - 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 Wamic Medium Industrial (WAM-M2) Zone subject to Section [3.686 - 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.

- A. 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)
- B. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. (Added 4/12)
- C. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030. (Added 4/12)
- D. 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.:

- E. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.
- F. Concrete batching plants and the manufacture and sale of concrete products.
- G. Automobile Service Stations.
- H. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.

- I. Recreation areas and facilities, including but not limited to golf courses.
- J. Bulk storage of petroleum or gas.
- K. 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).

### **Section 3.686 - Property Development Standards**

- A. 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.
- B. 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.
- C. The County shall notify the Wamic Water and Sewer District of land use actions made under this chapter.
- D. Setbacks
  - 1. 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.
  - 2. 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.

3. Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
- E. Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- F. Height: Maximum height for all structures shall be seventy five (75) feet.
- G. 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.
- H. 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).
- I. Signs: No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.
- J. Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.
- K. Site Plan Review: Provisions of Chapter 20 shall apply.
- L. 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 3.700 - Environmental Protection District

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The purpose of the Environmental Protection District is to permit the regulation of environmental hazards, the qualification of lands for floodplain insurance programs and preferential taxation assessment, the preservation of sensitive wildlife habitats and unique areas of scientific or aesthetic value, and the protection of the health, safety and welfare of residents of Wasco County. The specific intent of this district is:

- A. To combine with present zoning requirements certain restrictions to promote the general health, welfare, and safety of the County.
- B. To prevent the establishment of certain structures and land uses in areas unfit for human habitation because of the danger of flooding, unsanitary conditions, mass earth movement, unstable soils, extreme fire danger, or other hazards.
- C. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
- D. To reduce the financial burden imposed on the public and governmental units by frequent and periodic flooding.
- E. To permit certain uses which can be located on flood plains and which will not impede the flow of flood waters, or otherwise cause danger to life and property at, above, or below their locations within the flood plain.
- F. To permit uses on lands subject to mass earth movement or unstable soils which will not increase the potential for environmental degradation.
- G. To prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls.
- H. To require that uses vulnerable to hazards, including public facilities which serve such uses be provided with protection at the time of initial construction.
- I. To protect individuals, as much as possible through education and information from buying lands which are unsuited for intended purposes.
- J. To provide protection and identification of sensitive wildlife habitat, areas of unique scientific value or interest, or of unique habitat characteristics.

- K. To provide protection for areas of significant archaeological, historical, cultural or aesthetic value, and to facilitate desirable land use of open space areas not suited to intensive land development.
- L. To protect aggregate mineral sites from conflicting uses.
- M. To assure that properties subject to specific limited use overlay zones (LU) are subject to county ordinance provisions.

### **Section 3.710 - Divisions**

This district consists of several overlay divisions that provide additional development standards or special processes for development in protected areas.

- A. Division 1 Flood Hazard Overlay
- B. Division 2 Geologic Hazards Overlay
- C. Division 3 Airport Impact Overlay
- D. Division 4 Cultural, Historic and Archaeological overlay
- E. Division 5 Mineral and Aggregate Overlay
- F. Division 6 - Reservoir Buffer Overlay
- G. Division 7 Natural Areas Overlay
- H. Division 8 Sensitive Wildlife Habitat Overlay
- I. Division 9 - Big Muddy Limited Use Overlay
- J. Division 10 - Badger Creek Limited Use Overlay
- K. Division 11 - Pine Hollow Airport Overlay
- L. Division 12 - Sensitive Bird Site Overlay
- M. Division 13 - Western Pond Turtle Overlay
- N. Division 14 – Camp Morrow Limited Use Overlay

### **Section 3.720 - Definitions**

The definitions set forth in Section 1.090 of this Ordinance shall be utilized for the purposes of the Environmental Protection District.

### **Section 3.730 - Non Liability Clause**

The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by Wasco County, or the County Court, the Planning Commission, or by any officer or employee thereof, of the practicability or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

## Section 3.740 - Flood Hazard Overlay (EPD-1)

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### A. Background

#### 1. Findings of Fact

- a. The Areas of Special Flood Hazard of Wasco County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. All of which adversely affects the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in the areas of special flood hazard which increase flood heights and velocities, which may damage uses in other areas. Uses that are inadequately protected from flood damage also contribute to the losses associated with the flood.

#### 2. Statement of Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by implementing provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;

- f. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
  - g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
  - h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
3. Methods of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes methods and provisions for:
- a. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
  - e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## B. Applicability

1. Lands to which this Chapter Applies:
- a. This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.
  - b. Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the Floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to



be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by Section [3.741.B – Duties and Responsibilities of the Planning Director](#). In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.

2. Basis for Establishing the Areas of Special Flood Hazard: The Areas of Special Flood Hazards identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.
3. Abrogation and Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

C. Interpretation

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including state building codes.

D. Warning And Disclaimer Of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

### **Section 3.741 - Planning Director**

- A. Designation of the Planning Director: The Planning Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- B. Duties and Responsibilities of the Planning Director: Duties of the Planning Director shall include, but not be limited to:
  - 1. Review of Building Permits  
Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section [3.741.B.5](#)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
  - 2. Interpretation of ASFH Boundaries  
Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
  - 3. Determination of Appropriate Review Method (Type I or Type II)  
Review all development permit applications to determine that the appropriate review method (Type I or Type II) is applied. Any application without sufficient evidence to clearly deem the request compatible with the Type I process shall be reviewed through the Type II process.
  - 4. Development Permit Review
    - a. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
    - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
    - c. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the Area of Special Flood Hazard. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
      - (1) If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

- (2) If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

5. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section [3.740.B.2 – Basis for Establishing the Areas of Special Flood Hazard](#), the Planning Director shall require, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section [3.742.E – Specific Standards](#).

6. Alteration of Watercourses

- a. Notify adjacent communities, Department of State Lands, Department of Land Conservation & Development, and the Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

7. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section [3.741.B.5](#), obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).
- b. Maintain for public inspection all records pertaining base flood elevations and flood proofing certificates required in Section [3.741.B.7](#).
- c. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.
- d. Submit any new or revised map information that could affect the ASFH to FEMA when it becomes available.
- e. For all new or substantially improved floodproofed structures:
  - (1) Obtain and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed, and

(2) Maintain the floodproofing certifications required in Section [3.742.C](#) – Application Requirements.

f. Maintain for public inspection all records and data pertaining to this chapter.

### **Section 3.742 - Development Permit**

#### **A. Establishment of Development Permit**

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section [3.740.B – Applicability](#). The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".
2. If the director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, then Establishment of the Development Permit shall be based on the following:
  - a. Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director's designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.
  - b. If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWWM, QUICK-2, or other FEMA approved hydraulic or hydrologic modeling programs.
  - c. If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.

#### **B. Application Types**

1. Administrative (Type II) Development Permits: The Administrative (Type II) Development Permit provides the default review process for most Development within the ASFH. Type II Development Permits include but are not limited to structures, improvements to structures (remodel, repair, etc.), critical facilities,

utilities, manufactured homes, recreational vehicles, mining, paving, and other development that is not specifically addressed in 2 below.

2. Ministerial (Type I) Development Permits:

- a. The Ministerial (Type I) Development Permit enables an applicant to apply for certain low-impact projects through a more expeditious and less expensive review process.
- b. Any development listed in Section [3.742.B.1](#) is excluded from the Type I development review process.
- c. Type I Development Permits may only be utilized when evaluating uses that are permitted without review in their applicable zone as specified in Chapter 3 of the LUDO. Such uses may include accessory structures that are less than 200 square feet and less than ten feet (10') in height, wildlife habitat enhancements, fish habitat enhancements, fences, vegetation removal and / or installation, minor grading that does not require the placement of fill, etc.
- d. If the applicant does not provide sufficient evidence to fully justify a Type I Development Permit, then the request will be reviewed as a Type II Development Permit.

C. Application Requirements

Any application for a Development Permit shall be made on forms furnished by the Planning Director and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities.

Specifically, the following information is required:

1. General elevation to mean sea level of building site using best information available.
2. Elevation of the lowest floor (including basement) of all structures.
3. Distance between ground elevation and level to which a structure is to be flood proofed.
4. Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section [3.742.E.6 – Specific Standards](#).

5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  6. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.
- D. General Standards: In all areas of special flood hazards the following standards are required:
1. Anchoring
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - b. All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, according to requirements set forth in the Oregon Manufactured Dwelling Specialty Code. (See FEMA's Manufactured Home Installation in Flood Hazard Areas" guidebook for additional information).
  2. Construction Materials and Methods
    - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 (Protecting Building Utilities from Flood Damage) for details.
    - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
    - c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  3. Utilities
    - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
    - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

- c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.
- E. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section [3.741.B.5](#), Use of Other Base Flood Data, the following standards are required:

- 1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above base flood elevation.
    - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      - (2) The bottom of all openings shall be no higher than one foot above grade.
      - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- 2. Partition and Property Line Adjustment Proposals

- a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;
    - b. Parcels created through these processes shall wherever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.
    - c. Parcels created through these processes shall wherever practical be designed so that access to the proposed parcel does not traverse the ASFH.

- 3. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
  - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
  - d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).
4. Manufactured Homes
- a. All manufactured homes to be placed or substantially improved within the ASFH shall be elevated on a permanent foundation such that the such that the bottom of the longitudinal chassis frame beam is elevated a minimum of one eighteen inches (18”) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement, and shall be in accordance with the provisions of Section [3.742.D.1 – General Standards](#).
  - b. Fully enclosed areas below the lowest floor that are subject to flooding shall comply with Sections above. Non-structural metal or vinyl skirting does not constitute a “fully enclosed area”.
5. Recreational Vehicles: Recreational Vehicles placed on sites with an “A” zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:
- a. Be on the site for fewer than 180 consecutive days; and
  - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Meet the requirements of Section [3.742.E – Specific Standards](#) above.
6. Non-residential Construction: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the



lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director as set forth in Section [3.742.C](#).
  - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section [3.742.E.1 – Specific Standards](#).
  - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
7. **Storage of Hazardous or Toxic Materials:** The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the property. This may require alterations to a structure or development to ensure that the potential storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.
  8. **Critical Facilities:** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area Special Flood Hazard (ASFH) (100-year floodplain). Construction of new critical facilities shall be permissible subject to an Administrative Variance (LUDO Chapters 6 and 7) within the ASFH if no feasible alternative site is available. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
  9. **Development within Riparian Areas:** The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is

demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for “No-Rise” Certification for Proposed Developments in the Regulatory Floodway.

10. Fish Habitat Structures: Projects for stream habitat restoration may be allowed subject to a Type I or Type II review provided:

- a. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023), and
- b. The applicant supplies a feasibility analysis and certification from a qualified professional that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically as possible, and that no structures would be impacted by a potential rise, and
- c. No structures would be impacted by a potential rise in flood elevation, and
- d. An agreement to monitor the project, correct problems, and ensure that the flood carrying capacity remains unchanged is included with the application.
- e. Qualified professionals may include private hydrology or hydraulic consultants, or hydrology or hydraulic professionals from the Soil and Water Conservation District, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, or similar qualified agency.
- f. Other restrictions set forth in the most recent applicable Policy from FEMA may be required of such projects.

### **Section 3.743 - Variances**

- A. Variances to any Flood Hazard Overlay regulations shall be reviewed administratively unless the Planning Director elects the matter to be heard before the Planning Commission.
- B. In considering a variance to floodplain standards, the Planning Director or his designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  1. The danger that materials may be swept onto other lands to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Upon consideration of the factors in B., and the purposes of this ordinance, conditions may be attached to the granting of the variance as is deemed necessary to further the purposes of this ordinance.
- D. Records of all appeal actions shall be maintained by Wasco County and any variances shall be reported to the Federal Insurance Administration upon request.
- E. Conditions for Variances:
1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section [3743.A](#) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
  2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide

Inventory of Historic Properties, without regard to the procedures set forth in this section.

3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except [3.743.E.1](#) and otherwise complies with Sections [3.742.D.1](#) and [3.742.D.2](#) of the General Standards.
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### **Section 3.744 - Appeals**

Appeals shall be processed as described in Chapter 2 of this Ordinance.

### **Section 3.745 - Compliance Required**

- A. No person shall construct, erect, locate, maintain, repair, alter, enlarge, or change the use of a structure located within the ASFH in violation of this Ordinance.
- B. No person shall initiate any development within the ASFH in violation of this Ordinance.
- C. The, construction, erection, location, maintenance, repair, alteration, enlargement or change in use of any structure, or the initiation of any development in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and shall be subject to the provisions of the Wasco County Code Compliance and Nuisance Abatement Ordinance.

### **Section 3.746 - Revising FIRM Maps**

- A. Reasons to Revise FIRMs: The Wasco County FIRMs were established in 1984. Advances in technology along with physical changes in a given flood situation may necessitate a FIRM map being updated, revised, corrected, or changed. Common reasons why a FIRM may need to be changed include correcting certain features, including better ground elevation data, reflecting physical changes to the floodplain, submitting new or revised flood data, or to reflect a new flood control project.

Regardless of the reason a FIRM is changed, all changes must be submitted to FEMA and retained by Wasco County.

- B. Types of Changes: There are four approaches to changing FIRMs. They include restudies, limited map maintenance projects, amendments, and revisions. Any request for a restudy, amendment or revision must be reviewed by Wasco County for compliance with this chapter.

#### **1. Restudy**

- a. A restudy is a new Flood Insurance Study for a part or all of a community.
- b. Restudies are typically large scale projects conducted by FEMA

#### **2. Limited Map Maintenance Project (LMMP)**

- a. A LMMP is a small-scale restudy that is limited in size and cost. This type of study is often used for studies of unnumbered A Zones, like those found in Wasco County.
- b. A LMMP may be conducted by FEMA or the community.

### 3. Revision

- a. A revision is typically used for:
  - (1) Scientifically based challenges to flood elevations, or
  - (2) Incorporation of new flood data, or
  - (3) Reflecting fill placed in the floodplain, or
  - (4) Changing floodplain boundaries,
- b. Revisions may be conducted by FEMA, requested by the community, or requested by property owner(s).

### 4. Amendment

- a. An amendment is only used to remove an area that was inadvertently included in the ASFH. Often the ground is higher than depicted on the base map used for the FIRM.
- b. FEMA will review map amendments based on information submitted by the applicant. An amendment does not challenge the Flood Insurance Study or FIRM; it simply removes certain portions of a property from the ASFH because they are higher than the Base Flood Elevation

### C. Requesting Map Changes

FEMA may actually change a FIRM and publish new copies. A restudy or LMMP will generally result in a new map. Additionally, FEMA may issue a Letter of Map Change (LOMC) when a revision can be adequately described in writing or through use of a small annotated map panel.

There are two types of LOMCs; a Letter of Map Revision (LOMR) and a Letter of Map Amendment (LOMA).

- 1. Letters of Map Revision (LOMRs) address revisions to the FIRM as described in Section [B.3](#) above. A LOMR may be requested of FEMA by the applicant. A copy of the final LOMR must be provided to the County. FEMA typically charges a processing fee for all LOMRs.
- 2. Letters of Map Amendment (LOMAs) address revisions to the FIRM as described in Section [B.4](#) above. A LOMA may be requested of FEMA by the applicant. A copy of

the final LOMA must be provided to the County. FEMA may not charge a processing fee for a LOMA.

### **Section 3.747 - Notes on Insurance**

The provisions of this section are provided for informational purposes and are subject to change without notice.

- A. Coverage: Flood insurance is available for insurable buildings and their contents to property owners within the ASFH
- B. Waiting Period: Unless a Flood Insurance Policy is purchased at the time of closing, a 30-day waiting period typically follows the purchase of that policy before it goes into effect.
- C. Mandatory Flood Insurance Purchase: If a building is located within the ASFH, a federally regulated lender is required by law to require the recipient of the loan to purchase a Flood Insurance Policy on the building. This policy is typically equal to the value of the mortgage on the building.
- D. Lender's Choice: Although a lender may not be required by law to secure a Flood Insurance Policy on a building or structure located outside of the ASFH, it may choose to require coverage as a condition of a loan for any property. Neither Wasco County, nor FEMA control this requirement.
- E. Flood Insurance for Contents: Mandatory Flood Insurance as described above typically does not cover the contents of the building unless an additional voluntary insurance policy is purchased specifically for the contents.
- F. Further elevation of a structure beyond the required one foot (1') above BFE may significantly reduce the cost of a Flood Insurance Policy.

### **Section 3.750 - Geologic Hazards Overlay (EPD-2)**

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

#### **A. Basis for Establishing the Geologic Hazards Overlay District**

The Geologic Hazards Overlay District is intended to be applied to areas identified by the State of Oregon Department of Geology and Mineral Industries, Geologic Hazards of Parts of Northern Hood River, Wasco and Sherman Counties, Oregon, 1977. A complete explanation and maps showing the natural hazards and geologic units can be found in this document; however, this document may be superseded by a more site specific study conducted by a licensed engineer or geologist registered in the State of Oregon.

#### **B. Approval Standards**

Prior to development, the following measures shall be utilized:

1. Any proposed developments on slopes greater than twenty five percent (25%) shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.
2. Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.
3. In approval of a development permit, whether ministerial or through the Administrative Action procedures of Chapter 2 of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability:
  - a. Maintain vegetation and eliminate widespread destruction of vegetation.
  - b. Carefully design new roads and buildings with respect to:
    - (1) placement of roads and structures on the surface topography.
    - (2) surface drainage on and around the site.
    - (3) drainage from buildings and road surfaces.
    - (4) placement of septic tank disposal fields.



- c. Careful construction of roads and buildings.
  - (1) avoid cutting toeslopes of slump blocks.
  - (2) careful grading around the site, especially avoiding over steepened cut banks.
  - (3) Re-vegetating disturbed areas as soon as possible.
- d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.



### **Section 3.760 - Airport Impact Overlay (EPD-3)**

The purpose of the Airport Impact Overlay District is to protect the public health, safety and welfare by assuring that development for public airports within areas impacted by airport operations are appropriately planned to mitigate such operations. This overlay district is also intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety and welfare.

#### **A. Permitted Uses**

Uses and activities permitted by the underlying zone shall be allowed unless specifically prohibited by subsection 2 of this Section.

#### **B. Limitations**

1. No place of public assembly shall be permitted within an established airport approach area.
2. No multi family dwelling shall be permitted within the airport approach area.
3. No structure or object, including chimneys, towers, antennae, utility poles, trees, etc., shall exceed thirty five (35) feet in height in the airport approach area.
4. Within the airport approach area, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project into the approach surface in such a manner as to result in confusion or distraction to pilots.
5. Within the established Airport Clear Area, the following uses and activities are permitted:
  - a. Farm use, excluding any permanent structures or objects.
  - b. Roadways or other uses consistent with the underlying zone which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the landing approach.
6. No use shall be allowed in the Airport Impact Overlay District if such use is likely to attract an unusual quantity of birds.

#### **C. Airport Design Standards**

The design of the airport shall conform to the following standards:

1. Landing Strip:
  - Length\* - 1,800 to 3,400 feet
  - Width - 250 feet
  - Runway:
    - Length\* - 1,600 to 3,200 feet
    - Width - 75 feet
  - Taxiway Width - 40 feet
  - Distance between centerline of runway and centerline of parallel taxiway - 150 feet
  - Distance between centerline of taxiway and edge of aircraft parking apron – 100 feet
  - Distance between centerline of taxiway and obstruction - 75 feet
  - Centerline of landing strip or runway to building line - 225 feet
  - Longitudinal runway or landing strip grade - 2% maximum
  - Effective gradient - 1 1/2% maximum
  - Transverse runway or landing strip grade - 1 1/2% - 3%
  - Longitudinal taxiway grade - 2% maximum
  - Transverse taxiway grade - 1 1/2% - 3%
  - \*Lengths within the dimensions shown should be corrected for airport elevation and gradient.*
2. That the use will comply with the Department of Environmental Quality Airport Noise Standards.

## **Section 3.770 - Cultural, Historic and Archaeological Overlay (EPD-4)**

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Scope. The Historic Preservation Ordinance (HPO) provides a means to recognize and protect properties listed as Wasco County Historic Landmarks and Districts and to formally recognize and protect historic landmarks under private and public ownership.

A. Applicability. This ordinance is applied:

1. To all historic resources that appear on the County's adopted Wasco County Cultural Resource Inventory as designated Historic Landmarks;
2. To all properties in historic districts, designated either locally or nationally.

### **Section 3.771 – Purpose**

The purpose of this ordinance is to promote the general welfare by safeguarding the County's heritage as embodied and reflected in its historic landmarks or districts to:

- A. Provide for the identification, protection, enhancement, and use of historic landmarks within the County that reflect special elements of the County's architectural, archaeological, artistic, cultural, engineering, aesthetic, historical, political, social, and economic heritage.
- B. Strengthen the economy of the County through the protection and enhancement of the County's historic landmarks.
- C. Encourage public education, understanding, and appreciation of the County's history and culture.
- D. Foster community and neighborhood pride and sense of identity based on recognition and use of historic landmarks.
- E. Protect and enhance the County's historic landmarks for enjoyment and use by both residents and visitors.

- F. Promote the continued use of historic landmarks without detrimentally affecting their significance.
- G. To comply with The Wasco County Comprehensive Plan regarding historic landmarks and resources under Statewide Planning Goal 5.

### **Section 3.772 - Historic Landmarks Commission**

The Wasco County Historic Landmarks Commission, hereinafter known as the Landmarks Commission, is hereby created to advise the Planning Commission and Board of Commissioners about the County's historic landmarks and resources.

- A. Composition: The Landmarks Commission shall be composed of seven members who shall be appointed by the Board of Commissioners. Members shall live within Wasco County. When making appointments to the Landmarks Commission, the Board of Commissioners shall consider individuals who have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of history, archeology, architecture, the arts, historic preservation, culture, planning, landscape architecture, business, real estate, law, government, engineering, construction or other related trades. A member of the Planning Commission may serve as non-voting ex officio of the Landmarks Commission. Four members constitute a quorum and shall be entitled to conduct official business and act for the entire Landmarks Commission. Each member is entitled to one vote. Members of the Landmarks Commission shall serve without compensation.
- B. Terms. The term of each member of the Landmarks Commission shall be three years, with the exception of the initial appointment of the full Landmarks Commission which shall be as follows: three initial members shall be appointed to three year terms, two initial members shall be appointed to two year terms and two members appointed to a one year term. Members may be reappointed or removed at the discretion of the Board of Commissioners. A vacancy on the Landmarks Commission shall be filled for the unexpired term. The Landmarks Commission (by majority vote), at its first meeting shall elect a chairperson and a vice chairperson. The officers shall serve for terms of one year.
- C. Powers and Duties of Landmarks Commission. The powers and duties of the Landmarks Commission include:
  - 1. Maintain and update the Wasco County Cultural Resource Inventory, hereinafter referred to as the Inventory.
  - 2. Recommend to the Board of Commissioners the designation of historic landmarks or districts that meet the criteria for designation as contained in Section [3.773](#).

3. Protect historic landmarks or districts through the review, and approval or disapproval of alterations in accordance with the review criteria established for alterations pursuant to Section [3.775](#).
4. Review and render decisions on all proposed new construction within a designated historic district or on parcels on which a historic landmark is located.
5. Review and render decisions on all proposed demolitions within a designated historic district or on properties on which a historic landmark is located.
6. Provide a forum for public participation in matters and issues related to historic preservation in the community.
7. Review proposed activities by the County or other agencies, businesses, or developers that may detrimentally affect historic landmarks and advise the Planning and Economic Development Staff, Planning Commission, and Board of Commissioners regarding these matters.
8. Perform other activities relating to historic landmarks and resources including, but not limited to:
  - a. Provide public education on the prehistoric, historic, and scenic resources of Wasco County;
  - b. Provide advice to the Board of Commissioners, other County Boards, and County Staff on the preservation of historic landmarks and other historic resources;
  - c. Providing technical and economic information on preservation of historic landmarks or resources;
  - d. Make recommendations to the Board of Commissioners for historic resource preservation programs and incentives, to help preserve designated landmarks.
9. Establish and adopt rules for procedure conducting the business of the Landmarks Commission.

### **Section 3.773 – Designation of Historic Landmarks or Districts**

Purpose: The designation of historic landmarks or districts allows the County to formally recognize and protect its historic resources. Designated historic landmarks identify districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites, or other objects of historical and/or architectural significance, locally, regionally, or nationally. The regulations that apply to designated

landmarks provide a means to review proposed changes and encourage the preservation of the historic landmark or district.

- A. Initiation. The process for designating historic landmarks or districts may be initiated by the Landmarks Commission, Planning Commission, the Board of Commissioners, recognized neighborhood groups, interested persons, or property owners, or their authorized agents, who submit a complete application for designation.
- B. Procedure. Requests for designation of historic landmarks and districts are reviewed initially by the Landmarks Commission. The Landmarks Commission makes recommendations for designations to the Board of Commissioners. The Board of Commissioners shall conduct a de novo hearing in accordance with the requirements of Chapter 2 of the Wasco LUDO taking into consideration the recommendations of the Landmarks Commission, and the public testimony.
- C. Application. An application for designation shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the Board of Commissioners.
- D. Review Criteria. The Landmarks Commission shall review all applications for historic landmark or district designations and shall make its recommendation on the basis of the following criteria (at least one section or sub section of the following criteria must apply to the proposed historic landmark or district).
  - 1. The proposed landmark or district has historic significance or contributes to the historical resources of the community. The resource is:
    - a. Associated with past trends, events, or values that have made a significant contribution to the economic, cultural, social and/or political history of the city, county, state, region, or nation;
    - b. Associated with the life or activities of a person, group, or organization, or institution that has made a significant contribution to the city, county, region, state, or nation;
  - 2. The proposed landmark or district has architectural significance because it:
    - a. Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or materials;
    - b. Represents the work of a designer, architect, or master builder who influenced the development and appearance of history of the county, region, state, or the nation;



- c. It is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction;
  - d. Is a prominent visual landmark with strong associations to the community;
  - e. Has high quality of composition, detailing, and/or crafting.
- 3. The site contains archaeological artifacts related to prehistory or to the early history of the community.
- 4. The proposed landmark or district is listed on the National Register of Historic Places.
- 5. In conjunction with other criteria listed above, the proposed landmark;
  - a. Is fifty years old or older unless the resource is of exemplary architectural or historical significance;
  - b. Contributes to the continuity or historic character of the street, neighborhood, and/or community;
  - c. Has sufficient original workmanship and materials remaining to show the construction technique and stylistic character of a given period;
- E. Recommendation by the Landmarks Commission. After the historic resource has been evaluated according to the review criteria set forth in Section [3.773 D](#), the Landmarks Commission shall then consider the probable economic, social, environmental, and energy (ESEE) consequences that designation of the resource would have on all the identifiable conflicting uses permitted under the Zoning Ordinance. The identification of conflicting uses and consideration of ESEE consequences shall be carried out in conformance with provisions of Statewide Land Use Planning Goal 5 (as described in OAR [660-16](#) et. seq.).

If the Landmarks Commission acts to recommend designation of a historic resource, or designation with conditions, or denial of designation, it shall make specific findings based on the review criteria, and the goals and policies of the Comprehensive Plan. The Landmarks Commission shall submit its recommendation specifying the findings and forward these to the applicant at least ten (10) days prior to the public hearing and review by the Board of Commissioners. If the Landmarks Commission acts to reject a proposed designation, no further action shall be taken unless an appeal of the Landmarks Commissions' action is filed with the Board of Commissioners by the applicant, pursuant to Section [3.779](#).

- F. Board of Commissioners Decision. The Board of Commissioners shall take into account the desires of the owners of the property with respect to its designation as a historic landmark. The Board of Commissioners shall conduct a public hearing to consider the proposed designation and recommendations of the Landmarks Commission. Following the public hearing, the Board of Commissioners shall approve, or approve with conditions, or to deny the proposed designation based on the Landmarks Commission's recommendation, and the public comment. Written notice of the action taken by the Board of Commissioners shall be sent to the applicant by the Planning Director within 30 days of such action.

### **Section 3.774 - Removal of Historic Landmark Designation**

Purpose: Periodically, it may be necessary to remove the designation of a historic landmark. Removal is an effort to reflect changing conditions, community values, or needs.

- A. Initiation. The process of removing a historic landmark from the inventory may be initiated by the Planning Commission, Board of Commissioners, the Landmarks Commission, the property owner, or by any other interested person.
- B. Procedure. Review of a request for removal of designation is heard by the Landmarks Commission who is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- C. Application. An application for removal for a historic landmark designation shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the Landmarks Commission.
- D. Review Criteria. The Landmarks Commission shall evaluate the request for removal of the landmark designation based upon findings that removal of the historic designation shall not adversely impact properties in the surrounding area or integrity of the historic district. In order to approve an application it must be found that at least one of the following has occurred since the site was listed as a historic landmark:
1. Significance of the landmark or historic district has been substantially reduced or diminished according to the review criteria established in Section [3.773 D](#).
  2. Integrity of the landmark or historic district has been substantially reduced or diminished according the review criteria established in Section [3.773 D](#).
- E. Exceptions. The Planning Director shall delete any demolished or removed landmark from the official Inventory through an administrative review if the property is damaged

in excess of 70 percent of its previous value due to vandalism, a fire, flood, wind, earthquake, or other natural disasters.

### **Section 3.775 - Review of Exterior Alterations**

Purpose: The purpose of reviewing alterations to historic landmarks, individually or within a historic district, is to encourage the preservation of characteristics which led to its designation as a historic landmark.

- A. Initiation. The process for applying for altering a historic landmarks or landmarks within a historic district may be initiated by the property owner, or their authorized agent, who submits a completed application.
- B. Alterations. Review is required for all EXTERIOR alterations or additions to designated landmarks, individually or within historic districts with the exception of alterations classified as "minor alterations." The Planning Director, who may consult with the Landmarks Commission, shall approve minor alterations through administrative review. The following are considered "minor" alterations:
  - 1. Replacement of gutters and downspout, or the addition of gutters and downspout, using like materials or materials that match those that were typically used on similar style buildings;
  - 2. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided that skirting is installed to match the existing skirting. The repair or new foundation shall not affect the appearance of the building.
  - 3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in all materials, dimensions, and textural qualities;
  - 4. Replacement of existing sashes with new sashes, when using material which matches the original historic material and appearance. Severe deterioration of the original sashes has to be evident.
  - 5. Repair and/or replacement of roof material with the same kind of roof material existing, or with materials which are in character with those of the original roof.
  - 6. Other alterations specified by the Commission.
- C. Exemptions from Review. The general and ongoing responsibility of the property owner to care for, repair and replace with like materials may be done without formal review by the Landmarks Commission. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which

does not involve a change in design, or appearance of such feature of which the building official shall determine is required for public safety due to an unsafe or dangerous condition. Normal maintenance may include, but not be limited to:

1. Painting and related preparation.
  2. Ground care and maintenance required for the permitted use of the property;
  3. Existing materials replaced in kind for historic landmark because of damage or decay of materials.
- D. Procedure. Review of a request for an exterior alteration is heard by the Landmarks Commission which is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- E. Application. An application for alteration, provided by the Planning Director, shall be prepared by the property owner, or authorized agent, and submitted to the Planning and Economic Development Department for review. The completed application and attachments are forwarded to the Landmarks Commission for review.
- F. Review Criteria. The Landmarks Commission must find that either criteria number one (1) or number two (2) below has been met in order to approve an alteration request:
1. The proposed alteration shall cause the landmark to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties".
  2. The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties".
  3. In conjunction with criteria number one (1) or number two (2) above, the Landmarks Commission shall also consider:
    - a. The value and significance of the landmark within a historic district or of the landmark;

- b. Uniform Building Code, as adopted and amended by the State of Oregon, with particular reference to section 104(f) Historic Buildings and Section 3110 relating to ADA and historic buildings, or related sections.
  - c. Other applicable state and local codes and ordinances relating to the building, fire, health and safety.
- G. Conditions of Approval. The Landmarks Commission shall either approve, conditionally approve, or deny the request. Conditions may be attached which are appropriate for the protection and/or preservation of the historic or architectural integrity of the historic district or landmark.
- H. Decision. A decision by the Landmarks Commission under this section shall be supported by written findings in accordance with the review criteria.

### **Section 3.776 - Review of New Construction**

Purpose: The purpose of reviewing the EXTERIOR design of new construction is to ensure that new structures are compatible with the character of the historic district or designated landmark located on the same parcel.

- A. Initiation. The process for applying for new construction may be initiated by the property owner, or their authorized agent, who submit a complete application.
- B. New Construction: Review is required for any new construction which occurs on the parcel of a designated historic landmark or within a historic district.
- C. Procedure. A request to construct a new structure shall be referred to the Landmarks Commission which is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- D. Application. An application for new construction shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the Board of Commissioners.
- E. Relationships to Other Planning Review. Projects which require a historic review may also require other land use reviews. If other reviews are required, the review procedure may be handled concurrently.
- F. Review Criteria. In reviewing the request, the Landmarks Commission shall consider the following criteria:

1. The design of the proposed structure is compatible with the design of the designated landmark on the site or within a historic district, considering scale, style, height, materials, and architectural details. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties";
  2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the historic district considering setbacks, distances between structures, location of entrances and similar siting considerations. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties".
- G. Conditions of Approval. In approving applications for new construction, the Landmarks Commission may attach conditions which are appropriate for the preservation of the historic or architectural integrity of the historic district or landmark.
- H. Decision. All decisions by the Landmarks Commission under this section to approve, approve with conditions, or deny construction shall be supported by written findings. The Planning Director shall mail the applicant a written notice of the action.

### **Section 3.777 - Procedure for Demolition or Moving a Historic Landmark**

Purpose: The purpose of reviewing requests for demolition or moving a historic landmark is to explore all possible alternatives for preservation. Demolition of historic landmarks is an extreme and final measure.

- A. Initiation. Demolition or moving designated historic landmarks, individually or within a historic district, may be initiated by affected property owners or their authorized agents who submit a complete application for designation.
- B. Demolition or Moving: A permit is required to move, demolish, or cause to be demolished any structure listed as a historic landmark or in a historic district.
- C. Procedure. All requests for demolition or moving a historic landmark shall be reviewed by the Landmarks Commission. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with Chapter 2 of the requirements of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- D. Application. An application shall be made to the Planning and Economic Development Department using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date for a public meeting.

- E. Review Criteria. In considering a proposal for demolition or relocation of a landmark, the Landmarks Commission shall have the authority to allow the demolition or relocation, or allow partial demolition or relocation, or delay approval for an initial period not to exceed ninety (90) days from the date of the Commission's initial public hearing. If the Commission acts to approve the request, in whole or in part, issuance of a permit and the commencement of the work shall be delayed for twenty one (21) days after the Commission's approval to allow for the filing of appeals, as provided in Section [3.779](#). In determining whether a demolition or moving permit shall be issued, the Landmarks Commission shall consider the following:
1. The completed application form;
  2. Information presented at the public hearing held concerning the proposed development;
  3. The Wasco County Comprehensive Plan;
  4. The purpose of this ordinance as set forth in Section [3.771 A](#).
  5. The review criteria used in the original designation of the landmark or historic district in which the property under consideration is situated;
  6. The historical significance and architectural style, the general design, arrangement, materials of the structure in question or its appurtenant fixture; the relationship of such features to similar features of the other buildings within the historic district and the position of the buildings or structure in relation to public rights of way and to other buildings and structures in the area;
  7. The effects of the proposed application upon the protection, enhancement, perpetuation and use of the landmark and/or historic district which cause it to possess a special character or special historical or aesthetic interest or value;
  8. Whether denial of the permit shall involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purpose of this Ordinance.
- F. Decisions. The Landmarks Commission shall make a decision following the completion of the public hearing. For applications for demolition, the Landmarks Commission may approve, approve with conditions, or invoke a stay of demolition. The length of stay shall be no more than ninety (90) days from the date of the public hearing. During the period, the Landmarks Commission shall attempt to determine if public or private acquisition and preservation is feasible, or alternatives are possible which could be carried out to prevent demolition or removal of the site or structure.

1. Further postponements may be made for a period not to exceed one hundred and twenty days (120) days from the date of the hearing, if the Commission finds:
  - a. There is a program or project underway that could result in public or private acquisition of the landmark;
  - b. There are reasonable grounds for believing the program or project may be successful.
2. After granting a further postponement, the Landmarks Commission may order the Planning Director to issue the permit if it finds;
  - a. All programs or projects to save the resource have been unsuccessful;
  - b. The application for demolition or moving has not been withdrawn; and
  - c. The application otherwise complies with county ordinances and state law.
3. During the stay of demolition, the Landmarks Commission may require the property owner to:
  - a. List the Landmark with a real estate agent for a period of not less than 60 days stating that the property shall be given away to parties interested in moving the Landmark. The real estate agent shall advertise the Landmark in local and state newspapers of general circulation.
  - b. Give public notice by posting a hearing notice on site in addition to a sign which shall read: "Historic Building to be Moved or Demolished Call the County Planning and Economic Development Department for Information". The sign shall be provided by the County and be posted in a prominent and conspicuous place within ten feet of a public right of way abutting the premises on which the structure is located. The applicant is responsible for assuring that the sign is posted for a continuous 60 day period.
  - c. Prepare and make available any information related to the history of the landmark.
  - d. Assure that the owner has not rejected a bona fide offer that would lead to the preservation of the landmark.
4. As a condition for approval of a demolition permit, the Landmarks Commission may require one or more of the following:



- a. Require photographic documentation, architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the County or other party determined appropriate by the commission.
  - b. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group had been given the opportunity to salvage and record the landmark.
- G. Exemptions. The Planning and Economic Development Department shall issue a permit for moving or demolition if any of the following conditions exist:
  1. The building is not designated compatible within historic district.
  2. The structure had been damaged in excess of 70 percent of its previous value due to vandalism or in a fire, flood, wind, or other natural disaster.
  3. The Fire Districts, or Buildings Official determines that the demolition or moving is required for the public safety due to an unsafe or dangerous condition. Prior to the emergency action, the chair of the Landmarks Commission shall be notified of such action.

#### **Section 3.778 - Interim Protection**

Interim Protection: This provision is intended to provide interim demolition protection measures for historic resources listed in the "Wasco County Cultural Resource Inventory" that have not been designated as Historic Landmarks. Resources in the Inventory that have not been designated are subject to provisions set forth in Section [3.777 E](#) of this ordinance entitled "Procedure for Demolition/Moving Historic Landmarks". After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks, the Interim Protection Measures shall cease.

#### **Section 3.779 - Appeals**

A final written decision of the Landmarks Commission may be appealed to the Board of Commissioners if such appeal is submitted in writing to the Planning and Economic Development Department within twenty one (21) days after the date of the Landmarks Commission's written decision. The filing of the written appeal with the Board of Commissioners shall stay any action relating to the subject property until a decision is made by the Board of Commissioners. Any such appeal shall state specifically the grounds on which the appeal is based, indicating how the Landmarks Commission erred in applying the provisions of Sections [3.773](#) to [3.780](#) of this ordinance. The Board of Commissioners shall conduct a public hearing to consider the appeal according to Section 2.180 "Review by the Board of Commissioners" of the Wasco County LUDO. The decision of the Board of Commissioners shall be considered a land use decision.

**Section 3.780 - Penalties**

Failure to comply with this ordinance shall constitute a violation of this regulation and be subject to the penalty and abatement proceedings prescribed under Chapter 15 of the Wasco County LUDO.

## **Section 3.800 - Mineral and Aggregate Overlay (EPD-5)**

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Purpose: The purpose and intent of the Mineral and Aggregate Overlay Zone is:

- A. To allow the development and use of mineral and aggregate resources;
- B. To provide uniform standards for extraction and processing of mineral and aggregate resources;
- C. To balance conflicts between mining operations and new and existing surrounding conflicting uses;
- D. To ensure the rehabilitation and restoration of mining sites; and
- E. To protect mineral and aggregate resources for future use consistent with Comprehensive Plan goals and policies and Statewide Planning Goal 5.

### **Section 3.801 - Application of Overlay Zone**

The provisions of this Chapter shall apply to all lands designated Significant Mineral and Aggregate Overlay. Nothing in this Chapter shall constitute a waiver or suspension of the provisions of any underlying zone or concurrent overlay. Any conflicts between the provisions of the Chapter and the provisions of other chapters of this Ordinance, Comprehensive Plan Goals and Policies and the Statewide Planning Goals shall be resolved through the County process.

Only sites deemed significant resource sites shall be zoned Mineral and Aggregate Overlay. Mining and processing activities at sites not zoned Mineral and Aggregate Overlay may be allowed after conditional use approval under the criteria of Chapter 5 of WCLUDO. All sites which have not been evaluated for significance shall be classified "Potential Sites" on the County inventory until information is available to determine if the site is significant or not significant.

The Mineral and Aggregate Overlay consists of two distinct areas: the Extraction area and the Impact area.

- A. Extraction Area. The Mineral and Aggregate Extraction Area shall be applied to any site which has been identified as a significant resource. The area may consist of one or more tax lots or portion(s) of single tax lots, and may be applied to contiguous properties under different ownership. The size of the Extraction Area shall be determined by the ESEE, but there shall be a minimum distance of 750' between any existing Sensitive Use to the extraction area boundary on the effective date of this ordinance.

This distance may be decreased through the ESEE analysis prior to application of the Overlay, based on the type of mineral or aggregate resource to be extracted as well as physical features of the area. However, in no case shall the Extraction Area boundary be less than 100 feet from the Sensitive Use.

- B. Impact Area. The Mineral and Aggregate Impact Area shall be applied to properties or portions of properties adjacent to and immediately surrounding an Extraction Area. The width of the Impact Area shall be determined through the ESEE analysis prior to application of the Overlay designation, based on the type of mineral or aggregate resource to be extracted as well as physical features of the area. The minimum width of the impact area shall be 750' from the Extraction Area boundary unless findings developed through the County process can show justification for a change.

### **Section 3.802 - Procedure for Applying the Overlay Zone**

- A. Determination of Significant Site. The County Planning Director or the Director's designee shall analyze available information relating to the location, quality and quantity of mineral and aggregate deposits. A decision of significance shall be determined as described pursuant to Section 2.060 (A)(9) of this Ordinance, based on the following: (Amended 9-93)

Information to demonstrate the significance of a resource shall include:

1. A survey map, assessor's/tax lot map(s) or other legal description that identifies the location and perimeter of the mineral and aggregate resource; and (Amended 7-94)
2. Information demonstrating that the resource meets or can meet two of the following minimum requirements:
  - a. Abrasion: Loss of not more than 35% by weight;
  - b. Oregon Air Degradation: Loss of not more than 35% by weight;
  - c. Sodium Sulphate Soundness: Not more than 17% by weight.

Information may consist of laboratory test data or the determination of a certified, licensed or registered geologist, or other qualified person; and

3. Information that the site meets at least one of the following two criteria (Amended 7-94):
  - a. Is located within an ownership or long-term lease containing reserves in excess of (Amended 7-94 and 1-95) 100,000 tons (69,000 cubic yards); however, an aggregate site is not significant if the criteria in either paragraphs (1) or (2) of this subsection apply, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date:
    - (1) The site is not significant if more than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or
    - (2) The site is not significant if more than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule.  
(Amended 11-96)
  - b. Is located on property owned by, or under long-term lease to a city, county, or state jurisdiction for the primary purpose of excavating, or processing of aggregate or stone materials for road maintenance or road construction.  
(Amended 7-94)
- B. Other mineral resources. Significance of non-aggregate resources shall be determined on a case-by-case basis after consultation with DOGAMI.
- C. Based on the analysis of information relating to the location, quality and quantity of the mineral and aggregate resource, the county shall determine the status of the resource site. Each site considered by the County shall be placed in one of three categories based on the following criteria:
  1. If the resource site meets the definition of a significant site, the county shall include the site on an inventory of "Significant Sites", or
  2. If information is not available to determine whether or not the resource site meets the definition of a significant site, the County shall include the site on an inventory of "Potential Sites." Sites shall remain on the "Potential Sites" inventory until such time as information is available to determine whether or not the site is significant; or

3. If the resource site does not meet the definition of a significant site, the county shall include the site on an inventory of "Non-significant Sites".
- D. Identify Impact Area. For each significant site, the Impact Area shall be identified and mapped. The Impact Area shall include the Extraction Area.
- E. Identify Conflicting Uses. For each significant site, conflicting uses shall be identified. The identification of conflicting uses shall include uses in existence at the time of review, as well as the potential conflicting uses. Identification of potential conflicting uses shall be accomplished by analyzing the uses allowed in the underlying zone(s).
- F. Analysis of ESEE consequences. For each significant site where conflicting uses have been identified, an ESEE analysis shall be performed.
  1. The ESEE analysis shall determine the relative value of use of the mineral or aggregate resource site as compared to existing or potential conflicting uses.
  2. The ESEE analysis shall be limited to uses identified pursuant to [subsection E.](#) of this section, and County resources.
  3. The ESEE analysis shall consider opportunities to avoid and mitigate conflicts. The analysis shall examine:
    - a. The consequences of allowing conflicting uses fully, notwithstanding the possible effects on mining;
    - b. The consequences of allowing mining fully, notwithstanding the possible effects on conflicting uses;
    - c. The consequences of protecting conflicting County resources, and permitted conflicting uses within the zone.

### **Section 3.803 - Exemptions**

The following activities at significant sites are exempt from the development standards of Section [3.806](#). Operators or land owners have the burden of qualifying for any exemption.

- A. Pre-existing or nonconforming use.
- B. Mining less than 1000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.
- C. 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 on-site access roads or grading operations conducted in the process of farming.

- D. Excavation or grading operations conducted in the process of farming, forestry or cemetery operations.
- E. On-site road construction or other on-site construction or non-surface impacts of underground mines conducted by a landowner or tenant on the landowner or tenant's property.

### **Section 3.804 - Pre-Existing and Nonconforming Uses**

Mineral and aggregate sites which have a valid County or Department of Geology and Mineral Industries permit on the effective date of this Chapter shall be considered pre-existing sites. Pre-existing sites may continue to operate under the conditions of approval unless the conditions are removed or modified through the County process.

Expansion of a mineral and aggregate activity on a pre-existing site beyond the boundaries of the surface mining area covered by the County permit, or any activity requiring a new or amended County permit, shall require compliance with Section [3.806 - Development Standards](#).

Within an Extraction Area, existing mining activities that do not conform to the standards of Section [3.805 - Permitted Uses - Extraction Area](#), may continue as nonconforming uses existing on the date the Mineral and Aggregate Overlay zone is applied to the property.

The use of any building, structure, or land lawfully established within the Mineral and Aggregate Resource Overlay Impact Area prior to the application of the overlay to the property may continue. Expansion of the size or use of the structure or activity shall comply with Section [3.808 - Impact Area Uses and Standards](#).

### **Section 3.805 - Permitted Uses - Extraction Areas**

The following uses may be permitted in the Extraction Area subject to Site Plan approval in accordance with Section [3.807](#):

- A. Any permitted use allowed in the underlying zone, may be allowed subject to the underlying zone criteria and as otherwise authorized through the ESEE analysis.
- B. Conditional uses shall be reviewed against the approval criteria of Section [3.808](#).
- C. Mining or extraction of rock, clay, soil, sand, gravel, or other mineral or aggregate material.
- D. Stockpiling and storage of mineral and aggregate materials.

E. Processing of:

1. Materials, including crushing, washing, milling, screening, sizing, or batching of Portland cement; and
2. Batching or blending of mineral and aggregate into asphaltic concrete, except within 2 miles of a planted commercial vineyard.

F. Buildings (not including residences), structures and equipment directly related to the above permitted aggregate uses.

G. Storage of transportation equipment or storage of machinery or equipment used in conjunction with the on-site mineral and aggregate activity.

H. Sale of products extracted and processed on-site from a mineral and aggregate operation.

### **Section 3.806 - Development Standards - Extraction Area**

A development plan shall be submitted to the Wasco County Planning Department for any permitted activity allowed in Section [3.805](#). The following requirements apply to mining and processing unless other standards are adopted in the County process. Such standards shall be clearly identified in the ESEE analysis. The applicant shall demonstrate that the following standards or site specific replacement standards adopted in the County process, are met or can be met by a specified date.

A. Screening

1. Mining Activities to be Screened.

- a. All excavated areas except areas where reclamation is being performed, internal on-site roads existing of the effective date of this ordinance, new roads approved as part of the site plan review, material excavated to create berms, and material excavated to change the level of the mine site to an elevation which provides natural screening;
- b. All processing equipment;
- c. All equipment stored on the site.

2. Types of Screening.



- a. Natural Screening. Existing vegetation or other landscape features which are located within 50 feet of the boundary of the site, and which screen the view of mining activities from screened uses, shall be preserved and maintained.
- b. Supplied Screening. Supplied vegetative screening is screening that does not exist at the time of the site plan review. Plantings used in supplied screening shall not be required to exceed a density of alternating rows of conifer trees six feet on center and a height of six feet at the commencement of mining. Supplied earthen screening shall consist of berms covered with earth and stabilized with ground cover.

#### B. Access

- 1. On-site roads used in mining, and access from the extraction site to a public road shall be designed and constructed to accommodate mining vehicles and equipment, and shall meet the following standards.
  - a. All access roads intersecting a paved county road or state highway shall be paved thirty feet from the paved county road or state highway unless the applicant demonstrates that other specified methods of dust control will effectively eliminate dust rising from access roads;
  - b. All on-site roads within the Extraction Area, and access roads, shall be constructed and maintained in a manner so that all applicable DEQ standards for vehicular noise control and ambient air quality are met or can be met by a specified date;
  - c. All on-site roads within the Extraction Area, and access roads, shall be paved at all points within 250 feet of a noise or dust sensitive use existing on the effective date of this ordinance.
- 2. Improvements to substandard public roads outside of the Extraction Area may only be required as necessary to comply with a road improvement program adopted as part of transportation element of the Comprehensive Plan. Payment for public road improvements shall not be a condition of approval for mining at significant sites.
- 3. Improvement fees in lieu of improvements of public roads, county roads and state highways may be required when the Planning Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the road sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation.

Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

4. An effective vehicular barrier or gate shall be required at all access points to the site.

C. Hours of Operation

1. Drilling and blasting shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Friday. No blasting or drilling shall occur on Saturdays, Sundays, or any specified legal holiday.
2. Mineral and aggregate extraction, processing and equipment operation within 750' or as established by the ESEE analysis of any Sensitive Use existing of the effective date of this ordinance is restricted to the hours of 7:00 am to 6:00 pm, Monday through Friday. All other sites are limited to daylight hours Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.

D. Environmental Standards

1. DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all the applicable environmental standards of the County and applicable DEQ air quality and emissions standards. The applicant shall provide a copy of an approved DEQ permit(s) prior to commencement of the operation.

- E. Equipment Removal. All surface mining equipment, machinery, vehicles, buildings and related structures accessory to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.

F. Performance Agreement

1. The operator of a mineral and aggregate site shall keep applicable DOGAMI permits or exemption certificates in effect.
2. The mining operator shall carry a Comprehensive General Liability policy covering mining, processing and incidental activities during the term of operation and reclamation, with an occurrence limit of at least \$1,000,000.00.

- G. Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, significant scenic viewpoints or vistas, and ecologically and scientifically significant natural areas protected by the Significant Resource Areas Overlay Zone in accordance with Section 3.910 (Natural Areas Overlay) and 3.770 (Cultural, Historical and Archeological Overlay) of this Ordinance and identified on the Significant Resource

Areas Map, shall be balanced as determined by the program and as determined by the County process.

#### H. Site Reclamation.

1. No mining shall commence without providing the County a copy of a DOGAMI operating permit, approved reclamation plan, or exemption certificate.
2. A reclamation plan shall be submitted concurrently with the development plan required in Section [3.806](#). The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses specified in the underlying zone including subsequent beneficial uses identified through the County process.
3. The County shall coordinate with DOGAMI to ensure compatibility between DOGAMI and the County. When notified by DOGAMI that an operator has applied for approval of a reclamation plan and issuance of an operating permit, the County shall, in turn, notify DOGAMI if local site plan approval is required.
  - a. If site plan approval is required, the County shall require that DOGAMI delay final action on the application for approval of the reclamation plan and issuance of the operating permit until after site plan approval has been granted.
  - b. If site plan approval is not required, the County shall notify DOGAMI that no land use approval is required, and the County will review the proposed reclamation plan during DOGAMI's notice and comment period.

#### I. Water Management

1. All surface water shall be managed to provide protection against sediment discharge into streams, rivers and lakes. Existing natural drainage on the site shall not be changed in a manner which interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.
2. All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be managed: (a) in a manner which meets all applicable DEQ water quality standards and DOGAMI requirements, or (b) shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water

Resources and/or local water district prior to the commencement of any site operation.

- J. Flood Plain. Any extraction Area located wholly or in part in a Flood Hazard Area shall receive approval in accordance with Chapter 22 of this Ordinance prior to any site operation.
- K. Compliance with Special Conditions. The applicant shall demonstrate that all special conditions or requirements adopted as part of the County process have been satisfied or will be satisfied by a specified date.
- L. Security. Fencing of site boundaries shall be required on the boundary between a significant site and a parcel zoned to allow dwellings as an outright permitted use. Fencing shall be a cyclone type fence, shall be earth tone color, and shall be a minimum of six feet high.

### **Section 3.807 - Application Process**

Final development plan approval is required prior to the beginning of any mineral and aggregate activity listed in Section [3.805](#), and before any expansion of a pre-existing or nonconforming site. The applicant shall provide the following at the time of application:

- A. A site plan demonstrating that the development standards required in Section [3.806](#) can be met, and any requirements adopted as part of the County process, including:
  - 1. Screening and Fencing;
  - 2. Access;
  - 3. Hours of Operation;
  - 4. Environmental Standards;
  - 5. Equipment Removal;
  - 6. Performance Agreement;
  - 7. Significant Resource Area Protection;
  - 8. Site Reclamation;
  - 9. Water Management; and
  - 10. Flood Plain.
- B. A map or diagram showing the location and setbacks of all proposed mineral and aggregate activities and operations and the location and distance to all Sensitive Uses within the Impact Area.
- C. The County shall approve, conditionally approve, or deny a site plan based on the ability of the site plan to conform to the standards of Section [3.806](#) and any other requirements adopted as part of the County process.

- D. If the County determines that the site plan is substantially different from the proposal approved in the County process, the application shall be denied or conditioned to comply with the decision adopted as part of the County process, or the applicant may choose to apply for a Comprehensive Plan amendment whereby the original decision reached through the County process will be re-examined based on the revised site plan.

### **Section 3.808 - Impact Area - Uses and Standards**

- A. Any permitted use allowed in the underlying zone may be allowed in the Impact Area subject to the underlying zone criteria and as otherwise authorized by the County process.
- B. Uses allowed Conditionally.
  - 1. Any conditional use in the underlying zone(s) which are not noise sensitive uses or conflicting uses shall be reviewed as conditional uses subject to the underlying zone criteria.
  - 2. Noise sensitive uses and conflicting uses shall be reviewed as conditional uses subject to criteria [D - Review Criteria](#).
- C. Prohibited Uses. Uses identified through the County process as incompatible with mining shall not be permitted within the Impact Area.
- D. Review Criteria. To approve uses allowed conditionally in the Impact Area the applicant must demonstrate compliance with the following criteria:
  - 1. The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;
  - 2. The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this chapter, or the terms of a state agency permit. The applicant for a new noise sensitive use shall submit an analysis prepared by an engineer or other qualified person, showing that applicable DEQ noise control standards are met or can be met by a specified date by the nearby mining operation.
  - 3. Any setbacks or other requirements imposed through the County process have been met or can be met by a specified date.
- E. Approval Conditions.
  - 1. Compliance with subsection [D](#) of this section may be satisfied through the imposition of clear and objective conditions of approval.

2. Approval of any conflicting use in the impact area shall be conditioned upon execution of a restrictive covenant in favor of the mining operator. The restrictive covenant shall incorporate all approval conditions and an agreement not to object to the conduct of lawful operations conducted at the nearby surface mine.

F. Waiver of Remonstrance and Indemnity.

1. The owner of a proposed new Sensitive Use shall sign and record in the County Deed Records an Aggregate Operation Easement, Waiver of Remonstrance and Indemnity which shall declare that the applicant and his successors or heirs will not now or in the future complain about the allowed surface mining activities on the adjacent surface mining site.
2. The Aggregate Operations Easement and Waiver of Remonstrance and Indemnity shall run with the land, until such time as the site is exhausted and the site is reclaimed in accordance with the approved reclamation plan or the operator releases these restrictions, easements or waivers or remonstrance and indemnity.
3. It shall be a requirement of the mineral and aggregate operator to release any restrictions, easements or waivers of remonstrance and indemnity.

**Section 3.809 - Designation of Overlay Zone**

The Mineral and Aggregate Overlay Zone may be applied through the plan update process, or through individual application for an Aggregate Overlay zone/Comprehensive Plan amendment pursuant to Section 2.060 (B)(15) of this Ordinance. The approving authority shall approve the overlay zone designation if the provisions of Chapter 3, Section [3.800](#) - [3.809](#) of this Ordinance have been met. (Amended 9-93) The boundary of the Overlay Zone shall be all property contained in the Mineral and Aggregate Extraction Area and Mineral and Aggregate Impact Area.

**Section 3.810 - Termination of Mineral and Aggregate Overlay Zone**

The Mineral and Aggregate Overlay Zone designation shall be removed by the owner or the County through the Zone Change process when:

- A. The owner of the Mineral and Aggregate resource site submits evidence showing a significant resource no longer exists on the site; and
- B. The mineral and aggregate resource site has been reclaimed in accordance with the approved reclamation plan; and
- C. The operator has caused to be released any operation easements, restrictions or waivers of remonstrance and indemnity relating to the application of this Ordinance.

## **Section 3.900 – Reservoir Overlay Zone (EPD-6)**

Section 3.901 – Purpose .....	1
Section 3.902 - Application of Provisions.....	1
Section 3.903 - Procedure for Applying the Overlay Zone .....	2
Section 3.904 - Sensitive Resource Plan and Plan Review Process.....	2
Section 3.905 - Review Considerations.....	3
Section 3.906 - Hardship Variance .....	4

Land located in the Reservoir Overlay Zone (EPD-6), is subject to the requirements and standards of this Chapter in addition to those specified in the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall apply.

### **Section 3.901 – Purpose**

The purpose of this overlay district is twofold:

- A. To conserve important riparian areas by providing supplementary development standards; to protect existing riparian values and permit development compatible with protection of riparian resources within the mapped fifty (50) foot riparian corridor surrounding the reservoirs and selected streams or rivers.
- B. To require notification of Oregon Department of State Lands concerning applications for development permits or other land use decisions affecting wetlands on the adopted wetland inventory.

### **Section 3.902 - Application of Provisions**

- A. This overlay district shall be applied to all potential riparian areas identified in the Comprehensive Plan within the fifty (50) foot safe harbor riparian corridor. The fifty (50) foot safe harbor riparian corridor shall be measured perpendicular to the operational high pool elevation of each reservoir and from ordinary high water for other selected streams, ponds, or rivers.
- B. Those areas of the 50 foot safe harbor riparian corridor not identified as potential riparian areas on the riparian corridor map are not subject to sensitive area review.
- C. If an applicant can successfully demonstrate that the inventory map documenting the presence of the riparian area is shown to be in error and that the on-site conditions are determined by a qualified professional not to provide riparian values, the area demonstrated to provide no riparian values will not be subject to sensitive area review. ODFW will be consulted to determine the adequacy of information submitted by the applicant.

- D. The notification requirements are applied to all wetlands on the current version of the National Wetland Inventory as it may be modified by the State Wetland Inventory as adopted by reference and made part of the County's Comprehensive Plan.

### **Section 3.903 - Procedure for Applying the Overlay Zone**

- A. Development or ground disturbance resulting in permanent alteration of the identified potential riparian areas shown on the safe harbor riparian corridor map is restricted. Only the following uses may be permitted provided the applicant is able to demonstrate, through the sensitive resource plan review process, that intrusion into the riparian area has been minimized and mitigated where deemed necessary.
- B. Streets, roads and paths,
- C. Drainage facilities, utilities, and irrigation pumps,
- D. Water-related and water dependent uses, and
- E. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- F. Removal of vegetation only when it is either
  - 1. non-native vegetation removed for the purpose of replacing non-native with native vegetation, or
  - 2. vegetation that must be removed for the development, redevelopment, or maintenance of water related or water dependent uses
  - 3. vegetation that is removed to accommodate farm or forest practices permitted pursuant to statewide planning Goals 3 or 4 on land zoned for farm or forest use.

### **Section 3.904 - Sensitive Resource Plan and Plan Review Process**

- A. Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed, to submit written comments to the County. If the County does not receive a response from ODFW within this time period, the County shall proceed to process the applicant's request. A completed sensitive resource plan shall contain the following elements:
  - 1. A plot plan drawn to scale showing the location of all existing and proposed development including existing and proposed roads, driveways and structures.



2. Description of the general slope and aspect of the ground within the potential riparian area.
  3. Description of the operating characteristics of the proposed use including times when activity within the potential riparian area would disturb surface soil, generate vibration, or deter wildlife use of the area.
  4. Description of steps taken to avoid impacts to sensitive areas where possible and to minimize and mitigate for impacts in sensitive areas where impacts cannot be avoided.
  5. Timing of construction activities including grading or filling land, hauling materials and building.
  6. Description of existing vegetation and vegetation to be removed for the proposed development or ground disturbing activity.
- B. Based upon the record and evaluation of the proposal, the Planning Director or designee shall approve or reject the sensitive resource plan and protection measures. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan and protection measures to achieve compliance with the applicable criteria.
1. Submittal of an altered sensitive resource review request will be considered a new application and will not be subject to limitations on re submittal of similar applications.
  2. Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.

### **Section 3.905 - Review Considerations**

- A. The following factors shall be considered when sensitive resource plans and proposed protection measures are reviewed:
1. Where possible new ground disturbances will be located to avoid impact to potential riparian areas. If location of a new ground disturbance is necessary within potential riparian areas the County will work with ODFW and the applicant to identify necessary steps to minimize potential impacts to riparian values. Mitigation may be required. If required, the applicant shall create, restore or enhance an area to provide equal or greater riparian value to that being disturbed.
  2. Existing vegetation or other landscape features within the riparian area, which are confirmed to provide critical habitat values, shall be preserved and maintained. A

restrictive covenant to preserve and maintain vegetation shall be required when specified through the sensitive resource plan review.

3. No partitions or subdivisions shall be permitted which would force location of a dwelling structure or other ground disturbing activity, not otherwise permitted on the site to be allowed within the sensitive habitat area.

### **Section 3.906 - Hardship Variance**

- A. Hardship variance from the provisions limiting permanent alteration of identified riparian areas shown on the safe harbor riparian corridor map may be permitted upon a demonstration that the following conditions exist: (Chapter 6 and 7 do not apply).
  1. A legally created lot or parcel can be demonstrated to be rendered undevelopable by strict adherence to the restrictions to development or ground disturbance resulting in permanent alteration of the identified riparian areas shown on the safe harbor riparian corridor map.
  2. The need for the variance can be determined not to be the result of a self-created hardship.
  3. Approval of the variance would not be materially detrimental to property in the same zone or vicinity in which the property is located.
  4. In any case the variance shall be the minimum necessary to alleviate the hardship.

## **Section 3.910 - Natural Areas Overlay (EPD-7)**

Section 3.911 - Permitted Uses.....	1
Section 3.912 - Approval Standards.....	1

Purpose: This overlay district is intended to preempt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. This overlay applies to all natural areas identified in the Wasco County Comprehensive Plan and to the Wasco County portions of the Deschutes, John Day, and White Rivers designated as Wild & Scenic Rivers as defined and protected in ORS [390.805](#) & [390.826](#) or USFC & CFR.

### **Section 3.911 - Permitted Uses**

Uses allowed in the underlying zone shall be subject to the conditional use review permit pursuant to Section 2.060(A) of this Ordinance.

### **Section 3.912 - Approval Standards**

In the evaluation of any use subject to the Natural Area Overlay, finding shall be required demonstrating that the designated natural value will not be damaged by the use or activity. If a proposed use or activity would result in the permanent destruction of natural value, then the request shall be denied.

\* White River is designated as an Outstanding Scenic Recreation Area (requires CUP review). See Table 11; Page 5-19 or Comprehensive Plan.



## **Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8)**

Section 3.921 – Purpose .....	1
Section 3.922 - Application of Provisions.....	1
Section 3.923 - Exempt Areas .....	1
Section 3.924 - Permitted Uses.....	1
Section 3.925 - Conditional Uses .....	1
Section 3.926 - Siting Standards .....	2
Section 3.927 - Fencing Standards.....	2
Section 3.928 – Other Provisions.....	3

In any zone which is in the Wildlife Overlay (EPD-8), the requirements and standards of this Chapter shall apply in addition to those specified in this Section for the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.

### **Section 3.921 – Purpose**

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

### **Section 3.922 - Application of Provisions**

Except as provided in Section [3.923](#) below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as Big Game Winter Range Habitat and Area of Voluntary Siting Standards.

### **Section 3.923 - Exempt Areas**

The following areas are exempt from these provisions:

- A. Rural Service Centers.
- B. Areas designated as Impacted Areas in the Transition Lands Study Area.

### **Section 3.924 - Permitted Uses**

All uses allowed in the overlay zone shall be those farm and forest uses permitted outright by the underlying zone.

### **Section 3.925 - Conditional Uses**

The conditional uses permitted in the zones in which this overlay is applied, shall be those permitted conditionally by the underlying zone subject to the other applicable standards of this Section.

### **Section 3.926 - Siting Standards**

- A. For lands within the Area of Voluntary Siting Standards a meeting between the applicant and Oregon Department of Fish and Wildlife shall be required if Oregon Department of Fish and Wildlife determines that habitat values exist which may be important to discuss with the applicant. The result of the meeting shall be included as information in the county review of a land use application.
- B. In the area designated Big Game Winter Range the following siting standards shall be applied as a condition of approval for all new dwellings. In the area designated Area of Voluntary Siting Standards the following siting standards shall be by voluntary agreement of the applicant.
  - 1. New dwellings shall be located within three hundred feet (300') of public roads or easement or private roads or easements existing as of October 22, 1997, unless it can be found that:
    - a. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern; or,
    - b. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least impact on wildlife habitat possible considering browse, forage cover, access to water, and minimizing length of new access roads.

### **Section 3.927 - Fencing Standards**

The following fencing standards could apply to new fences constructed as a part of development of a property in conjunction with conditional use permit. These standards shall be a voluntary agreement by the applicant.

New fences in the Big Game overlay zone are designed to permit wildlife passage. The following standards are guidelines approved by the County after consultation with the Oregon Department of Fish and Wildlife:

- A. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
- B. A 3-wire or 4-wire fence with the bottom wire at least 18 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire to avoid injury to animals.
- C. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.

### **Section 3.928 – Other Provisions**

- A. The County shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified on the National Wetlands Inventory maps.
- B. An application for a destination resort, or any portion thereof, in a recognized Big Game Habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process.
- C. The county shall provide ODFW an annual record of development approvals within the areas designated as "Area of Voluntary Siting Standards" on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat (Added October 1997).





## **Section 3.930 - Big Muddy Limited Use Overlay**

Section 3.931 - Permitted Uses.....	1
Section 3.932 - Conditional Uses .....	1
Section 3.933 - Development Standards .....	2
Section 3.934 - Limitations.....	2

Purpose: The purpose of the Big Muddy limited use overlay is to assure that the development and operation of a youth/family camp in the Big Muddy exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 97-001) occurs in a manner that is consistent with the purpose and intent of the Big Muddy Exception (“Exception”) and limits uses and activities allowed in the underlying Agricultural-Recreational (A-R) Zone to only those uses and activities which are justified in the Exception adopted as part of the County’s plan by Ordinance No. 97-001.

### **Section 3.931 - Permitted Uses**

- A. Use of buildings existing on the date of adoption of this Section consistent with the Exception.
- B. Renovation and relocation of buildings existing on the date of adoption of this Section consistent with the Exception to the extent that the renovation or relocation does not increase the building footprint.

### **Section 3.932 - Conditional Uses**

- A. The following are Conditional Uses in the Big Muddy limited use overlay:
  - 1. New buildings for youth/family camp purposes.
  - 2. Expansion of existing buildings for youth/family camp purposes.
- B. Approval Criteria: Approval of a Conditional Use in the Big Muddy limited use overlay shall be based on a demonstration that the following four criteria are met:
  - 1. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and the Exception.
  - 2. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical services, or solid waste disposal facilities.

3. The proposed use will not significantly reduce or impair sensitive wildlife habitat or riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
  4. The proposal will not significantly increase the cost of or cause a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.
- C. Conditions: Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding properties and to fulfill the purposes of the Big Muddy limited use overlay may be imposed in approving a conditional use permit application.
- D. Applicability of Conditional Use Review Standards: Conditional uses in the Big Muddy limited use overlay shall be subject only to the following sections of Chapter 5, Conditional Use Review: Sections 5.040, 5.050 and 5.060.

### **Section 3.933 - Development Standards**

- A. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways.
- B. Setbacks: No new structure other than fences or signs shall be located closer than twenty-five (25) feet from the right-of-way of a public road.
- C. Height: Maximum height for all buildings shall be 50 feet.

### **Section 3.934 - Limitations**

- A. No partitioning or subdividing shall be allowed in the Big Muddy limited use overlay.
- B. No temporary housing shall be permitted in the Big Muddy limited use overlay, except as necessary to house construction personnel/workers during construction and remodeling on site.
- C. All new structures shall be located within the Development Area as provided for in the Exception.
- D. Uses in the Big Muddy limited use overlay shall be limited to the youth/family camp as provided for in the Exception.

## **Section 3.940 - Badger Creek Limited Use Overlay (EPD-10)**

Section 3.941 - Permitted Uses.....	1
Section 3.942 - Conditional Uses .....	1
Section 3.943 - Limitations.....	1

Purpose: The purpose of the Badger Creek Limited Use Overlay is (a) to assure that the development and use of the Badger Creek exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 99-112) occurs in a manner that is consistent with the purpose and intent of the Badger Creek Exception (“Exception”) and (b) to limit uses and activities in accordance with the Exception.

### **Section 3.941 - Permitted Uses**

- A. Residential uses existing as of the effective date of this Ordinance shall be allowed to remain.
- B. Existing residential dwellings may be replaced, altered or restored. Replacement may be to another place on the lot or parcel within the “Development Area” as shown on the Badger Creek Limited Use Overlay Map. The replacement dwelling shall be subject to the Property Development Standards of the (F-F(10)) Zone.

### **Section 3.942 - Conditional Uses**

- A. Additional single-family dwellings not in conjunction with farm or forest use only on sites identified as future residences on the “Development Area” as shown on the Badger Creek Limited Use Overlay Map.
- B. Conditional uses shall be subject to the provisions of Chapter 5, Conditional Use Review of this code.
- C. Home occupations which shall also be subject to Chapter 20, Site Plan Review.

### **Section 3.943 - Limitations**

- A. No partitioning or subdividing shall occur if any of the resulting parcels or lots are less than ten (10) acres in size.
- B. All new structures not provided in conjunction with a forest or farm use shall be located within the “Development Area” as shown on the Badger Creek Limited Use Overlay Map.
- C. Partitions shall be allowed only for parcels containing a homesite (either an existing or new dwelling homesite) that is identified on the Badger Creek Limited Use Overlay Map.

Partitions around any homesite shall not result in the creation of an undevelopable remnant parcel.

## **Section 3.950 - Pine Hollow Airport Overlay Zone (EPD-11)**

Section 3.951 - Application .....	1
Section 3.952 - Operational Uses.....	1
Section 3.953 - Allowable Uses .....	2
Section 3.954 - Property Development Standards .....	3
Section 3.955 - Dual Use Roads .....	4

Purpose: The purpose of this Private Use Airport- Overlay Zone is to encourage and support aeronautical activities and their customary accessory uses at the Pine Hollow Airport and The Pine Hollow Airstrip Subdivision, and to provide for their continued operation and vitality consistent with Oregon state law [ORS [836](#)]

### **Section 3.951 - Application**

This zoning district applies to the entire Airstrip Subdivision, with the exception of the “Public Access Area” dedicated to the public, in addition to Airstrip Drive and two unnamed public access roads, and the airstrip which is located outside of the subdivision (see official map). This zoning recognizes that Membership in The Pine Hollow Airport Association, LLC, or any future entity owning The Pine Hollow Airport, and subsequent use of Pine Hollow Airport is optional in the Pine Hollow Airport Overlay zone.

All of the standards, as well as the allowable uses in the base zone are applicable to these properties. In the event that any provisions in the overlay are inconsistent with those of the base zone, the provisions in the overlay shall govern.

### **Section 3.952 - Operational Uses**

Operation of the following uses at the Pine Hollow Airport and properties within the Pine Hollow Airport Overlay Zone will be established and may be continued at their current levels as of the effective date of this Private-Use Airport Overlay Zone.

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; maintenance of airport facilities; Except as provided in this ordinance, "customary and usual aviation-related activities" do not include commercial, industrial, manufacturing and other uses.
- B. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes.
- C. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

- D. Aircraft service, maintenance, facilities and accessory structures for aircraft service and maintenance, fueling, and storage. This includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- E. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport owner. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter or helicopter flights.

### **Section 3.953 - Allowable Uses**

- A. Allowed Outright: The following expansions of existing uses are allowed outright:
  - 1. Basing additional aircraft in the overlay zone.
  - 2. Increases in flight activity.
- B. Allowed Subject to Ministerial Review: The following uses shall be permitted as a ministerial decision without public hearing or notice.
  - 1. Aircraft Hangars subject to the following standards:
    - a. Property owner(s) must provide evidence of legal use of the Pine Hollow Airport from the Pine Hollow Airport Association, LLC, or any future entity owning the Pine Hollow Airport.
    - b. Property owner(s) must present "Wet Stamped" engineered drawings that demonstrate the hangar will be primarily used for aviation related purposes.
    - c. The Aircraft Hangar must demonstrate safe ingress and egress from adjacent properties and roads and storage ability of an aircraft with a wing span of thirty feet or larger.
    - d. Property owner(s) must sign a statement binding them and any future property owner(s) from using the hangar for purposes other than primarily aviation related. This statement shall be filed with the Wasco County Clerk's Office prior to receiving zoning approval on a building permit application.

- e. The aircraft hangar is intended to be primarily used for the storage, maintenance, and assembly of airplanes and other aviation related equipment. Additional storage of a car, boat, motorcycle or other items is allowed as long as storage of these items does not prevent the storage of an airplane.
  - f. The aircraft hangar shall be limited to 2,500 square feet.
- C. Uses Allowed Subject to Site Plan Review: The following uses shall be allowed following approval by the Wasco Planning Commission:
- 1. New uses or expansion of existing uses, identified in Section [3.952](#), or new commercial uses or expansion of existing commercial uses listed in [3.952 C, D](#), and [E](#) of this zoning district upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.
    - a. The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;
    - b. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
    - c. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS [215.296](#). [ORS [836.608](#)(3)(b), (5) and (6); OAR [660-013-0155](#)(2)]

### **Section 3.954 - Property Development Standards**

- A. Setbacks: Properties adjacent to the Pine Hollow Airstrip must observe a 35 foot setback from the property line of the airstrip property for construction of any type. All other setbacks in the base zone shall apply.
- B. Height Limitations: All uses, activities, facilities and structures allowed in the Private Use Airport Zone shall comply with the following requirements and those of the Private Use Airport Safety Overlay Zone. [ORS [836.608](#)(8); OAR [660-013-0070](#)(1)(b); OAR [660-013-0155](#)(3)]
  - 1. Except as provided in subsection b of this section, no structure or tree, plant of other object of natural growth shall penetrate the airport imaginary surface.
  - 2. Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall

follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation.

- C. Hangar Size Variance: Any proposed hangar greater than 2,500 square feet in size shall only be approved by the Planning Commission subject to the provisions of Chapter 6, Variances.

### **Section 3.955 - Dual Use Roads**

Airstrip Drive and two short connecting unnamed access drives in the Airstrip Subdivision have been designated dual use roads for airplane taxiways and automobile roads by Wasco County Court order. The Pine Hollow Airport Association, LLC, or any future entity owning the Pine Hollow Airport is required to erect and maintain signage indicating that autos need to yield to airplane traffic.



## **Section 3.960 - Sensitive Bird Site Overlay (EPD-12)**

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Purpose: The Purpose of the Sensitive Bird Site Overlay is to insure that sensitive habitat areas identified in the County’s Goal 5 Sensitive Bird Inventory as critical for the survival of the golden eagle and prairie falcon are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental and energy (ESEE) analysis for each inventoried habitat area.

### **Section 3.961 - Applicability**

Sensitive bird site protection measures are applicable to all uses in the underlying zone(s). Any use permitted or permitted conditionally in the zone is subject to the sensitive resource review procedure if located within the sensitive habitat protection area identified for the inventoried significant site. Land divisions of parcels including sensitive habitat protection area shall be reviewed to determine the need for sensitive resource review specifically considering review criterion Section [3.963 E](#). The sensitive resource review requirement and resulting protection measures are applicable in addition to and shall be applied concurrently with all other applicable standards and criteria in the county LUDO.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of affected resources and public interest.

Forest practices subject to ORS [527.610](#) to [527.770](#) and farm practices defined by ORS [30.947](#)(2) are not regulated by the sensitive bird site overlay.

### **Section 3.962 - Procedure for Applying the Overlay Zone**

- A. Sensitive resource plan elements and description required for completed sensitive resource review application include the following:
  1. A plot plan drawn to scale showing the location of all development including existing and proposed roads, driveways and structures.
  2. Description of the operating characteristics of the proposed use including times when activity within the sensitive bird habitat area would generate noise, dust, vibration, lights, traffic or be visible from the nest site.

3. Timing of construction activities including grading or filling land, hauling materials and building.
  4. Description of existing vegetation and vegetation to be removed for the proposed development.
- B. Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed to the agency, to submit written comments to the County. If the County does not receive a response from ODFW within this time period, the County shall proceed to process the applicant's request.
  - C. Based upon the record, and evaluation of the proposal based on applicable criteria and review of the site specific ESEE analysis in the Comprehensive Plan, the Planning Director or designee shall approve or reject the sensitive resource plan. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan to achieve compliance with the applicable criteria.
  - D. Submittal of an altered sensitive resource plan review request will be considered a new application and will not be subject to limitations on re submittal of similar applications.
  - E. Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.

### **Section 3.963 - Applicable Criteria**

Approval of a sensitive resource plan review request shall be based on the following criteria:

- A. The approved sensitive resource plan shall consider the biology of the identified sensitive species, nesting, trees, critical nesting periods, roosting sites and buffer areas. Based on the biology of the species and the characteristics of the site, sensitive resource protection measures shall be applied to provide protection that will prevent destruction of the subject nesting site and will, reasonably avoid causing the site to be abandoned.
- B. Development activities likely to result in disturbance to the resource shall be avoided where possible in the sensitive habitat protection area. If it is impossible to locate a temporary or permanent disturbance outside the sensitive habitat protection area the impacts of the proposed use will be minimized to the greatest extent possible. Activities within the habitat protection area that are likely to result in disturbance to the habitat protection area will be prohibited during the nesting season identified in the site specific ESEE analysis for each site.
- C. New roads, driveways or public trails shall be located at the greatest distance possible from the nest site unless topographic vegetation or structural features will provide greater visual protection and/or noise buffer from the nest site.

- D. Existing vegetation or other landscape features which are located on the subject property and obscure the view of the nest from the proposed structure or activity shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
- E. No partitions or subdivisions shall be permitted which would force location of a dwelling or other structure, not otherwise permitted by the site specific ESEE, within the sensitive habitat protection area.
- F. All exterior lighting, including security lighting, located within the designated sensitive habitat protection area shall be sited and shielded so that the light is directed downward and does not shine on the subject nest site.
- G. The sensitive resource plan and resulting development shall conform to the requirements of the ESEE analysis for the specific significant sensitive bird site. Sensitive habitat plan reviews resulting in approvals will include necessary protection measures, as conditions of approval, to ensure protection of sensitive habitat areas.

#### **Section 3.964 - Threatened and Endangered Species**

Upon receipt of an application for an action or development which will potentially disrupt a habitation or breeding site of a species listed as endangered by the U.S. Fish and Wildlife Service, the County will require verification of Federal coordination and review prior to deeming the application complete and initiating the local review process. ODFW will be consulted in the development and approval of the plan and will also coordinate with federal regulators during their review of the sensitive resource protection.

#### **Section 3.965 - Interim Protection of Sensitive Bird Habitat Sites**

Any parcel within a quarter mile of a sensitive bird site, not yet deemed significant but acknowledged for interim protection under the applicable Comprehensive Plan policy, shall forego any land use development, partitioning, building or on-site septic construction, except for emergency repairs, until such time as the County has the opportunity to consult with ODFW. Consultation with ODFW will be held to determine whether an unacceptable level of interference would result from approval of the proposed action or activity. Only those activities deemed to have no more than an acceptable level of interference with the use or long term value of the potentially significant sensitive bird site will be permitted.

Interim wildlife protection granted under this section is only valid for a maximum of 120 days from the date the County acknowledges the need for interim protection to be applied.



## **Section 3.970 – Pond Turtle Sensitive Area Overlay**

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Section 3.973 - Procedure for Applying the Overlay Zone .....	2
Section 3.974 - Criteria applicable within Sensitive Pond Turtle Habitat Area .....	3
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In any zone which is in the Pond Turtle Wildlife Overlay (EPD-13), the requirements and standards of this Chapter shall apply in addition to those specified in the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern.

### **Section 3.971 – Purpose**

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to protect the core water areas, nesting sites, connecting corridors, and hibernation sites of the Western Pond Turtle; and to permit development compatible with the protection of the wildlife resource.

### **Section 3.972 – Application of Provisions and Definition of Sensitive Habitat Areas**

The sensitive habitat area is the area identified in the Wasco County Comprehensive Plan inventory and site specific ESEE for both the core habitat and upland management areas. The sensitive habitat, including both core habitat which extends between 150 and 600 feet from an important water body or connecting corridor and upland management area which extends as far as ¼ mile or 1320 feet from an important water body or connecting corridor in it furthest reaches. The specific size of the sensitive habitat area and rationale for identifying the distinction between core habitat and upland management area is discussed in the ESEE analysis. The need for variation in the program adopted to protect these areas is also explained in the ESEE analysis.

Significant sensitive habitat located within the Columbia River Gorge National Scenic Area is not subject to the provisions of this Section. The relationship between the habitat area inside the National Scenic Area and that protected by this goal 5 program is noted. Protection measures have been developed to provide compatible protection measures inside and outside the NSA.

Unless identified for interim protection under Section [3.975](#) of this section, only inventoried sites determined to be significant and evaluated for protection through a site specific ESEE analysis are afforded Goal 5 protection.

Sensitive resource plan review requirements are applicable to all uses in the underlying zone(s). Any use permitted or permitted conditionally in the zone is subject to the sensitive resource plan review procedure if located within the sensitive habitat area identified for the inventoried significant site. Land divisions of parcels including sensitive habitat area shall be reviewed to determine the need for sensitive resource plan review specifically considering review criteria in Section [3.974](#) of this section. The sensitive resource plan review requirement is applicable in

addition to and shall be applied concurrently with all other applicable standards and criteria in the county LUDO.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of affected resources and public interest.

Forest practices subject to ORS [527.610](#) to [.770](#) and farm practices defined by ORS [30.947](#)(2) are not regulated by the sensitive habitat overlay.

### **Section 3.973 - Procedure for Applying the Overlay Zone**

- A. Sensitive resource plan elements and description required for completed sensitive resource plan review application include the following:
  - 1. A plot plan drawn to scale showing the location of all development including existing and proposed roads, driveways and structures.
  - 2. Description of the general slope and aspect of the ground within the upland management area.
  - 3. Description of the operating characteristics of the proposed use including times when activity within the sensitive turtle habitat area would potentially disturb surface soil, generate vibration, or create a need for traffic in core habitat or potential nesting areas (exposed south facing slopes within the upland management area).
  - 4. Description of steps taken to avoid impacts to sensitive areas where possible and to minimize and mitigate for impacts in sensitive areas where impacts cannot be avoided.
  - 5. Timing of construction activities including grading or filling land, hauling materials and building.
  - 6. Description of existing vegetation and vegetation to be removed for the proposed development.
  - 7. Description and location of proposed grazing activities.
- B. Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed, to submit written comments to the County. If the

County does not receive a response form ODFW within this time period, the County shall proceed to process the applicant's request.

- C. Based upon the record, and evaluation of the proposal based on applicable criteria and review of the site specific ESEE analysis in the Comprehensive Plan, the Planning Director or designee shall approve or reject the sensitive resource plan and protection measures. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan and protection measures to achieve compliance with the applicable criteria.
- D. Submittal of an altered sensitive resource review request will be considered a new application and will not be subject to limitations on resubmittal of similar applications.
- E. Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.

#### **Section 3.974 - Criteria applicable within Sensitive Pond Turtle Habitat Area**

- A. In the area designated Core Habitat
  - 1. This area is determined to be a "no disturbance" area. New uses shall be prohibited on lands designated Core Habitat. Prohibited uses include but are not limited to:
    - a. new building construction;
    - b. new agricultural cultivation on land not zoned EFU;
    - c. expansion of existing buildings into core habitat areas;
    - d. new ground disturbance, except for accepted agricultural practices on land zoned EFU;
    - e. new landscaping;
    - f. motor vehicle use, except for those required to maintain existing utilities and roads, use of existing roads, and use for enhancement projects;
    - g. livestock use/grazing on land not zoned EFU.
  - 2. Alteration, and/or restoration of a lawfully established dwelling which does not result in new ground disturbance within the core habitat area may be allowed subject to the sensitive resource plan review criteria listed in this section.

3. Implementation or completion of a ground disturbing or mitigation activity permitted subject to the required sensitive resource plan review and applied protection measures is allowed in accordance with the terms and conditions of the permit.
4. Replacement of a lawfully established dwelling. Any replacement dwelling shall be located outside of the core habitat area if possible and shall be permitted subject to the sensitive resource plan review criteria of this section and the development standards of the underlying zone. If it is not possible to replace the dwelling outside the core habitat area, replacement within the core habitat will be considered through the sensitive resource plan review process applied in the upland management area and impacts shall be minimized. Mitigation may be required to balance unavoidable impacts to the core habitat area.
5. Any use allowed within the core habitat area shall be reviewed through the sensitive resource plan review process in sub section C. of this section and will only be permitted upon a determination that:
  - a. the base zone otherwise authorizes the use,
  - b. there is no other location on the tract that that can be used to practicably accommodate the use,
  - c. the use has been proposed in a manner that will minimize the impact of the proposed use on the resource, and
  - d. the proposal includes a plan for mitigation of unavoidable impacts prepared by a qualified professional that includes a monitoring plan designed to confirm the success of the mitigation effort.

B. In the area designated Upland Management Area:

The following standards shall apply to any new ground disturbing activity. This includes: expansion, maintenance, replacement of existing structures or new structures: replacement or maintenance of existing utilities: new utilities; and septic installation requiring a building permit or septic permit; new grazing; new landscaping; and new cultivation.

1. New ground disturbances proposed within the upland management Area shall be subject to a sensitive resource plan review by the Oregon Department of Fish and Wildlife in accordance with the sensitive resource plan review process in Section [3.972](#) of this section.



2. Avoidance of ground disturbance within the entire sensitive habitat area, including both the core habitat and upland management areas, precludes the need for any sensitive resource plan review.
3. The following factors shall be considered when sensitive resource plans and proposed protection measures are reviewed:
  - a. Where possible new ground disturbances will be located to avoid impact to open south and west facing slopes within the upland management area. If location of a new ground disturbance is necessary on a south or west facing slope the County will work with ODFW and the applicant to identify necessary steps to minimize potential impacts to habitat values in the upland management area.
  - b. The location, size, scope, configuration or density of new uses shall be regulated to protect wildlife species. The timing and duration of all construction and all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are most sensitive to disturbance.
  - c. Proposed livestock grazing on non EFU ground will be reviewed to ensure livestock are controlled to prevent overgrazing of vegetation. Restrictions on livestock may be necessary on non EFU ground because they are known to crush turtles in hibernation or in transit from pond to pond.
  - d. New driveway/road access will be reviewed along with the timing for increased construction traffic on existing roads or driveways located or proposed to be located within the Upland management area. The purpose of the review will be to avoid adverse impacts to turtles most likely to result from vehicles crushing them and to avoid impeding movement of the turtles along the riparian corridors, to other ponds, and to nesting sites. If potential adverse impacts cannot be avoided, the County will work with ODFW and the applicant to identify necessary steps to minimize potential impacts to habitat values in the upland management area.
  - e. Existing vegetation or other landscape features within the upland management area, which are confirmed to provide critical habitat values, shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
  - f. No partitions or subdivisions shall be permitted which would force location of a dwelling structure or other ground disturbing activity, not otherwise permitted on the site to be allowed within the sensitive habitat area.

- g. The sensitive resource plan and proposed protection measures shall conform to the requirements of the ESEE analysis for the specific type of significant sensitive habitat area impacted.
- 4. Alteration, restoration, or replacement of a lawfully established dwelling. Any replacement dwelling may be allowed so long as it complies with applicable sensitive resource plan review criteria and other applicable provisions in the County's LUDO.
- 5. The applicant shall, as a condition of approval, record a deed restriction form adopted as Exhibit A, with the county clerk of the county restricting the use of the area identified as "Core Habitat".
- 6. The applicant shall, as a condition of approval, record the conditions of approval determined through the sensitive resource plan review process, with the county clerk of the county.
- 7. Maintenance and repair of existing structures not requiring a construction permit, permitted work conducted within a closed structure, or repair of a failing septic system are exempt from sensitive resource plan review criteria.

#### **Section 3.975 - Interim Protection of Sensitive Habitat Area**

Any parcel identified as having sensitive pond turtle habitat, not yet included on the inventory or deemed significant, but acknowledged for interim protection under the applicable Comprehensive Plan policy, shall forego any land ground disturbing activity regulated by this section, except for emergency repairs, until such time as the County has the opportunity to consult with ODFW. Consultation with ODFW will be held to determine whether an unacceptable level of interference would result from approval of the proposed action or activity. Only those activities deemed to have no more than an acceptable level of interference with the use or long term value of the potentially significant sensitive habitat area will be permitted.

Interim wildlife protection granted under this section is only valid for a maximum of 120 days from the date the County acknowledges the need for interim protection to be applied.

## **Section 3.980 - Camp Morrow Limited Use Overlay (EPD-14)**

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Purpose: The purpose of the Camp Morrow Limited Use Overlay (LUO) is to assure that development and operation of the youth/family camp in the Camp Morrow LUO and Badger Creek exception area (adopted as part of the Wasco County Comprehensive Plan by CPA-06-101) occurs in a manner that is consistent with the purpose and intent of the Camp Morrow exception area (“Exception”). The LUO limits uses otherwise allowed in the Agricultural Recreation zone (A-R) to only the uses and activities justified in the Badger Creek exception.

### **Section 3.981 - Permitted Uses**

- A. Use of all lawfully established development existing on the site on the date of adoption of this section, consistent with the exception.
- B. Renovation, replacement, and relocation of lawfully established development (structures and other improvements) existing on the date of adoption of this Section and consistent with the exception to the extent that relocation does not increase the capacity of the camp. (e.g. cabins may be replaced with larger cabins or with units providing attached bathrooms as long as overall sleeping capacity is not increased)

### **Section 3.982 - Uses Subject to Conditional Use Review**

- A. The following uses are subject to conditional use review in the Camp Morrow LUO:
  - 1. New buildings for youth/family camp purposes (e.g. new recreation hall, new cabins not replacing existing cabins, or new community center)
  - 2. Expansion of existing buildings for youth/family camp purposes (e.g. expanding capacity of existing kitchen/dining hall or adding beds to a bunk house that are not replacing existing beds)
  - 3. New structures necessary for expanded youth and family camp activities
- B. Review Criteria for uses subject to review in the Camp Morrow LUO include:
  - 1. The proposed use is compatible with uses anticipated in and justified by the Exception.
  - 2. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection,

sewer and water facilities, telephone and electrical services, or solid waste disposal facilities.

3. The proposal will comply with all setbacks in the zone and Goal 5 buffer areas applicable to resource areas identified on the site (e.g. riparian or wildlife areas).
  4. The proposal will not significantly increase the cost of or cause a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.
- C. Conditions: Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding properties and to fulfill the purposes of the Camp Morrow limited use overlay and Badger Creek Ranch exception may be imposed in approving a conditional use permit application.
- D. Applicability of Conditional Use Review Standards: Conditional uses in the Camp Morrow LUO shall be subject only to the following sections of Chapter 5, Conditional Use Review: Sections 5.040 - Revocation of a Conditional Use Permit and 5.050 - Pre-existing uses classified as conditional uses in the ordinance.

### **Section 3.983 - Development Standards**

- A. Lighting: Outdoor lighting shall be sited, limited intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways.
- B. Setbacks, Height Limits, Driveway Standards, Sign Standards, and Stream or Lake Buffers applicable in the A-R zone are applicable in the Camp Morrow LUO area.
- C. Parking:
1. 2 on site vehicle spaces, in addition to RV space, per employee or full season camp volunteer.
  2. On site loading and unloading area.
- D. No land divisions are allowed.

## CHAPTER 4 - SUPPLEMENTAL PROVISIONS

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### Section 4.010 - Authorization of Similar Uses

The Director may permit in a particular zone a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted there by this Ordinance. The decision of the Director may be reviewed by the Planning Commission on its own motion or appealed to the Commission pursuant to Section 2.060 (C)(10) of this Ordinance. Notice of Administrative Action shall be given as prescribed by Section 2.080(A) of this ordinance. Notice of a final decision shall be given as prescribed in Section 2.120(A) and (B).

### Section 4.020 - Exceptions

The Director of Planning shall be authorized to grant exceptions to the provisions of this Ordinance to any government agency that requests in writing an exception to a specific requirement or procedure; provided that the following circumstances exist:

- A. The proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Land Use and Development Ordinance; and,
- B. The proposed use would serve an immediate public need; and,
- C. There is inadequate time available for a review of the use through normal procedures, and delays would impair project implementation or pose hazards to property or public health, safety or welfare.

### Section 4.030 - Impact Review

To ensure that adequate information is available to determine potential conflicts or detrimental effects, the Director of Planning may require the submission of an impact assessment, upon forms prescribed by the Director, before an exception shall be granted.

**Section 4.040 - Exemptions**

Nothing in this Ordinance shall be deemed to apply to the construction, reconstruction, or alteration by a government agency of road or highway systems, or to the use of materials or sources within rights of way. In addition, maintenance rehabilitation, repair and minor betterment activities, not considered to have land use impacts, by a governmental agency on public property or facilities, shall also be exempt from the provisions of this Ordinance. Public works projects or land uses, authorized or approved by the County Governing Body and determined by the Director to be consistent with the long term objectives of the Comprehensive Plan, shall be exempt from the current provisions of this Ordinance.

**Section 4.050 - Maintenance of Open Space**

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off street parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots. Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this Ordinance.

**Section 4.060 - General Exceptions to Yard Requirements**

The following exception to yard requirements is authorized for a lot in any zone:

If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting yards.

**Section 4.070 - General Exceptions to Building Height Requirements (Amended 4-12)**

Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand-alone power generating facilities), communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

**Section 4.080 - Projections into Yards**

Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

- A. Accessory buildings where permitted.

- B. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than eighteen (18) inches or into front and rear yards not more than twenty four (24) inches.
- C. Chimneys may project into any required yard not more than eighteen (18) inches.
- D. Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.
- E. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

#### **Section 4.090 - Vision Clearance**

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- A. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the appropriate zone, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- B. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one half (2 1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area removed to a height of eight (8) feet above the grade.
- C. The following measurements shall establish vision areas:
  - 1. In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.
  - 2. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty five (25) feet.

#### **Section 4.100 - Fences**

No fence shall exceed six (6) feet in height or two and one half (2 1/2) feet in a vision clearance area. Game fences designed to protect agricultural crops from game animals shall be included in the definition of fence (protective), however, they are exempt from the height limit.

#### **Section 4.110 - Through Lots**

- A. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.
- B. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the greater height shall not extend more than one hundred fifty (150) feet from that street.
- C. Through lots having a frontage on two streets shall provide the required front yard on each street.

#### **Section 4.120 - Exterior Finishing of Mobile Homes**

- A. All mobile homes located on any lot or parcel in Wasco County shall be skirted with fire proof, non-decaying and non-corroding materials or shall be provided with a cement or concrete block exterior foundation. If metal skirting is employed, it shall be painted and formed in a pattern complementary to the siding of the mobile home.
- B. All awnings carports, ramadas, cabanas, and garages shall be painted and designed in a style complementary to the design of the mobile home.
- C. Wheels shall be removed from all mobile homes at the time of installation on property. In addition, tongues, and hitches shall be removed from all mobile homes wider than ten (10) feet that are installed on any parcel of land, exclusive of licensed mobile home parks. The Director of Planning may exempt certain mobile homes from the last requirement when removal would damage the frame and weaken the structure.

#### **Section 4.130 - Development Standards for Guest Houses (Added 1/92)**

A guest house may be allowed as listed in specific zones ("F-F", "R-R", "R-R(10)", "A-R", "R-1", "R-2", "R-3", "R-4", and "R-C") on a legally created lot or parcel on which a primary dwelling is situated, subject to the setback requirements of the underlying district, and the provisions of this section;

- A. Only one (1) guest house shall be allowed on a lot-of-record.
- B. The maximum floor area of a guest house, including all levels and basement floor areas shall not exceed six-hundred (600) square feet. Garage area shall not count toward the total floor area.
- C. A guest house shall be located within one-hundred (100) feet of the primary dwelling on the subject lot-of-record. This distance shall be measured from the closest portion of each structure.



- D. Occupants of a guest house and the primary dwelling shall live together as one house keeping unit, sharing one kitchen and one laundry facility, to be located in the primary dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.
- E. All public water, electricity, natural gas and sewer services for the guest house shall be extended from the primary dwelling service. No separate meters for the guest house shall be allowed. A separate telephone line for the guest house may be provided.
- F. A guest house shall use the same septic system as the primary dwelling. Approval from the County Sanitarian shall be required.

#### **Section 4.140 - Traffic Impact Analysis (TIA)**

- A. Purpose - The purpose of this section of the code is to implement Section [660-012-0045](#) (2) (e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips - The latest edition of the Trip Generation Report, published by the Institute of Transportation Engineers (ITE), or a source deemed acceptable to the City Engineer through the pre-application process (Section [4.140 D 3](#)) shall be used to gauge the trip generation potential of future development.
- C. When Required - A Traffic Impact Analysis shall be required to be submitted to the County with a land use application when the following conditions apply:
  - 1. The development application involves one or more of the following actions:
    - a. A change in zoning or a plan amendment designation; or
    - b. Any proposed development or land use action that ODOT states may result in operational or safety concerns along a state highway; and
    - c. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip

Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

- (1) An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or
- (2) An increase in intersection traffic volume by 50 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or
- (3) An increase in use of adjacent roads by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
- (4) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the adjacent roadway, creating a safety hazard; or
- (5) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- (6) A change in internal traffic patterns that may cause safety problems, such as back up onto the roadway or traffic crashes in the approach area.

#### D. Traffic Impact Analysis Requirements

1. Preparation - A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
2. Transportation Planning Rule Compliance - See Section 9.059 Transportation Planning Rule Compliance.
3. Pre-application Conference - The applicant will meet with the County Roadmaster prior to submitting an application that requires a Traffic Impact Analysis. ODOT will be invited to participate in the pre-application conference if a proposal is expected to have impacts to a state transportation facility. The objective of this meeting is to prepare a scope of the TIA, including the required elements of the TIA and the level of analysis expected.

#### E. Approval Criteria

1. Criteria - When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

- a. The Traffic Impact Analysis was prepared by a registered professional engineer in the State of Oregon; and
  - b. If the proposed development shall cause one or more of the effects in Section [4.140 C 1 c](#), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet County's volume-to-capacity ratio of 0.85 and satisfactory to the County Road Master, and ODOT when applicable; and
  - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
    - (1) Have the least negative impact on all applicable transportation facilities; and
    - (2) Accommodate and encourage non-motorized vehicular modes of transportation to the extent practicable; and
    - (3) Make the most efficient use of land and public facilities as practicable; and
    - (4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
    - (5) Otherwise comply with applicable requirements of the Wasco County Land Development Ordinance.
- F. Conditions of Approval. The County may deny, approve, or approve the proposal with appropriate conditions.
- 1. Dedication of land for streets/roadways, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
  - 2. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets/roadways that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.



## CHAPTER 5 - CONDITIONAL USE REVIEW

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### Section 5.010 - Purpose

A conditional use is an activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be approved through the Administrative Action procedure to ensure that the use is compatible with the permitted uses in a zone and consistent with the general and specific purposes of this Ordinance and the Wasco County Comprehensive Plan. Conditions of approval may be imposed to ensure that any use may be made compatible with surrounding uses and that non resource uses permitted in resource areas do not interfere with accepted resource management practices.

### Section 5.020 - Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A. The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.
- B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.
- C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.
- D. The proposed use will not unduly impair traffic flow or safety in the area.

- E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.
- F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
- G. The proposed use will not adversely affect the air, water, or land resource quality of the area.
- H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.
- I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.
- J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)
- K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

#### **Section 5.030 - Conditions**

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D). Such conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size, or location of a building or other structure.
- D. Designating the size, number, location, and nature of vehicle access points.
- E. Increasing the amount of street dedication, roadway width or improvements within the street right of way.
- F. Limiting or otherwise designating the number, size, location, height and lighting of signs.

- G. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- I. Designating the size, height, location and materials for a fence.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural, historic, or cultural resources.
- K. Other conditions to permit the development of the County in conformity with the intent and purpose of the conditional classification of uses.

#### **Section 5.040 - Revocation of Conditional Use Permit (added 2 89)**

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.
- B. Notice of public hearing pursuant to Section 2.080 shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.

#### **Section 5.050 - Preexisting Uses Classified as Conditional Uses in this Ordinance**

A use or structure existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use is subject to the following restrictions:

- A. The use may continue as this ordinance defines and allows as though it had been granted conditional use approval. Any change or alteration to structures or area related to the preexisting use shall conform to the development standards of the current zoning designation. (Revised 1-92)
- B. If the use or structure is destroyed by fire, other casualty or natural disaster, restoration or replacement shall be permitted, provided restoration or replacement is commenced within one year from the occurrence of fire, casualty, or natural disaster. Restoration shall substantially conform to the use as it existed prior to the fire, casualty, or natural disaster. Beyond one year, a conditional use permit must be obtained, as required by Chapter 2 of this ordinance, prior to restoration or replacement.

## **Section 5.060 - Criteria for Certain Transportation Facilities and Improvements**

- A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted Wasco County Transportation System Plan (“TSP”) or (2) not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the Conditional Use Review provisions of this ordinance and satisfaction of all of the following criteria:
  - 1. The project and its design are consistent with the County’s adopted TSP and consistent with the State Transportation Planning Rule, OAR [660-012](#) (“the TPR”).
  - 2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
  - 3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.
  - 4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - 5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP.
- B. State transportation system facility or improvement projects. The Oregon Department of Transportation (“ODOT”) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in this Section. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
- C. Proposal inconsistent with TSP/TPR. If the County determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
  - 1. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use application; or



2. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
3. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS [215.429](#) 120/150-day period within which to complete all local reviews and appeals once the application is deemed complete; or
4. If the County's determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.



## CHAPTER 6 - VARIANCES

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### Section 6.010 - Purpose

A variance may be granted whenever the strict application of a requirement of this ordinance would impose unusual practical difficulty on the applicant. Practical difficulty may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic, or other physical conditions on the site or in the immediate vicinity, or from population density, street location, or traffic conditions in the immediate vicinity. The authority to grant variances does not extend to use regulations.

### Section 6.020 - Criteria for Decision

A variance to the requirements of this Ordinance may be granted with respect to lot dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements, except property size, only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist: (Revised 1-92)

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.
- B. The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.
- C. The variance would conform with the purposes of this Ordinance and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.
- D. The variance requested is the minimum variance which would alleviate the difficulty.
- E. The variance is not the result of a self-created hardship.

### Section 6.030 - Dividing Feature Provision (Added 1-92)

The use of the proposed parcel is precluded as a practical matter by virtue of one or more of the following controlling factors:

- A. Physical separation of the parcel from the rest of the overall ownership by a significant water course; by a topographic or similar natural feature; or, by a railroad, or similar controlling man made feature, the location over which the owner had no control. For the purpose of this section a controlling factor is a condition which effectively prevents the use of a portion of the land as a practical matter. Controlling factors do not include public highways, streets and alleys, seasonal drainage channels or minor creek beds, or topographic features with slopes of under sixty percent (60%). In addition to the requirements of Section [6.020](#), the following criterion shall be met:
- B. The proposed parcel shall have a sufficient area and otherwise be capable of being served by a domestic water supply and sewage disposal system approved by the appropriate sanitary authority. Written notification of such approval shall be filed with the Director as part of the application.
- C. The parcel requiring the variance is consistent with the Conditional Use approval standards in the applicable zone; and
- D. Complies with the circumstances listed in Section [6.020](#).
- E. The Director shall determine whether or not the controlling factor described above warrants approval of the application.
- F. The parent parcel shall otherwise have sufficient acreage, as required by the zone, to be divided.

## **CHAPTER 7 - ADMINISTRATIVE VARIANCES**

### **Section 7.010 - Administrative Variance from Dimensional Standards, excluding Minimum Lot Size**

- A. An administrative variance from regulations covering any building setback, building height, or building size requirement may be authorized pursuant to the Administrative Action process of Section 2.060(A) up to a maximum of fifty percent (50%) of the requirement, by the Director or designee upon findings that:
  - 1. Approval of the variance will not negatively impact adjacent properties;
  - 2. The variance does not result in a setback of less than five (5) feet; and
  - 3. Complies with circumstances listed in Section 6.020.
- B. An administrative variance from regulations covering any size limit for an accessory building may be authorized pursuant to the Administrative Action process of Section 2.060(A), by the Director upon compliance with [A.1.](#) and [3.](#) above.
- C. An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.



## CHAPTER 8 - TEMPORARY USE PERMIT

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### Section 8.010 - Purpose

A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

### Section 8.020 - Permitted Temporary Uses

Temporary structures, activities or uses may be permitted, pursuant to Section 2.060(A) of this Ordinance, as necessary to provide for housing of personnel; storage and use of supplies and equipment; or provide for temporary sales offices for uses permitted in the zoning district. Other uses may include temporary signs, outdoor gatherings, short term uses, roadside stands, or other uses not specified in this Ordinance and not so recurrent as to require a specific or general regulation to control them.

### Section 8.030 - Criteria for Decision

No temporary permits shall be issued except upon a finding that the proposed structure, activity or use would not permit the permanent establishment within a zoning district any use not permitted within the zoning district, or any use for which a conditional use permit is required.

### Section 8.040 - Conditions Relative to the Issuance of Temporary Permits

A. Reasonable conditions may be imposed pursuant to Section 2.110(D) by the Approving Authority in connection with the temporary permit to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to:

1. Special yards and spaces;
2. Fences or walls;
3. Control of points of vehicular ingress and egress;

4. Special provisions on signs;
  5. Landscaping and maintenance thereof;
  6. Maintenance of the grounds;
  7. Control of noise, odors, or other nuisances;
  8. Limitation of time for certain activities.
- B. Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant, but may be renewable through the Administrative Action process.
- C. All structures for which a temporary permit is issued:
1. shall meet all other requirements of the zoning district in which they are located;
  2. shall meet all applicable County health and sanitation requirements;
  3. shall meet all applicable County building code requirements;
  4. shall be removed upon expiration of the temporary permit unless renewed by the Director, or used in conjunction with a permitted use; and
  5. Shall be hooked up to the same septic system as the primary dwelling.

#### **Section 8.050 - Issuance of Permits**

- A. Temporary permits shall be issued for the time period specified by the Approving Authority but may be renewable upon expiration as an Administrative Action if all applicable conditions can again be met.
- B. Renewal of a temporary permit shall follow the same procedure as the initial application.

#### **Section 8.060 - Exemptions**

The temporary placement of a mobile home as provided for in Section [8.070](#) shall not be subject to the provisions of Sections [8.020](#) through [8.050](#).

#### **Section 8.070 - Temporary Use of a Mobile Home (Family Hardship)**



- A. During a family hardship condition where the condition relates to the aged, infirm or to persons otherwise incapable of maintaining a separate residence, the Director may authorize the placement of a mobile home on a lot if the following criteria are met:
1. The request for the mobile home is submitted in writing. Such request shall state the nature of the hardship, the names of the persons who will occupy such dwelling, the relationship of the occupants of such dwelling to the residents, and the estimated period of time the dwelling will remain on the property.
  2. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling and that said sewage disposal system is adequate to accommodate the additional dwelling. If the additional dwelling is to utilize a public sanitary sewer system, such condition will not be required.
  3. The additional dwelling is a mobile home or recreational vehicle as defined in Section 1.090 of this Ordinance.
  4. The additional dwelling shall be located within 100' of the primary dwelling.
  5. The location and use of the additional dwelling otherwise conforms to the provisions established for the zone district.
- B. Temporary placement of an additional dwelling shall be granted for the time period specified by the Director but may be renewable upon expiration if all applicable conditions can be met. In no case shall a temporary placement be authorized for a period exceeding two (2) years, unless the temporary placement is renewed.
- C. The Director shall determine whether or not the conditions described in this section warrant approval of the request to place an additional dwelling on the property. The Director may require a doctor's statement showing that the person is incapable of maintaining a separate residence and needs to be near a family member for care and supervision. The Director may also require the applicant to provide any other evidence as he deems necessary to make that determination.
- D. Upon expiration of the time period for which the temporary placement was authorized, the property owner shall have sixty (60) days in which to remove the additional dwelling from the property, unless an extension is granted as prescribed above.



## CHAPTER 9 - ZONE CHANGE AND ORDINANCE AMENDMENT

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### Section 9.010 - Application for Zone Change

Application for a zone change may be initiated as follows:

- A. By resolution of the County Governing Body referring to the Commission a proposal therefore;
- B. By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C. By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner with the area of the proposed change, and containing such information as may be required by the to establish the criteria for the change (quasi-judicial only);
- D. By request of the Director of Planning, limited to changes required to implement the Comprehensive Plan or to eliminate spot zoning.

### Section 9.020 - Criteria for Decision

The Approving Authority may grant a zone change only if the following circumstances are found to exist:

- A. The original zoning was the product of a mistake; or
- B. It is established that:
  - 1. The rezoning will conform with the Comprehensive Plan; and,
  - 2. The site is suitable to the proposed zone; and
  - 3. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

## **Section 9.030 - Transportation Planning Rule Compliance**

- A. Review of Applications for Effect on Transportation Facilities - A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) [660-012-0060](#) (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:
1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  2. Change standards implementing a functional classification system; or
  3. As measured at the end of the planning period identified in the adopted transportation system plan:
    - a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
    - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- B. Amendments That Affect Transportation Facilities - Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
  3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.

4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- C. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a zone change application pursuant to Section 4.140 Traffic Impact Analysis (TIA))

**Section 9.040 - Conditions Relative to the Approval of a Zone Change**

Reasonable conditions may be imposed, pursuant to Section 2.110(D) as are necessary to insure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- A. Special yards and spaces;
- B. Fences and walls;
- C. Special parking and/or loading provisions;
- D. Street dedication and improvements or bonds in lieu of improvements;
- E. Control of points of vehicular ingress and egress;
- F. Special provisions for signs;
- G. Lighting, landscaping and maintenance of grounds;
- H. Control of noise, vibration, odors, or other similar nuisances.

**Section 9.050 - Amendments to the Zoning Ordinance**

Amendments to this Ordinance may be initiated as follows:

- 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 the State Law;

**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.

**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.

**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.

## CHAPTER 10 - FIRE SAFETY STANDARDS

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### Section 10.010 - Purpose of Fire Safety Standards

- A. To inform and notify rural residents that fire protection services are limited or nonexistent through much of Wasco County.
- B. Encourage residents to become familiar with the structural fire protection district that will respond to their property (if there is one).
- C. To notify them that the volunteer fire protection districts can only serve if they have sufficient trained volunteers to meet demands. Please consider volunteering.
- D. To reduce threats to life, safety, property, and resources by improving access to and defensibility of development in rural areas.
- E. To educate current and future property owners about fire safety standards and regulate fire standards in a manner that decreases review process where possible while communicating requirements as clearly as possible.
- F. To provide flexibility where necessary by providing for a review process that will allow modifications to fire safety standards where necessary with comment and recommendations from emergency responders.
- G. To establish consistency between standards currently listed in various zones, Oregon Department of Forestry regulations, and best available science.

### Section 10.020 - Applicability of Fire Safety Standards

- A. Applicability of Fire Safety Standards in Different Rural Zones: County Ordinances affect all rural zones (all zones outside an Urban Growth Boundary). All rural zones are subject to fire standards but the applicability of the specific standards varies by zone and by use

type. Zoning terms used to classify groups of land use designations in the Fire Safety Standard Checklist, Sections [10.110](#) to [10.150](#), are defined in the following table (any more specific distinctions based on parcel shape or specific zoning designation are also called out in the checklist):

Zoning Classifications Referred to in the Fire Safety Standards Checklist, Sections <a href="#">10.110-10.150</a>		Zones
All Zones - All rural zones anywhere outside an adopted Urban Growth Boundary	Exception Areas and Smaller Lot Residential - Exception areas with smaller lot residential, rural commercial, rural industrial, or rural community land use designations.	R-2, R-C, R-I, A-R, RC-TV, RC-Wamic
	Resource Zones and Large Lot Residential - Resource or recreation zones and rural residential areas with larger minimum lot sizes.	FF-10, RR-10, RR-5, A-1 (160), A-1 (40), F-1 & F-2

Please also work with the County Planning Department if you are permitting only an accessory structure or replacing or adding onto an existing home, commercial, or industrial structure and they will help you determine which standards apply to that specific type of land use in accordance with [\(B\)](#) below.

## B. Applicability of Fire Standards to Different Types of Land Uses

### 1. Zones affected by Fire Standards

Fire standards are applicable in all rural zones, but different standards may apply in different types of zones. The applicability of fire standards by zone is discussed in [\(A\)](#) above and noted in the fire safety standards checklist below, Sections [10.110](#) to [10.150](#). The checklist also highlights any specific differences in the applicability of the standard due to size of lot or specific zoning.

### 2. Uses affected by Fire Standards

Some fire standards are applicable only to new dwellings while others are applicable to all kinds of structures and alterations to structures. The following table lists the fire safety standards applicable to different types of development.

Applicability of Fire Safety Standards to Different Types of Land Uses					
Land Use Type	Siting	Defensible Space	Construction Standards	Access	Other
All New Dwellings and Rural Commercial or Rural Industrial Buildings, Conditional Use Permit, Subject to Standards, Site Plan Review, and Permitted Dwellings	(A) Avoid slopes > 40% (B) Set back from top of slopes > 30%	(A) Fire fuel break (B) Minimum of 50 feet to unmanaged lands around structures	(A.1) Roofing (A.2) Spark Arresters (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings (B.3) Overhanging trees (B.4) Utilities (B.5) Stand Pipe	(A) Improved Surface & Minimum Driveway widths (B) Turn Radius, Maximum Slopes, & Pull Outs (C) Physical Clearance & Fire Fuel Breaks on Driveways (D) Turnarounds (E) Bridges & Culverts (F) Gates (G) Signs (H) Roads to the property	Structural Fire Protection Required

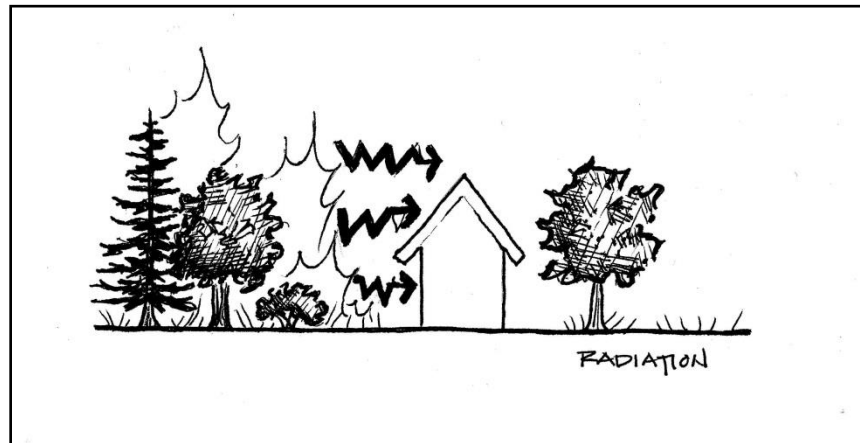


Relocated Dwellings (Replacement in a new location)	(A) Avoid slopes > 40% (B) Set back from top of slopes > 30%	(A) Fire fuel break (B) Minimum of 50 feet to unmanaged lands around structures	(A.1) Roofing (A.2) Spark Arresters (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings (B.3) Overhanging trees (B.4) Utilities (B.5) Stand Pipe	(A) Improved Surface & Minimum Driveway widths (B) Turn Radius, Maximum Slopes, & Pull Outs (C) Physical Clearance & Fire Fuel Breaks on Driveways (D) Turnarounds (E) Bridges & Culverts (F) Gates (G) Signs	
Replacement Dwellings (In Kind-same size/same location)		(A) Fire fuel break (B) Minimum of 50 feet to unmanaged lands around structures	(A.1) Roofing (A.2) Spark Arresters (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings (B.3) Overhanging trees (B.4) Utilities (B.5) Stand Pipe	(A) Improved Surface & Minimum Driveway widths (B) Turn Radius, Maximum Slopes, & Pull Outs (C) Physical Clearance & Fire Fuel Breaks on Driveways (D) Turnarounds (E) Bridges & Culverts (F) Gates (G) Signs	
Improved Expanded Dwellings		(A) Fire fuel break (B) Minimum of 50 feet to unmanaged lands around structures	(A.1) Roofing (A.2) Spark Arresters (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings (B.3) Overhanging trees (B.4) Utilities (B.5) Stand Pipe	(C) Physical Clearance & Fire Fuel Breaks on Driveways (F) Gates (G) Signs	
Accessory Buildings	(A) Avoid slopes > 40% (B) Set back from top of slopes > 30%		(A.1) Roofing (A.2) Spark Arresters (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings (B.3) Overhanging trees (B.4) Utilities (B.5) Stand Pipe	(C) Physical Clearance & Fire Fuel Breaks on Driveways (F) Gates (G) Signs	
Accessory or Agricultural Structures			(A) Roofing (B) Spark Arresters (C) Clear Clean & Protected Decks (D) Screened Exterior Openings (E) Overhanging trees (F) Utilities (G) Stand Pipe		
Land Divisions	Fire Mitigation Plan shall be submitted identifying all home sites, building envelopes, and access as necessary to demonstrate compliance with all applicable fire standards on proposed lots.				

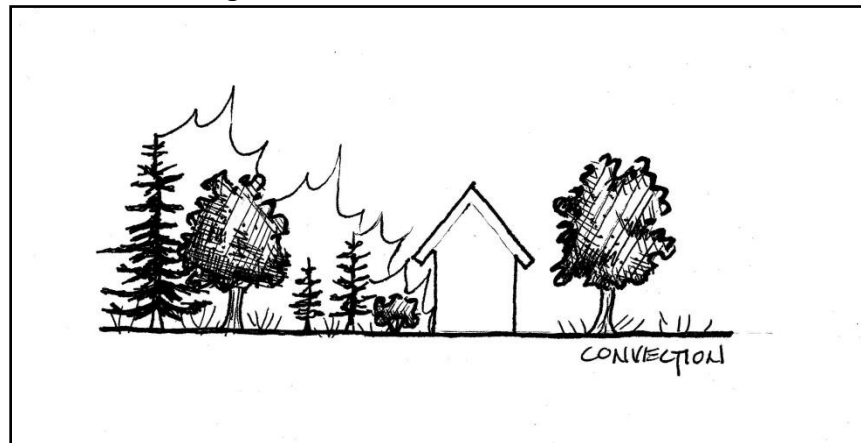
## Section 10.030 - Introduction

### A. Cause of Wild Land and Fire Spread and Residential Starts

1. Radiated Heat – Fires are started by heat that radiates or spreads out from flames, (e.g., run your finger above a candle flame). Flames of every size radiate heat. Smaller ground level flames radiate less heat than larger flames generated by crown fires. The larger the flames near a structure the greater the chance of the structure being ignited by radiant heat. Radiant heat is also hotter above the flames than it is beside the flame so where a structure is located on a slope can also affect the risk of a structure igniting from radiated heat from a wild fire.



2. Convection or Direct Contact with Flames – Fires are also ignited by direct contact between the structure and the flame. When flammable material (wood piles, shrubbery, dead leaves, or grass) accumulates under eaves or decks or near the house, the structure is exposed to a much greater risk of ignition as the flammable fuel will feed the flames right at the structure.



3. Firebrands or Contact with Flying Embers – Fires can start from burning embers carried aloft from as far away as a mile or more. Fire brands are most dangerous when they:
  - a. Land on flammable roofs or decks,

- b. Settle or are sucked into openings in eaves, soffits, roof vents, under decking, or in crawl spaces through foundation vents, or
- c. Fall on and ignite nearby vegetation or flammable materials, especially if stored or accumulated under eaves, decks, or other structural extensions that can trap the heat generated by the burning of flammable materials.



B. What's Necessary to Defend Against Wild Land Fire?

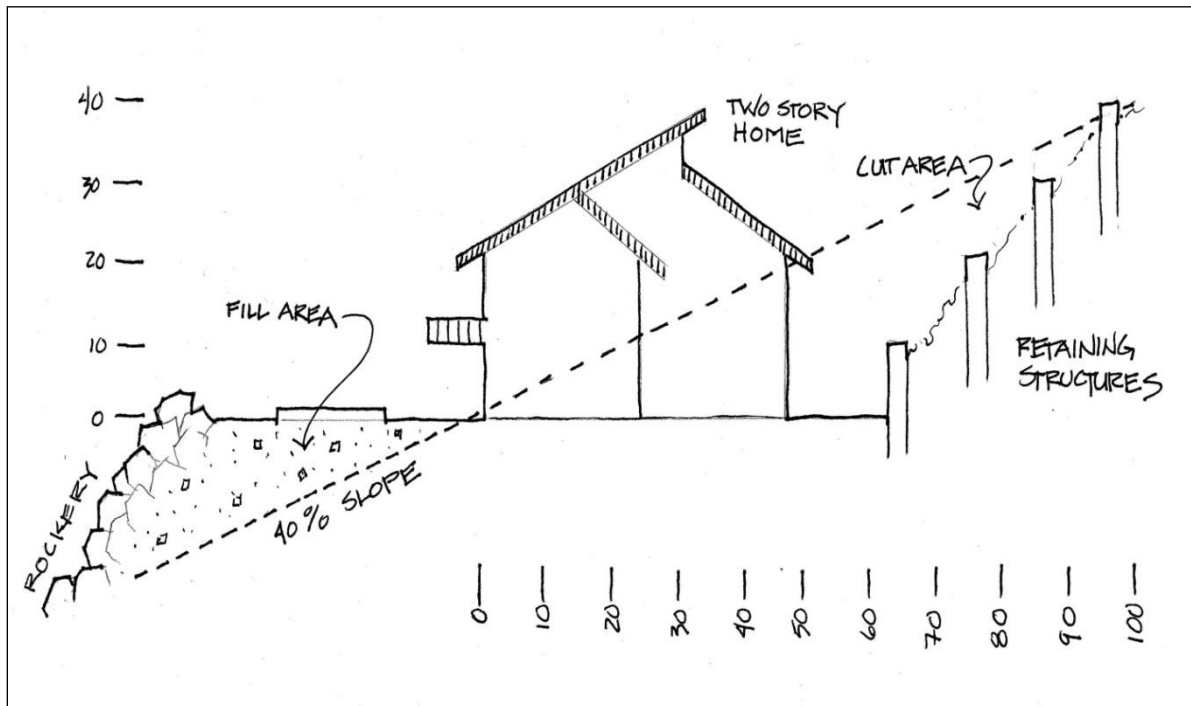
- 1. Access to structures and property.
- 2. Room to maneuver around structures.
- 3. Elimination and containment of fire fuels to limit ignition risks around the structure.
- 4. Use of fire resistant materials to decrease ignition risks at the dwelling or structure.
- 5. On-site water supplies to help extinguish a small fire before it requires a full response or becomes a wild land fire start.

C. Fire Safety Standards

Sections [10.110](#) to [10.150](#) state the Fire Safety Standards on one page. The zones in which the safety standards apply, the benefits of compliance with safety standards, and the necessary actions if an applicable standard cannot be met are stated on the facing pages. Sections [10.210](#) to [10.240](#) describe the review and self-certification process and necessary steps to permitting a modification of fire safety standards.

**Section 10.110 - Siting Standards - Locating Structures for Good Defensibility**

**A. Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?**

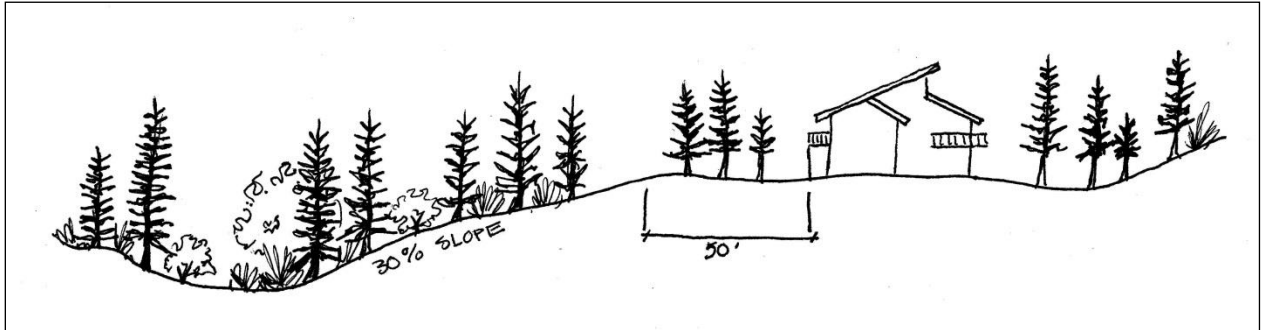


**A. This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in: - All zones**

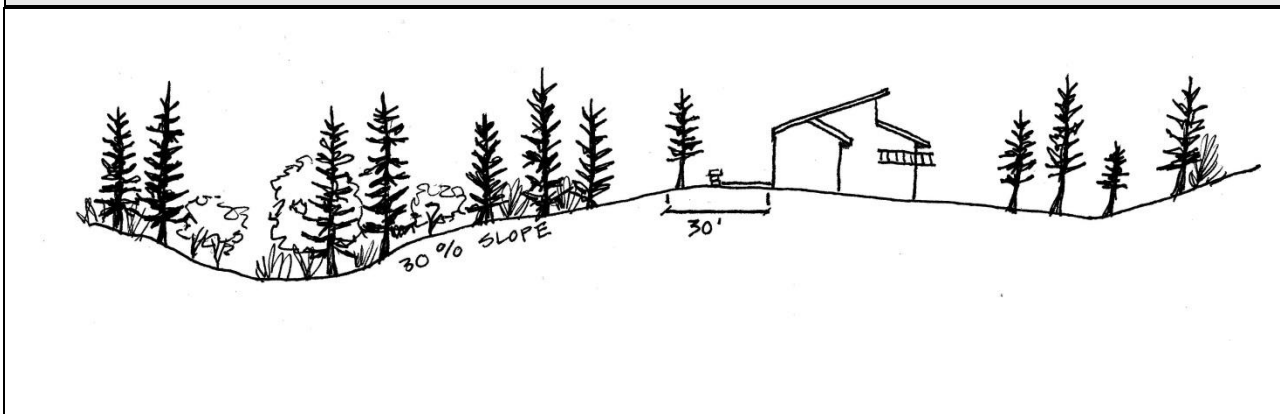
A. If <b>Yes</b> Then	A. If <b>No</b> Then
<ul style="list-style-type: none"> <li>• Extensive and costly grading and ground disturbance will be avoided</li> <li>• Emergency responders will have room to access and maneuver around all sides of the structure.</li> <li>• Structure will avoid exposure to the hottest side of fast moving flames climbing the slope</li> <li>• Structure will avoid potential of trapping heat rising off of flames on the slope below.</li> </ul>	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:</p> <ul style="list-style-type: none"> <li>• Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).</li> <li>• National Fire Protection Association (NFPA) Sprinkler system if access standards cannot be met.</li> <li>• Expanded fire fuel breaks.</li> <li>• Additional irrigation on all sides of the home and an on-site water supply capable of running the irrigation system for extended periods.</li> <li>• Evacuation plan.</li> </ul>

## B. Setbacks

1. Is your building set back from the top of slopes greater than 30% by at least 50 feet? - or-

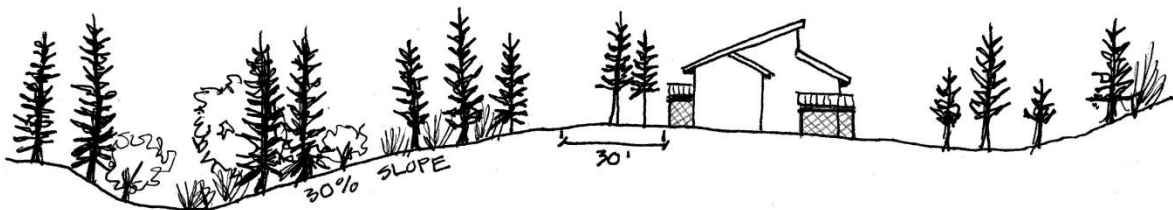


2. Is your building set back from the top of slopes greater than 30% at least 30 feet? - and-



No structures or other extensions closer than 30 feet from top of slope  
Stone or Concrete patio rather than above ground decking  
Enclosed soffits

-OR-



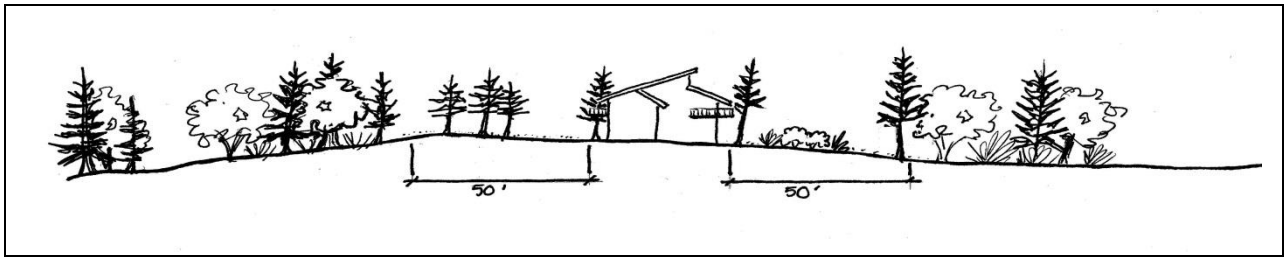
Fire resistant or non-combustible exterior materials (siding, decking, roofing)  
Large timber or metal supports for decks or other extensions  
Decking area screened or enclosed  
Enclosed soffits

**B. This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in:**  
 -Resource and Large Lot Residential Zones

<b>B(1). If <u>Yes</u> Then</b>	<b>B(1). If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>• Emergency responders will have room to access and maneuver around all sides of the building.</li> <li>• Building will avoid exposure to the hottest side of fast moving flames climbing the slope.</li> <li>• Building will avoid trapping heat rising off flames below.</li> </ul>	<p>Refer to <b>B(2)</b> below.</p>
<b>B(2) - If <u>Yes</u> Then</b>	<b>B(2) - If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>• Emergency responders can still access and maneuver around all sides of the building.</li> <li>• Building will be closer to the hottest side of fast moving flames climbing the slope but additional fire proofing of the building will help mitigate risks of ignition.</li> <li>• Flattening the design of the façade on the downhill side of the building will help avoid potential of trapping heat rising off of flames on the slope below allowing the building to be constructed nearer the top of slope.</li> </ul>	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:</p> <ul style="list-style-type: none"> <li>• Eliminate decks and eaves.</li> <li>• Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).</li> <li>• NFPA Sprinkler system if access standards cannot be met.</li> <li>• Expanded fire fuel breaks.</li> <li>• Additional irrigation on all sides of the home and an on-site water supply capable of running the irrigation system for extended periods.</li> <li>• Evacuation plan.</li> </ul>

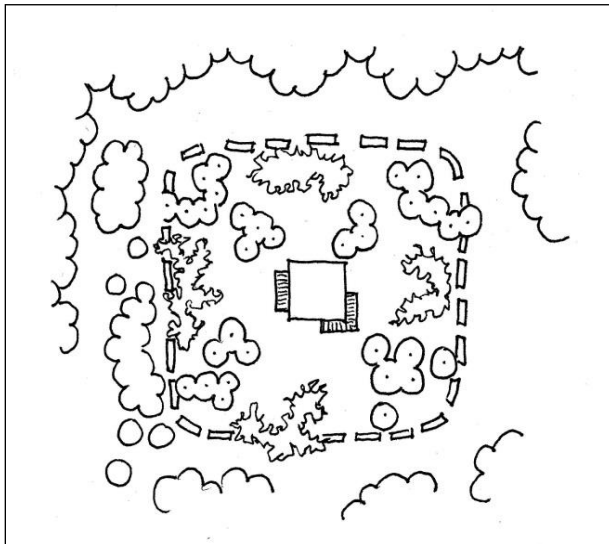
## Section 10.120 - Defensible Space – Clearing and Maintaining a Fire Fuel Break

### DEFENSIBLE SPACE

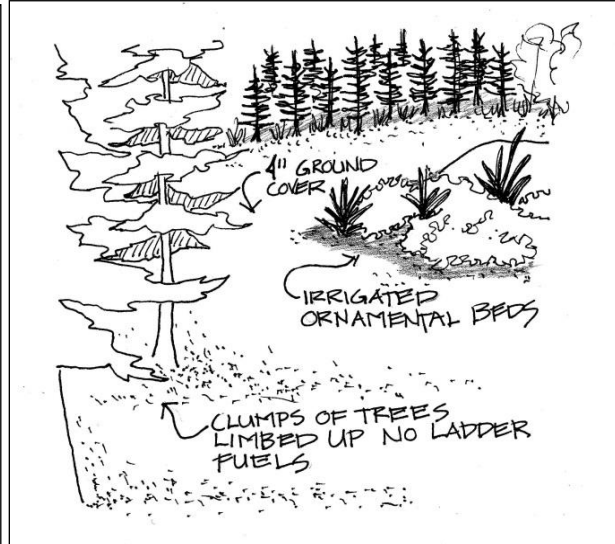


Fire Fuel Break Includes: Irrigated fire resistant domestic plantings, low volume slow burning plantings, and trees encouraged to provide shade and ground cooling. Trees should be grouped. Groups of trees shall be spaced to avoid creation of a continuous tree canopy. Trees shall be kept in healthy fire resistant condition. Trees shall be limbed up to create a vacant area between ground fuels and canopy fuels. Under story vegetation shall be minimized and ground cover shall be kept trimmed low to the ground.

### Is your building surrounded by a 50-foot wide fire fuel break?



Fire Fuel Break Area Plan View  
Illustration



Fire Fuel Break Area Sample

### MAINTENANCE STANDARDS FOR FIRE FUEL BREAK AREA:

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed;
- No shrubs or tall plants under trees;
- Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;

- Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and
- Use well irrigated or flame resistant vegetation (See OSU Extension Service publication called "[Fire Resistant Plants for Oregon Home Landscapes](#)")

**A. This standard is applicable to all dwellings, accessory buildings, and agricultural buildings in: -All Zones**

**This standard may be decreased to 30 feet in width for parcels inside an exception area or smaller lot residential zone. The decrease to a 30-foot fire fuel break may be allowed without a request for modification of fire standards upon a demonstration that the 50 foot fire fuel break cannot be met.**

**A. If Yes Then**

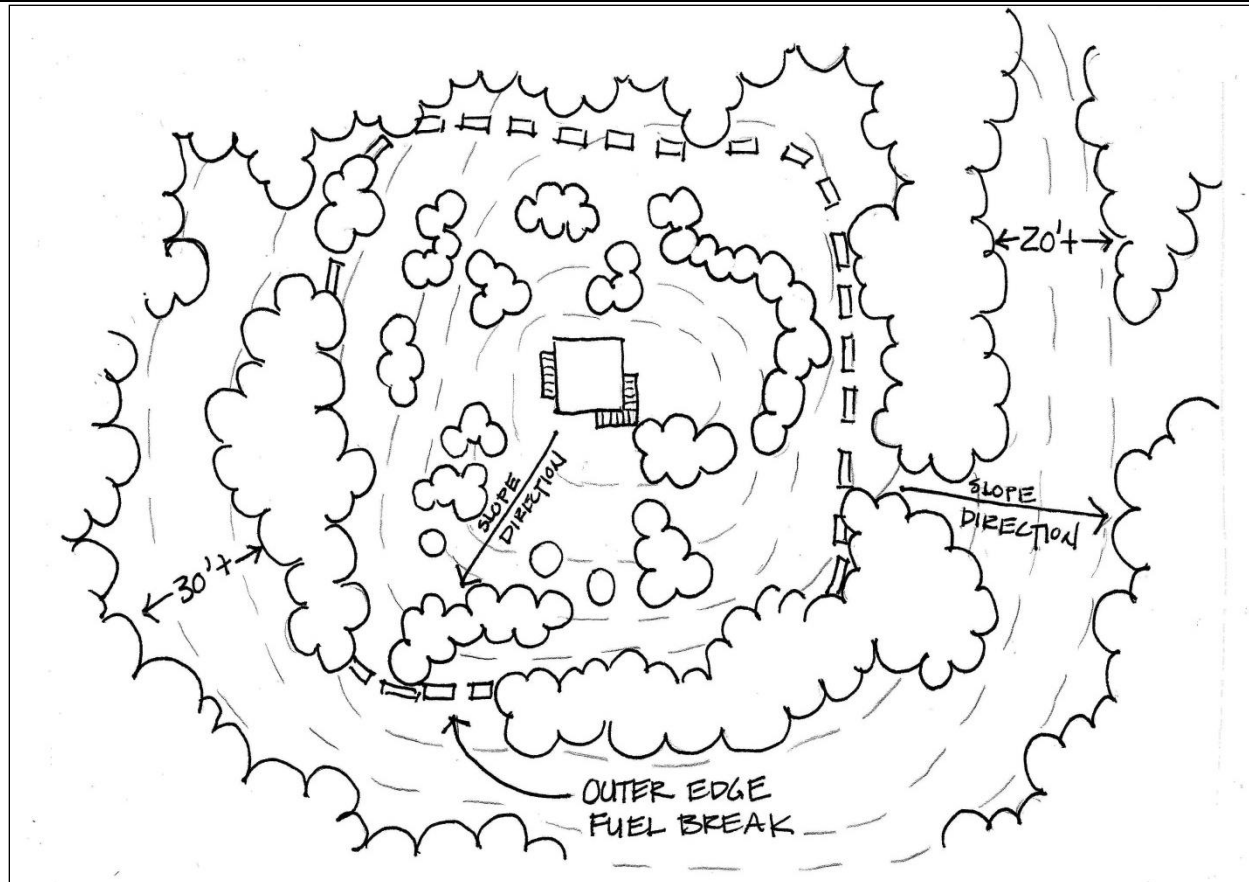
- Eliminating ladder fuels and limbing trees up helps keep fire on the ground.
- Including trees in the fire fuel break can catch and deflect flying embers before they land on the structure.
- Spacing between bedding plants or shrub groupings allows ornamental plantings that do not create a fuel bed.
- Irrigation provides moisture during the dry months and shading from healthy limbed trees retains moisture longer. Moisture is key to helping dissipate fire energy.
- Fire resistant vegetation also helps slow spread of fire toward the structure.

**A. If No Then**

- A modification of fire safety standards must be requested.
- The fire mitigation plan submitted with the request for modification must document that the fire fuel break cannot be met:
- Demonstration why an alternate site on the property cannot be used to allow for the full fire fuel break.
  - Demonstration that an easement allowing for the full fire fuel break cannot be provided for by easement on adjoining land
  - The fire mitigation plan submitted with the request for modification must also propose mitigation measures such as:
    - Eliminate decks and eaves.
    - Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).
    - Additional irrigation on the side of the home where fire fuel break width requirements cannot be met and an on site water supply capable of running the irrigation system for extended periods.
    - Evacuation plan.



B. Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM? If located on steeper ground, have you created and maintained some clearings beyond the 50 feet fire fuel break?



- Those developing steeper properties are advised to provide breaks in the tree canopy across the slope at the outer edges and extending beyond the fire fuel breaks.
- Land beyond the fire fuel break can always be managed for additional safety.
- This is the place for tight trees, dense under-story vegetation, tall waving grass, and unmanaged or less managed lands.
- The outer edge of the fuel break zone can be feathered back into the unmanaged area to provide for a more natural appearing edge condition.

**B. This Standard is applicable to all dwellings accessory buildings, and agricultural buildings in: -Resource and Large Lot Residential Zones**

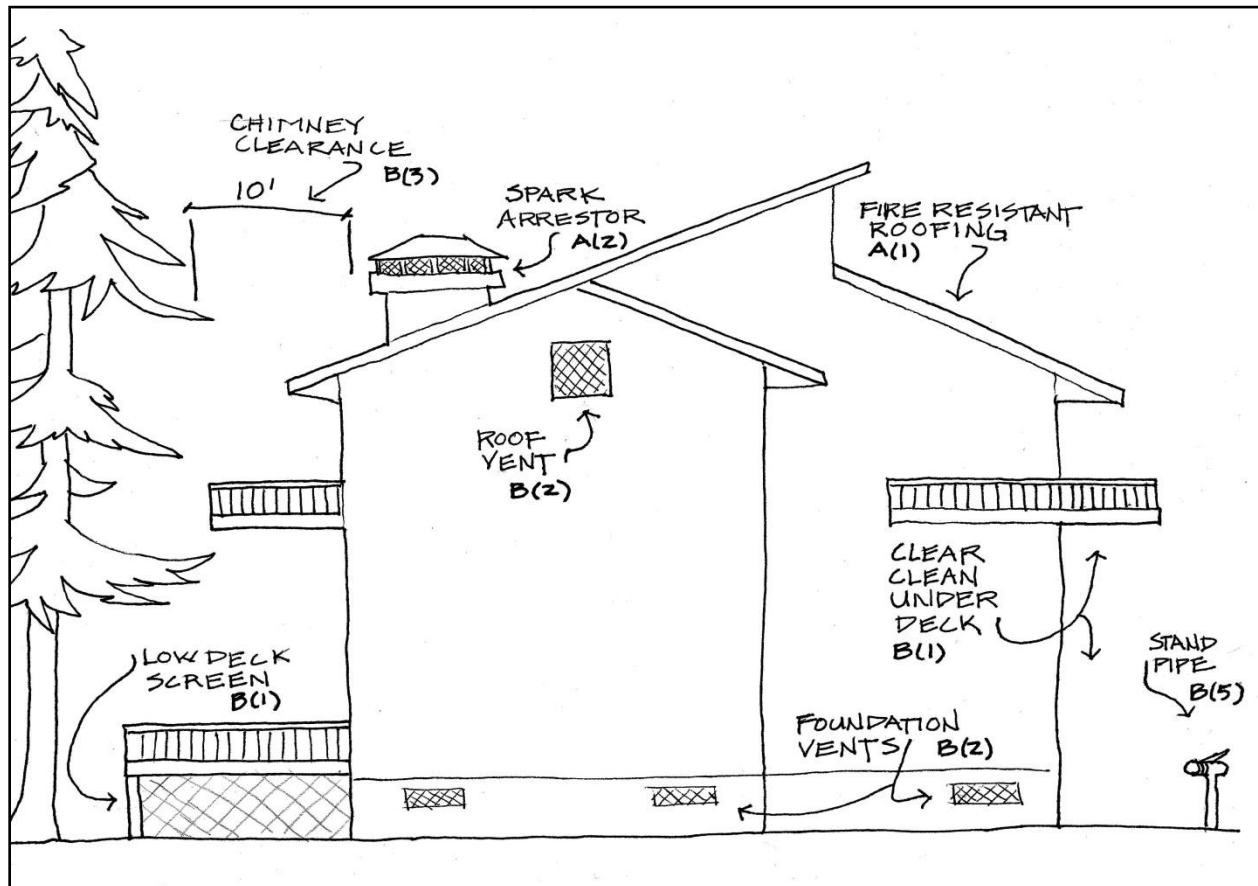
**B. If Yes Then**

- If slopes cannot be avoided, providing for broad breaks in the canopy across the slope 20-30 feet and more can help limit the spread of a canopy fire up slope.
- Keeping some wild unmanaged areas is OK if they are far enough from the structure that a wild fire's progress will be slowed by the decrease in fire fuels as fire approaches developed areas.
- **NOTE:** Slope hazards increase the threat of structural fire ignition by increasing the chance of a wild land fire getting into and traveling through the tree canopy. If you are developing in a wooded area with steep slopes, every attempt should be made to locate away from the steeper ground. (see 10.110(A) and (B) above)

**B. If No Then**

This standard is advisory. No request for modification of fire safety standards is required if it cannot be met.

**Section 10.130- Construction Standards For Dwellings And Structures – Decreasing The Ignition Risks By Planning For A More Fire-Safe Structure.**



**A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?**

1. Roof Materials: Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)?  
**NOTE:** To give your structure the best chance of surviving a wild fire, all structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the uniform building code.
2. Spark Arrestors: Will all chimneys and stove pipes be capped with spark arresters meeting NFPA standards (e.g., constructed of 12 USA gauge wire mesh with half-inch openings)?

**A(1) & (2) These Standards are applicable to all dwellings, accessory buildings, and agricultural buildings in:**

-All Zones

<b>A(1). If <u>Yes</u> Then</b>	<b>A(1). If <u>No</u> Then</b>
Your roof will resist ignition from fire brands. Fire resistant roofing is one of the most important standards of defensibility.	Fire resistant roofing is required. There is no way to mitigate risks of a wild land fire ignition related to use of more flammable roofing. Fire brands can be carried over a quarter mile to land on a roof.
<b>A(2). If <u>Yes</u> Then</b>	<b>A(2). If <u>No</u> Then</b>
Sparks and embers in the fire box of a fireplace or stove will not be allowed to escape through the chimney and start a wild land fire.	There is no alternative to the requirement that spark arrestors be installed and maintained. They are common and widely available.

**B. Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?**

1. Decks: Will all decks be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals? Will decks less than three feet above ground also be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings? Will decks, as required in accordance with standard [10.110\(B\)](#) above, be built of fire resistant material? Will all flammables be removed from the area immediately surrounding the structure to be stored 20 feet from the structure or enclosed in a separate structure during fire season?
2. Openings: Will all openings into and under the exterior of the building including vents and

louvers, be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings.
<p>3. <u>Trees</u>: Will all trees overhanging the building be limbed up 8 feet in accordance with fire fuel break requirements in <a href="#">10.120(A)</a> above, kept trimmed back 10 feet from any chimney or stove pipe, and be maintained free of all dead material.</p> <p>4. <u>Utilities</u>: If your private utility service lines are not underground will the utilities be:</p> <p>a. Kept clear along their route?</p> <p>b. Have a single point of access to the building?</p> <p>Do all new buildings and structures served by electricity include a clearly marked power disconnect switch at the pole or off-grid power source?</p> <p>5. <u>Stand Pipe</u>: Will a stand pipe be provided 50 feet from the dwelling or any structure served by a plumbed water system?</p>

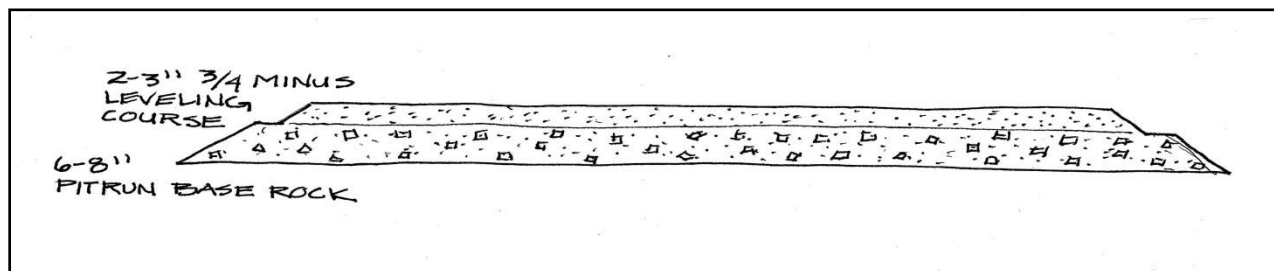
<b>B. These Standards are applicable to dwellings, accessory buildings, and agricultural buildings or structures in:</b> -All Zones	
<b>B(1). If <u>Yes</u> Then</b>	<b>B(1). If <u>No</u> Then</b>
Horizontal extensions, like decks, will be protected from the accumulation of fire fuel. Horizontal extensions create a heat trap for heat if flames are generated beneath them. Limiting fire fuels under horizontal extensions and screening to keep embers or fire bombs from getting in under lower decks will help eliminate the risk of heat being trapped under a deck or porch and igniting a structure.	There is no alternative to the screening and maintenance required under and around the exterior of a structure, its decks, and other horizontal extensions.
<b>B(2). If <u>Yes</u> Then</b>	<b>B(2). If <u>No</u> Then</b>
Vents are built to funnel air through enclosed areas of a structure. Screening on the vents or behind vent louvers ensures that embers are not sucked into the hard-to-reach recesses behind the vents.	There is no alternative to the screening of exterior vents and openings.
<b>B(3). If <u>Yes</u> Then</b>	<b>B(3). If <u>No</u> Then</b>
<p>Healthy green trees around the house can be retained and may actually help shelter the dwelling from fire brands.</p> <p>Trees and their debris must be maintained in a clean healthy condition.</p>	<p>If maintenance of trees near or overhanging the house is too onerous the trees can be removed.</p> <p><b>NOTE:</b> The presence of trees has been shown to have the benefits discussed in <a href="#">10.120(A)</a>, above, if properly maintained.</p>

<b>B(4). If <u>Yes</u> Then</b>	<b>B(4). If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>Threat of a fire start due to downed service lines will be minimized.</li> <li>Access to and around the structure will be simplified by limiting aerial access to the structure to a single location.</li> <li>Responders will be able to shut down main power so they can respond safely to the structure at the main service switch.</li> </ul>	There is no alternative to the requirement that private utility service routes be kept clear and that development of new buildings or structures served by electricity have a clearly marked power disconnect switch at the pole or off grid power source.
<b>B(5). If <u>Yes</u> Then</b>	<b>B(5). If <u>No</u> Then</b>
This stand pipe will be available to the homeowner for use to help contain smaller fires prior to emergency responders getting to the site.	There is no alternative allowed to the provision of a standpipe 50 feet from all combustible structures served by a plumbed water system. Rural response times are always longer than in town. Land owners must do what they can to provide immediate response to small fire starts.

#### **Section 10.140 - Access Standards - Providing safe access to and escape from your home.**

**A. Does your residential driveway meet standards for improved, all weather driveway surface and minimum driveway widths?**

#### **IMPROVED SURFACE REQUIREMENTS**

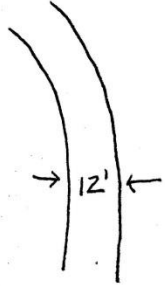
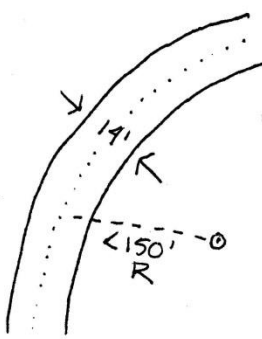
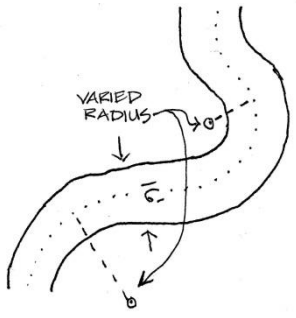


90-95%

Compaction

Driveway surface standards shall meet the specifications above or meet an alternate design standard established by a licensed engineer who will certify that the alternate design standard is capable of supporting 75,000 pound gross vehicle weight year round, wet or dry. Compliance shall be demonstrated prior to inspection by the County Road Department to confirm compliance with road approach permit.

## MINIMUM DRIVEWAY WIDTHS

		
Minimum improved width is 12 ft on straight sections and through gentle curves	Minimum improved width is 14 ft on single curves with less than 150-foot radius	Minimum improved width is 16 ft when curves are linked or located on a slope in excess of 10%

### A. This Standard is applicable to residential driveways in:

-All Zones

#### A. If Yes Then

Emergency responders will be able to bring all vehicles onto your property and to your building site.

#### A. If No Then

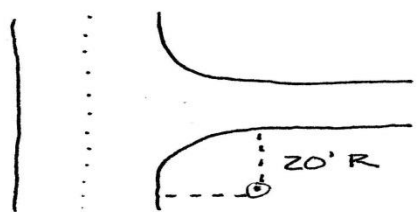
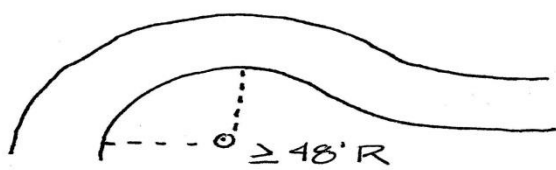
A modification of fire safety standards must be requested.

The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:

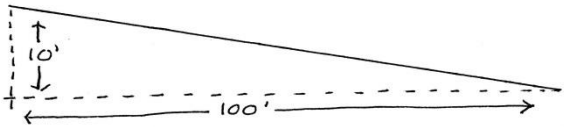
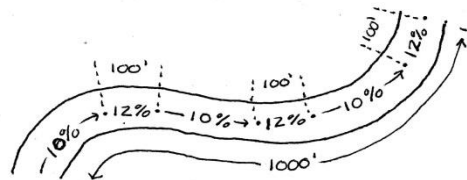
- A demonstration why standards cannot be met and that an alternate site will not allow standards to be met.
- Proposed alternate road lay out that can allow the best access possible to the building site.
- NFPA Sprinkler system if alternate access standards cannot provide for timely response.
- Expanded fire fuel breaks.
- Additional irrigation on all sides of the home and an on-site water supply capable of running the irrigation system for extended periods.
- Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).
- Evacuation plan and acknowledgment that some or all fire equipment may not have sufficient access to your property to respond.

**. Is your dwelling accessed by a driveway with curves and slopes that are passable by emergency equipment? And are turnouts provided as needed to allow vehicles to pass safely?**

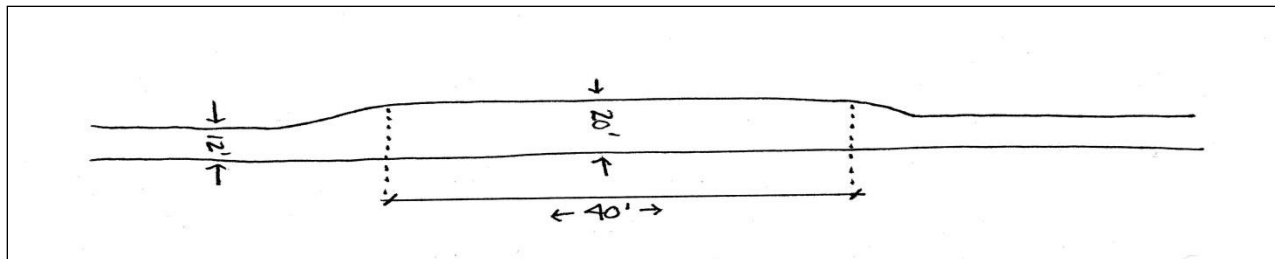
### CAN LARGE EQUIPMENT MAKE IT AROUND THE TURNS IN YOUR DRIVEWAY?

	
<p>Minimum 20 ft turn radius onto driveway from road</p>	<p>Minimum 48 ft turn radius for curves or switchbacks in the driveway. Larger radius, more gentle turns are desirable where possible</p>

### IS THE SLOPE OF YOUR DRIVEWAY GENTLE ENOUGH FOR EQUIPMENT TO GET UP AND DOWN SAFELY?

	
<p>Maximum steady grade of 10% or 10 ft of elevation gain over 100 ft of distance</p>	<p>Maximum steady grade of 10% may be exceeded for short pitches. Short (up to 100-ft lengths) intermittent sections may be up to 12%. No more than three 100-ft lengths in 1,000 ft.</p>

### IF YOUR DRIVEWAY IS LONGER THAN 200 FEET, ARE TURNOUTS PROVIDED ALONG ITS LENGTH?



Turnouts need to be provided at least every 400 feet. Turn outs are intended to allow vehicles to pass safely, especially during an emergency. This should be kept in mind when siting the turnouts. Steeper slopes or tighter corners may require turnouts to be located closer than every 400 feet.

**B. This Standard is applicable to all residential driveways in: -All Zones**

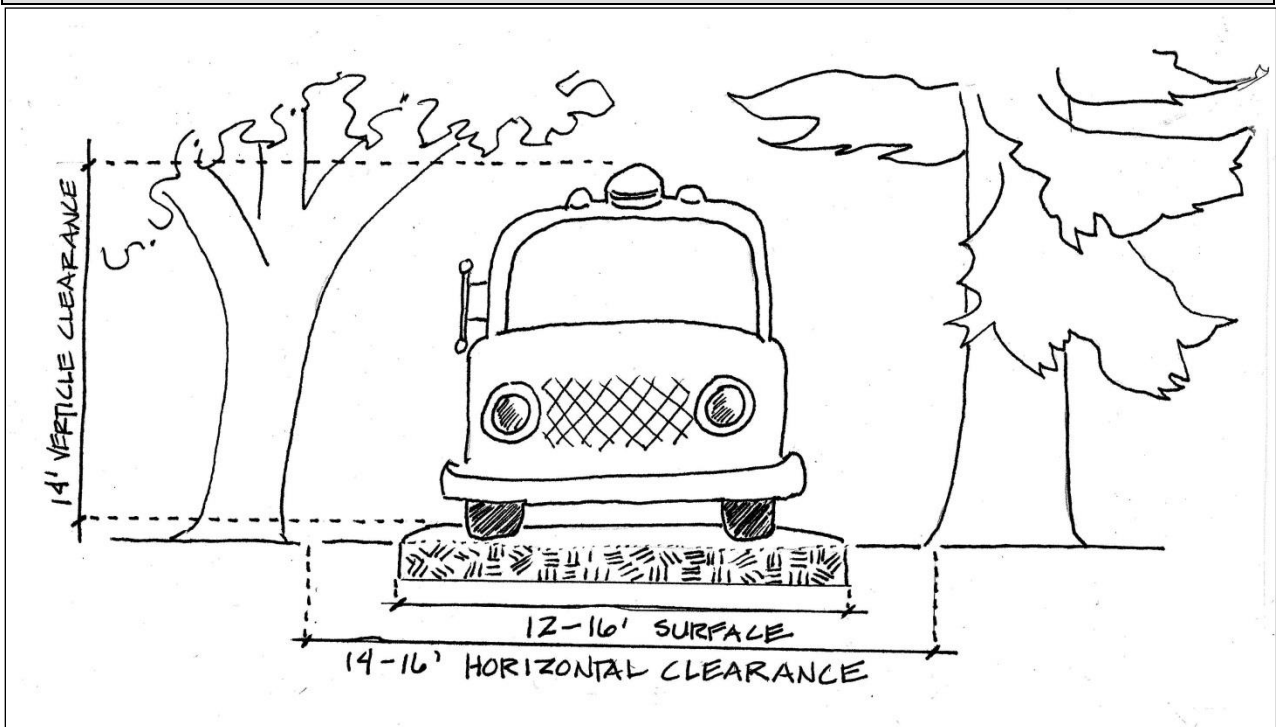
**B. If Yes Then**

- Emergency responders will be able to bring all vehicles onto your property and to your building site.
- You will be able to get off your property as the fire equipment accesses the site.

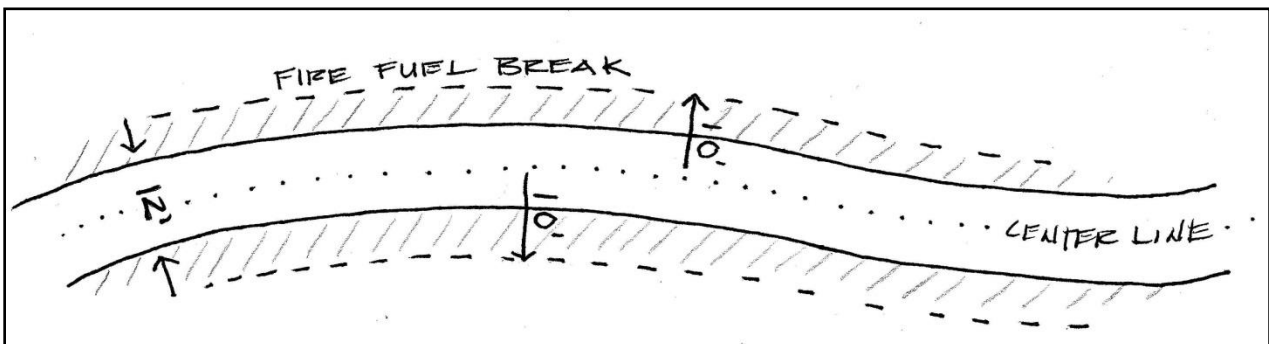
**B. If No Then**

See (A) above.

**C. Does your residential driveway provide adequate clearance for emergency vehicles and is there sufficient clear area along the driveway to allow responders to maneuver safely around their vehicles?**



Responding vehicles need over 13 vertical feet and a minimum of 14 horizontal feet of clearance to pass through vegetation along a driveway.



A fire fuel break extending 10 feet either side of the center line of the driveway is required.



**C. This Standard is applicable to all residential driveways in:**

-All Zones

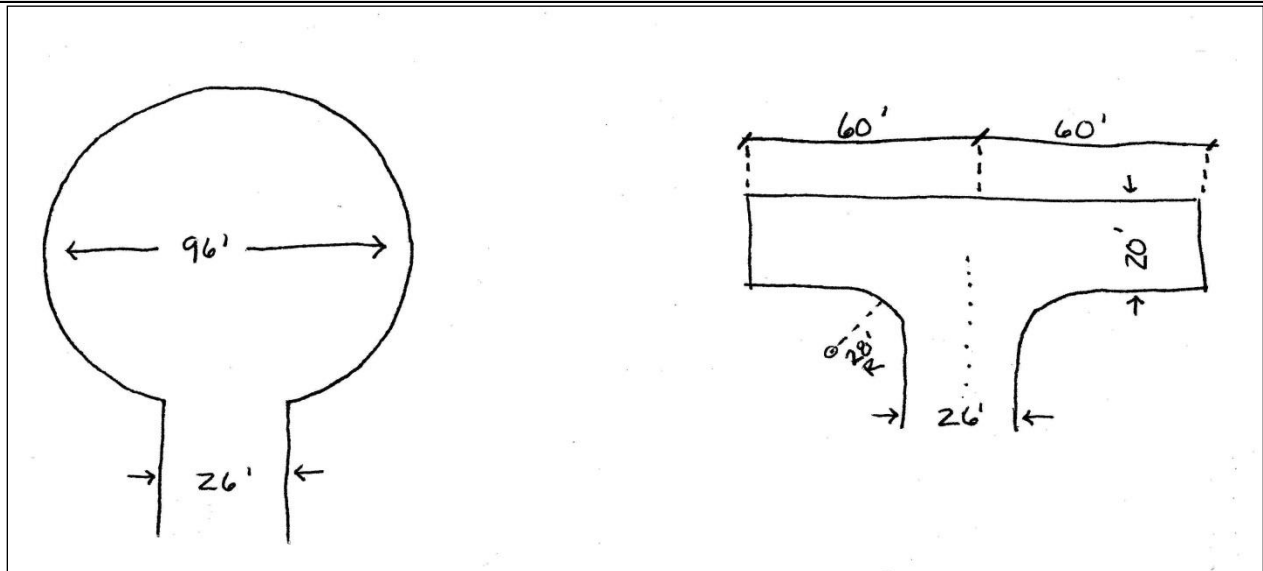
**C. If Yes Then**

- Emergency responders will be able to access your property without damaging your landscaping, native trees, or their vehicles.
- If there is a need to respond from the driveway, there will be room to maneuver more safely around the emergency vehicles.
- If there is a major wild land fire, the fire fuel break along the drive will help ensure that the driveway remains passable during the response.

**C. If No Then**

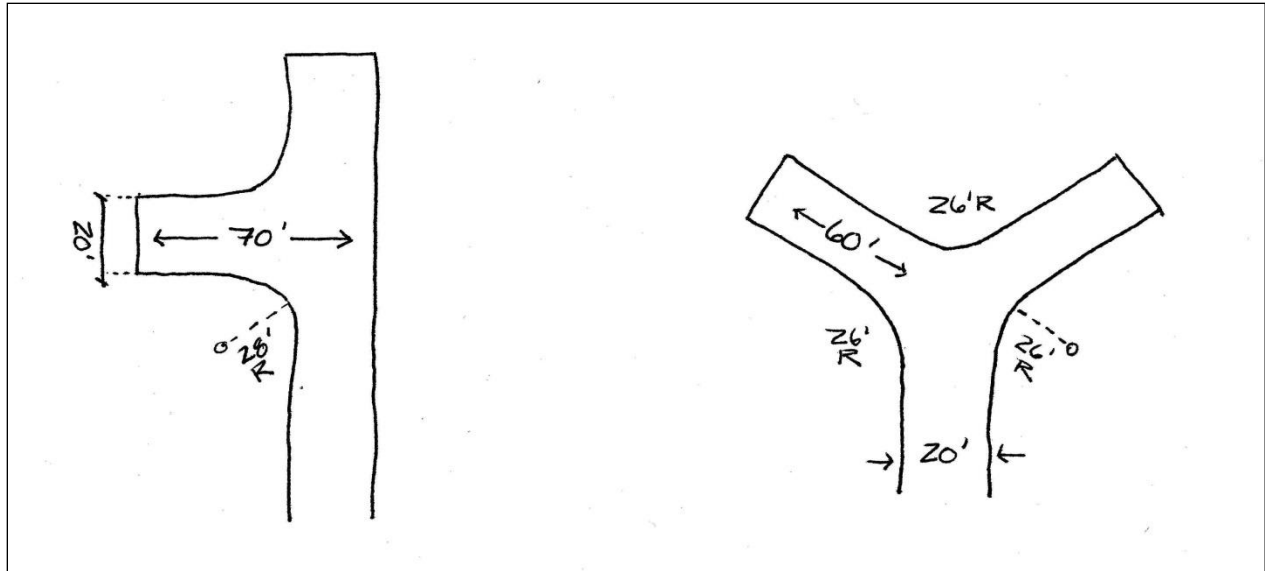
See **(A)** above

**D. If your residential driveway is longer than 150 feet, does it end with a turnaround that is passable for emergency responders?**



95-foot-diameter cul-de-sac

120-foot hammerhead



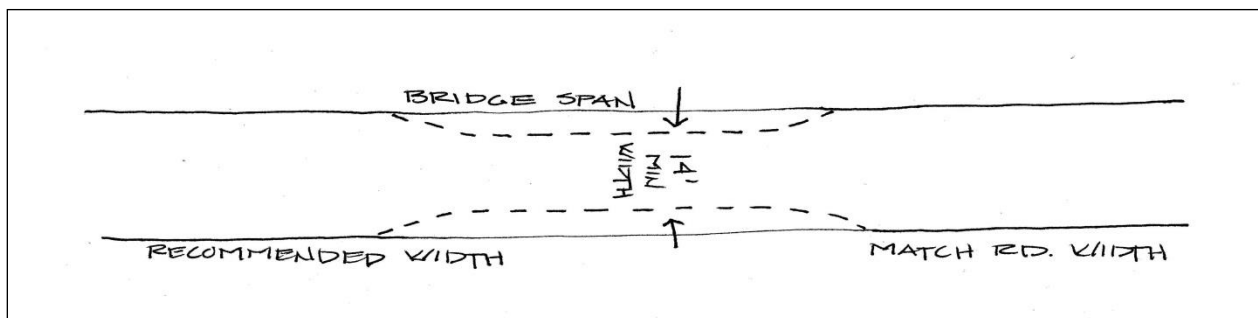
Acceptable alternative to 120-foot hammerhead  
hammerhead

Acceptable alternative to 120'

D. This Standard is applicable to residential driveways in:-All Zones	
D. If <u>Yes</u> Then	D. If <u>No</u> Then
Responders accessing your property in an emergency will be able to get turned around to leave the property, make room for additional responders, or to refill tenders and return.	See (A) above

**E. Can the bridges or culverts crossed to access your dwelling on your property accommodate emergency response vehicles?**

Culverts larger than a 6-foot diameter and all bridges that are relied on to access development must be engineered constructed and maintained to support 75,000 pounds gross vehicle weight. Culverts less than 6-foot diameter must be installed to manufacturer specifications, including requirements that the culvert be embedded sufficiently to maximize water flow and minimize risk of scouring or undercutting below the pipe.



Bridges should match the finished width of the road or driveway. A minimum bridge width of 14 feet is required and may be built if 7-foot- wide and 50-foot-long pullouts are provided on either side of the bridge.

<b>F. Can emergency responders get through your gate?</b>	
<ul style="list-style-type: none"> <li>• Gates need to swing or glide.</li> <li>• Gates need to be operable by a single person and maintained in operable condition.</li> <li>• The horizontal clearance through a gate must be a minimum of 14 feet.</li> <li>• Electric or locked gates must be operable or removable by emergency responders.</li> </ul>	
<b>G. Are the signs you've posted for emergency responders legible and in good repair?</b>	
<p>Signs required to:</p> <ul style="list-style-type: none"> <li>• Limit parking.</li> <li>• Mark fire lanes.</li> <li>• Direct responders to an on-site water source.</li> <li>• Identify electrical service shut-off at the power pole or off grid power source.</li> <li>• Post weight limits on existing bridges or culverts.</li> </ul> <p>Must be made and maintained so that:</p> <ul style="list-style-type: none"> <li>• Lettering is light colored and reflective against a dark background – except that red and white 12 inch by 18 inch fire lane, no parking signs Per Figure D(103.6) of the 2004 Oregon Fire Code.</li> <li>• Letters are a minimum of 4 inches tall.</li> <li>• Letters are a minimum of ½-inch-wide-letter strokes.</li> <li>• Signs are posted and kept clear of vegetation so they are fully visible.</li> </ul>	
<b>E. This Standard is applicable to residential driveways in: -All Zones</b>	
<b>E. If <u>Yes</u> Then</b>	<b>E. If <u>No</u> Then</b>
Emergency responders will be able to get to or through your property without risk of damage to equipment or roadway structures.	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures including:</p> <ul style="list-style-type: none"> <li>• Any culvert greater than a 6-foot diameter or bridge not capable of supporting 75,000 gross vehicle weight shall be signed at both entrances.</li> <li>• Other applicable mitigation measures listed in <a href="#">(A)</a> above.</li> </ul>

<b>F. This Standard is applicable to residential driveways in: -All Zones</b>	
<b>F. If <u>Yes</u> Then</b>	<b>F. If <u>No</u> Then</b>
Emergency responders will be able to access your property.	No alternatives exist for the requirement for a passable gate.
<b>G. This Standard is applicable to residential driveways in: -All Zones</b>	
<b>G. If <u>Yes</u> Then</b>	<b>G. If <u>No</u> Then</b>

Emergency responders will be able to access and navigate your property and the development site.	No alternatives exist for the requirement for that clear and legible signage be installed and maintained.
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**H. Are the roads to your residential property maintained in a condition that is passable for emergency vehicles? Do you know who is responsible for required improvements and maintenance?**

**DEFINITIONS – WHO IMPROVES AND MAINTAINS WHICH EXISTING ROADS?**

County Roads are:

- Fully dedicated public roads over which the County has full jurisdiction.
- The County is responsible for improvements and maintenance of county roads including bridges, culverts, ditches, etc.
- Most, if not all, public roads in the county meet the minimum access requirements for emergency vehicles.

Local Access Roads are:

- Public roads over which the County has limited jurisdiction.
- The County is not liable for failure to improve the local access road or keep it in repair.
- The County has limited ability to spend money on local access roads and expenditure on local access roads is made only in emergencies and is subject to special review process prior to the expenditure.
- Landowners served by the road must improve or maintain the road if it is to stay in good repair.
- Some local access roads have organized maintenance organizations but most do not.
- Many local access roads meet minimum access requirements but some will require improvements in order to be accessible to emergency responders and all will require maintenance.

Private Roads are:

- Neither public roads nor county roads.
- The County cannot improve or maintain private roads.
- Private roads serve more than one dwelling but are not required to be open to the public.
- The land owners served by the private road are solely responsible for its improvement and maintenance.
- Many private roads will require improvements in order to be accessible to emergency responders and all will require maintenance.

Driveways are:

- Private access roads serving no more than two dwellings.
- The home owner bears sole responsibility for driveway improvement and maintenance.

Per ORS [368.001-368.031](#)

**ACCESS ROAD STANDARDS – WHAT MAY HAVE TO BE DONE TO ROADS LEADING TO BUT NOT PART OF YOUR PROPERTY?**

If a legally created parcel is accessed by a County or State improved and maintained road, the applicant must demonstrate that driveway standards are met on the property and is responsible for continued maintenance of the driveway in accordance with standards.

If a legally created parcel is accessed by a local access or private road the road way will need to be determined to meet county road standards or minimum standards for a fire apparatus access road (defined in Chapter 5 of the 2004 Oregon Fire Code) prior to new construction. A fire apparatus access road needs to have an improved all-weather surface of 20-feet wide or sections of the road with a finished road surface width of 20 feet for a length of 40 feet at no greater than 400-foot intervals. All access standards, other than width, turn radius, and slope or grade that are applicable to driveways, [\(A\)](#) – [\(H\)](#), are also applicable to local access and private roads. Improvements made within a local access road will require a permit to do work in a public right of way.

Land divisions creating new parcels need to improve roads up to the point of access to the proposed land division to meet public road standards prior to final land division approval.

<b>H. This Standard is applicable to residential development in: -All Zones</b>	
<b>H. If <u>Yes</u> Then</b>	<b>H. If <u>No</u> Then</b>
Emergency responders will be able to get to your property with any vehicle at a reasonable rate of speed with little risk of damage to equipment or roads.	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must:</p> <ul style="list-style-type: none"><li>• Employ applicable mitigation measures listed in <a href="#">(A)</a> above, -AND-</li><li>• Demonstrate that county road or fire apparatus access road standards cannot feasibly be met.</li><li>• Demonstrate that improvements achieve basic access (driveway standard) along sections determined incapable of meeting a higher standard.</li><li>• If basic driveway standard is not met at any point, that section shall be clearly signed from both directions calling out the weight limit, width of narrow road section, or grade and length of steep road way.</li><li>• Ability of responders to get to a site is limited by the ability of an applicant to make and maintain off-site improvements.</li><li>• The land owner will be notified of service limitations resulting from substandard access and required to document acknowledgement</li></ul>

	of limitations to emergency services prior to receiving a building permit.
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### Section 10.150 - Fire Protection or On-Site Water Required

Ensuring dwellings have some fire protection available through manned or unmanned response.

<b>A. Are you proposing to construct a dwelling inside a structural fire protection district? -OR-</b>
<p><b>ON SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY (Fire Flow Requirements).</b></p> <p><b>Dwellings less than or equal to 3,500 square feet</b> can rely on emergency responders to meet the on-site water requirements if they are inside a fire protection district.</p> <p><b>Dwellings in excess of 3,500 square feet</b> require on-site water in excess of the amount of water that could reasonably be delivered to the site by emergency responders. Dwellings in excess of 3,500 square feet need to provide an NFPA sprinkler system to meet on site water requirements. Provision of an NFPA sprinkler system meets fire code fire flow requirements.</p> <p><b>Structures must be located inside a structural fire protection district if possible.</b> It is not possible to be in a fire protection district when it is demonstrated that the dwelling cannot locate within, annex into a district, or contract with a structural fire protection district for service</p>

<b>A. This Standard is applicable in:</b> -All Zones - as specifically noted in the standard	
<b>A. If <u>Yes</u> Then</b>	<b>A. If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>A special taxing district exists and volunteer or professional fire fighters will respond to and defend a structure to the best of their ability.</li> <li>Installation of an NFPA-approved sprinkler system meets the fire flow requirements for rural structures when a responders' ability to bring water to the site cannot. (See other benefits of NFPA sprinkler systems in <a href="#">(B)</a>, below.)</li> </ul>	Refer to <a href="#">(B)</a> , Below

**B. Are you proposing to construct a dwelling outside a structural fire protection district?**

**ON-SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY EVEN OUTSIDE A STRUCTURAL FIRE PROTECTION DISTRICT (Fire Flow Requirements).**

**Dwellings can be located outside a structural fire protection district** upon demonstration that the parcel or home site cannot locate within, annex into, or contract with a structural fire protection district for service. If a dwelling is proposed outside a structural fire protection district, you cannot rely on emergency responders to meet the fire code fire flow requirements. Providing an NFPA sprinkler system is required to meet fire flow requirements unless a request for modification of the fire safety standards has been requested and approved.

**Dwellings in the Forest Zones and outside a structural fire protection district** must provide a year-round on-site 4,000 gallon water source, or access to a stream or spring having continuous year-round flow of at least 1 cubic foot per second.

- The applicant must provide a written statement from Oregon Water Resources Department verifying that permits or registrations required for any water diversion or storage have been obtained or are not required.
- Driveway access and a turnaround meeting the access standards in **Section [10.140](#)** must be extended to within 10 feet of the water source.
- Permanent signs shall be posted directing emergency vehicles to approved water sources.

**B. This Standard is applicable in: -All Zones - and as specifically noted in the standard**

**B. If Yes Then**

- Provision of an NFPA sprinkler system does not rely on a responder's presence to function and can often extinguish a small ignition before it grows to the point where a large-scale response is necessary.
- Meeting fire flow requirements for larger structures can require an on-site water source of 8,000 gallons or more (see alternatives to sprinkler system).
- Installation of a sprinkler system in site-built homes, particularly larger homes, is often the most affordable way to meet fire flow requirements. Installation of an NFPA approved sprinkler system can save home owners a significant amount on their fire insurance rates and will pay for itself over time.

NOTE: Manufactured homes and historic structures may substitute on site water provision for inclusion of a residential sprinkler system when otherwise required. The county recognizes the disproportionately high cost of installation of NFPA sprinkler systems in this type of structure and the limited ability to alter the design of structures when locating a historical structure or

**B. If No Then**

If a NFPA sprinkler system is required but cannot be provided, a modification of fire safety standards must be requested. This is necessary because either no structural fire protection will be provided by a recognized district or because the dwelling exceeds the size determined to be defensible by local responders.

The fire mitigation plan submitted with the request for modification must include an on-site water source capable of meeting fire code requirements for water supplies in rural settings. Requirements for rural water supplies to meet fire flow requirements are generalized here:

- Minimum on site water storage 2,000 gallons
- 1,500-3,500 square foot dwelling - 4,000 gallons
- >3,500-5,000 square foot dwelling -

<p>manufactured home. Applicants locating a manufactured home or historic structure on their property may elect to install an on-site water source meeting the on-site water requirements listed in this subsection. No request for modification needs to be made for these structures.</p>	<p>8,000 gallons</p> <ul style="list-style-type: none"> <li>• &gt;5,000 square foot dwelling - 13,000 gallons</li> </ul> <p>When on-site water is provided to meet fire flow requirements within a fire protection district, the on-site source must be made accessible to responders.</p> <p>When on-site water is provided to meet fire flow requirements outside a fire protection district, then the fire mitigation plan shall include provisions by the home owner for applying the water to the structure in the event of a fire.</p>
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### **Section 10.210 - Fire Safety Standard Review Process**

- A. Compliance with applicable fire safety standards is required by the ordinance for new, replacement, and modified structures in all rural zones.
  1. Fire standards shall be made a part of the conditions of approval when a conditional use permit, site plan or subject to standards review, partition, subdivision, or other land use action is required prior to construction.
  2. Structures or alterations to structures that are subject to ministerial review must also comply with all applicable fire standards prior to receiving zoning approval on a building permit application.
  3. In all cases compliance with applicable fire standards shall be self-certified prior to receiving zoning approval on a building permit.
  4. Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.
- B. Continued compliance with fire safety standards is required.
  1. Compliance is the responsibility of the land owner.
  3. An illustrative checklist will be provided to land use permit applicants and building permit applicants that explains all necessary steps to comply with applicable fire safety standards.
  4. Required compliance with fire safety standards shall be disclosed to future land owners prior to sale of any parcel.



- a. Where fire safety standards are self-certified as part of a ministerial review, the self-certification shall be recorded prior to receiving zoning approval on the building permit application.
- b. If one or more applicable fire safety standards cannot be met the applicant may request a modification of standards. The requested modification must be approved and the terms of the approval recorded in the county records prior to receiving zoning approval on a building permit application. See [10.220](#) below.
- c. Where fire safety standards, or a modification of the standards, are applied through a land use review as conditions of approval, the conditions of approval shall be recorded along with the notice of decision.

#### **Section 10.220 - Modification of Fire Safety Standards**

If one or more fire safety standard cannot be met, the applicant must request a modification to fire safety standards. The request for modification shall include a site specific fire safety mitigation plan. The modification of standards review shall be processed in accordance with the procedures in LUDO Section 2.060(A)(6). Notice prior to the decision shall be provided to fire responders with jurisdiction by the Planning Director. The decision to approve or deny the request for modification shall meet all public notice requirements.

#### **Section 10.230 - Fire Safety Mitigation Plan**

A fire safety mitigation plan is required when an applicant needs to request a modification to one or more fire safety standards listed on the self-certification check list. A fire safety mitigation plan is also required for any land division creating lots that can accommodate dwellings. A fire mitigation plan shall include the following:

- A. One or more maps and accompanying narrative statement addressing the following:
  1. Site description.
  2. Documentation of fire protection service or proposed plan for on-site fire protection.
  3. Documentation of on-site water supply where required.
  4. Driveway construction plan including gate features, size and locations of bridges or culverts and proposed signage.
  5. Documentation of fuel break areas if land on adjoining properties is relied on to meet fuel break requirements.
  6. Public or private road plans for new roads to serve proposed land divisions (including location, size, and type of bridges and culverts).
  7. Other information deemed necessary to allow adequate review of the request for modification.
- B. Statement of need  
A clear statement of why the fire safety standards cannot feasibly be met.

C. Risk Assessment

An assessment of increased risk of wildfire damage if standard is modified. Risk assessments shall consider the purpose of the standard that cannot be met, the specific proposal, and site conditions to determine what, if any, additional exposure to wild land fire risks could be created by approval of the modification to fire safety standards. The consideration shall include increased risk of the proposed structure becoming a source of ignition and risks to the proposed structure from a wild land fire ignited elsewhere and traveling through the site.

D. Statement of Additional Action Proposed to Eliminate or Minimize Increased Risks

A clear list of additional measures proposed by the applicant to address any increased risks identified in the risk assessment.

**Section 10.240 - Review of Requested Modification(s)**

A. Planning Director Shall Seek Review

1. The Planning Director shall request and consider the comments and recommendations of local emergency responders, including ODF and the State Fire Marshal's Office when making the final decision on a request for modification of fire safety standards. The complete fire safety mitigation plan shall be forwarded to all commenting responders including the Deputy State Fire Marshal.
2. Comments and recommendations by local responders shall be provided to the Planning Director within 15 days.

B. Responses to the Director's Request for Review

1. Responders' comments and recommendations shall do one of the following:
  - a. Support the modification with mitigation measures proposed by the applicant.
  - b. Support the modification with a recommendation for alternate mitigation measures detailed by the responders.
  - c. Accept the request for modification conditionally though minimum standards cannot be met. This will be done only when the responder commenting on the request cannot recommend feasible means to mitigate risks resulting from approval of the modification. Acceptance of a modification that cannot be fully mitigated or meet minimal standards will also include an assessment of any limitations of service that may accompany approval of the modification.

E.g., an existing off-site bridge is located along a private road accessing the applicant's any existing dwellings. The bridge is weight limited but cannot be feasibly upgraded for the one new home. One or more responders may require that the weight limit of the existing bridge be determined and clearly posted and they may also elect to notify the current land owner and all other residents that larger responding vehicles will not respond to calls accessed by that bridge.

- d. Recommend denial of the requested modification(s) on the grounds that:
  - (1) The proposed modification is not necessary because standards can and should be met, including consideration and selection of an alternative location for the development.
  - (2) Approval of the proposed modification will result in undue risk to life and safety.
- 2. Comments and recommendations from emergency responders shall be supported by reasons sufficient to allow the Planning Director to weigh the evidence and arguments prior to deciding to grant, conditionally grant, or deny a request for modification of fire safety standards.
- 3. Approval or denial of a modification to standards is not subject to variance criteria in the LUDO.
- 4. A modification of standards can be reviewed and decided in conjunction with another land use decision where other land use permits are required.
- 5. Approval of a modification of standards is subject to administrative review, public notice, and the opportunity for further review on appeal under LUDO Section 2.160.
- 6. Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.



## **CHAPTER 11 - MARIJUANA PRODUCTION, PROCESSING, WHOLESALING, AND RETAILING (Adopted 01/11/2016)**

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### **Section 11.010- Purpose**

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 Section 22, Chapter 1, Oregon Laws 2015, 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 ORS 475.314, 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.

## **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**

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### **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 non-conforming 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 ORS [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 ORS [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 ORS [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.

## CHAPTER 13 - NONCONFORMING USES, BUILDINGS AND LOTS

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### **Section 13.010 - Purpose**

It is necessary and consistent with the establishment of this Ordinance that all uses and structures incompatible with permitted uses or structures in each zone be strictly regulated and permitted to exist only under rigid controls. The purpose of such regulation and control is to discontinue a nonconforming use or structure, change a nonconforming use or structure to a conforming status, or allow alterations to a nonconforming use or structure that do not increase the level of adverse impact on the neighborhood, or are required for the use or structure to comply with state or local health or safety requirements.

### **Section 13.020 - Continuation of Nonconforming Use**

Except as is hereinafter provided in this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued, although such use does not conform with the provisions of this Ordinance. Alterations to nonconforming structures may only be made consistent with Section [13.060](#).

### **Section 13.030 - Conveyance of Nonconforming Use**

Nothing in this Ordinance shall be construed to limit the sale, transfer, or conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

### **Section 13.040 - Construction on and Conveyance of Nonconforming Legal Parcels**

Nothing in this Ordinance shall be deemed to prohibit construction or reconstruction of conforming uses or structures on nonconforming legal parcels or limit the sale, transfer or conveyance of said legal parcels, so long as the construction, reconstruction, sale, transfer or conveyance is consistent with all applicable provisions of this ordinance.

### **Section 13.050 - Verification of Nonconforming Use**

Must meet lawfully established and discontinuance or abandonment criteria below.

- A. Lawfully Established: For a nonconforming use to be verified as lawfully established it shall be consistent with all of the following:

1. The nonconforming use has not been expanded in size or area or changed in purpose or use beyond what was lawfully established;
2. The property on which the nonconforming use is located meets the definition of legal parcel in Chapter 1 of this ordinance;
3. The nonconforming use was lawfully established on or before the effective date of the provisions of this ordinance prohibiting the use verified by either [a](#) or [b](#) below. No unlawful use of property existing at the time of the effective date of the provisions of this ordinance shall be deemed a nonconforming use.
  - a. Type I Verification: Lawfully established is verified by non-discretionary evidence including but not limited to zoning approval or County Assessor records verifying the date of establishment. This type of verification is not subject to any review process because it does not involve the exercise of any discretion or judgment. If the applicant wishes documentation of this it shall be done as a Land Use Verification Letter.
  - b. Type II Verification: Lacking non-discretionary evidence, lawfully established is verified by a discretionary process consistent with Section 2.060(A)(9).

It is the burden of the applicant to provide a preponderance of evidence which will allow the Planning Director to conclude the nonconforming use was lawfully established. Such evidence includes but is not limited to:

- Utility Bills and Records (phone, power, sewer, water)
- Aerial Photographs
- Dated Photos
- Notarized Letters or Affidavits affirming the date of establishment

- B. Discontinuance or Abandonment: For a nonconforming use to be verified as lawfully established it must not have been discontinued or abandoned according to the following criteria. Based on the circumstances, the Director shall determine whether discontinuance or abandonment shall be reviewed as a Type I or Type II process as described in [A](#) above.

1. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be twelve (12) consecutive months in any of the ten (10) years preceding the date of the application. Proof of intent to abandon is not required to determine that a nonconforming use has been discontinued or abandoned.

2. An abandonment or interruption of a use may arise from the complete cessation of the actual use for a twelve (12) month period even if improvements to support the use remain in place.
3. An interruption or abandonment for a twelve (12) month period that constitutes less than full cessation of the use or a portion thereof may result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued, even if improvements to support the full use remain in place.
4. A change in the nature of the use may result in a determination that the use has been abandoned or has ceased for a twelve (12) month period if there are no common elements between the activities of the previous use and the current use.

Factors to be considered in determining whether there has been a change in the nature of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated with the use (including off- site impacts of those activities), changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.

5. A surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:
  - a. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and
  - b. The surface mining use was not inactive for a period of 12 consecutive years or more. For purposes of this subsection, “inactive” means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

#### **Section 13.060 - Restoration or Alteration of Nonconforming Use**

Restoration or alteration of a nonconforming use or structure shall be reviewed according to Section 2.060(A)(9) and limited to the applicable criteria below and Verification of Nonconforming Use in Section [13.050](#) above. Any other restorations or alterations shall conform to all of the criteria of this ordinance.

Maintenance, repair, alteration, restoration or replacement of a lawfully implemented or established dwelling in the Exclusive Farm Use or Forest Zone shall be governed by those zones and not be subject to the alteration language in Chapter 13. However, these dwellings will be subject to a Chapter 6 or 7 Variance Review if they cannot meet all of the provisions of the

Wasco County Land Use and Development Ordinance, and must comply with all current health and safety ordinances including but not limited to Geologic Hazard Overlay (Section 3.750) Fire Safety Standards (Chapter 10) and Flood Damage Prevention (Chapter 22).

- A. Restoration or Replacement of a Nonconforming Structure Destroyed by Fire, Other Casualty or Disaster: If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, other casualty or natural disaster, restoration or replacement shall be permitted subject to the following criteria:
  - 1. Time Limitation: An application is received within twelve (12) months from the occurrence of the fire, casualty or natural disaster. The application shall include official documentation establishing the date of the fire, casualty, or natural disaster. If an application is not received within twelve (12) months from the occurrence, the nonconforming use shall be considered discontinued.
  - 2. Size: The restoration of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction. Any changes in height, additions of attics basements, decks or elements that were not part of the original structure beyond what is necessary to comply with current building code or building industry standards shall be considered an alteration.
  - 3. Location: The restoration shall be sited on the same footprint as the original structure. However, if the applicant wishes to change the location to better comply with current setback, buffer or health and safety standards, the restoration will be allowed to be relocated the minimum distance necessary to achieve this goal. Any relocation beyond the minimum distance necessary shall be considered an alteration.
  - 4. Health & Safety: The restoration shall comply with all current health and safety ordinances including but not limited to Geologic Hazard Overlay (Section 3.750) Fire Safety Standards (Chapter 10) and Flood Damage Prevention (Chapter 22).
- B. Alteration of a nonconforming use to Comply with State or Local Health or Safety Requirements: No conditions shall be placed upon the continuation or alteration of a nonconforming use when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

Proof of compliance with health or safety requirements or the necessity to maintain in good repair existing structures associated with the use shall be submitted with the application.



C. Alteration of a nonconforming use including but not limited to any combination of the following:

- Replacing a structure not damaged or destroyed by fire, other casualty or disaster;
- Expanding a structure beyond its current size;
- Relocating a structure to a different location on the same legal parcel;

1. Alteration will result in no greater adverse impact on the neighborhood or shall result in less of an adverse impact on the neighborhood considering the criteria listed below.

a. Residential Uses Only

- (1) The nonconforming use is in compliance with all conditions or limitations associated with its creation or approval;
- (2) The comparative visual appearance between the existing nonconforming use and the proposed alteration;
- (3) The alteration shall not change the manner or purpose of the use;
- (4) The proposed alteration shall not result in greater nonconformity to property line setbacks or resource buffer requirements unless the alteration will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would extend an existing structure further toward the property line or resource, or expand an existing structure parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria;
- (5) Relocation shall result in conformity with all property line setbacks and resource buffer requirements unless there is no other location on the property that could comply with all setback and buffer requirements and the relocation would remove the structure from an undesirable location according to the Wasco County Land Use and Development Ordinance such as a water buffer or floodplain. If the relocation cannot conform to all setback and buffer requirements the application shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria;
- (6) The alteration must be consistent with Health and Safety Regulations including but not limited to Geologic Hazard Overlay (Section 3.750) Fire Safety Standards (Chapter 10) and Flood Damage Prevention (Chapter 22);

(7) Other factors which impact the character or needs of the neighborhood;

b. Non-Residential Nonconforming Uses Only

(1) Criteria (1) – (7) in subsection a. above;

(2) The alteration will result in an overall reduction in adverse impacts to the neighborhood. Each application for alteration will include an analysis of the current adverse impacts to the neighborhood utilizing a – b below, and how the alteration reduces the total of the adverse impacts. An increase in one individual adverse impact may be offset by reductions in others as to effect a total reduction in adverse impacts;

(a) An evaluation of the character and history of the use, its relationship to development in the neighborhood and how the alteration would affect this;

(b) The comparable degree of noise, light, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood between the existing nonconforming use and the proposed alteration;

(c) The comparative impact to public facilities and services including but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities between the existing nonconforming use and the proposed alteration;

(d) The comparative amount and nature of outside storage, loading and parking between the existing nonconforming use and the proposed alteration;

(e) The comparative hours of operation between the existing nonconforming use and the proposed alteration;

(f) The comparative effect on identified natural resources between the existing nonconforming use and the proposed alteration; and

(g) The comparative effect on water quality, quantity or drainage in the neighborhood between the existing nonconforming use and the proposed alteration.

2. The Planning Director may impose conditions of approval on any alteration of a nonconforming use, structure(s) or other physical improvements permitted under

this section when deemed necessary to ensure the mitigation of any adverse impacts. Such conditions could include but are not limited to:

- a. Special yards and spaces.
- b. Fences and walls.
- c. Special parking and/or loading provisions.
- d. Street dedication and improvements.
- e. Control of points of vehicular ingress and egress.
- f. Special provisions for signs.
- g. Landscaping and maintenance of grounds.
- h. Control of noise, light, vibration, dust, odor, fumes, glare, smoke, or other similar nuisances.
- i. Limitation of time for certain activities.
- j. A time period in which a proposed use shall be developed.
- k. A limit of total duration of use.

#### **Section 13.070 - Vested Right**

Pursuant to ORS [215.427](#), if an application was complete when first submitted or the applicant submits additional information, as described in ORS [215.427\(2\)](#), within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

#### **Section 13.080 - Consolidation of Undeveloped Subdivisions**

- A. A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to ORS chapter [92](#), Undeveloped Subdivisions.
- B. No portion of a consolidated plat shall be considered a separate parcel solely because an existing property overlays, and possibly fragments, that consolidated subdivision.
- C. Criterion A shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more

undeveloped units of land shall be consolidated with one or more developed units of land.

- D. Lots shall be consolidated through the process outlined in ORS Chapter [92](#), Undeveloped Subdivisions, or through a Replat process as outlined in Chapter 21.

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### **Section 15.010 - Administration**

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this Ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within Wasco County, Oregon, under the jurisdiction of this Ordinance.

### **Section 15.020 - Zoning Approval**

- A. The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this Ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.
- B. Zoning approval may be authorized if:
  - 1. It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
  - 2. It is necessary to protect public safety; or
  - 3. It is for work related to and within a valid easement over, on or under an affected property.

### **Section 15.030 - Authority**

Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

**Section 15.040 - Civil Relief**

When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of this Ordinance, the County Court, the District Attorney or any person whose interest in real property within the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings as provided under ~~ORS 32.010 to 32.060~~, the person shall furnish undertakings as provided under ~~ORS 32.010 to 32.060~~.

**Section 15.050 - Violation of Ordinance**

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property or shall transfer any property in violation of this Ordinance.

**Section 15.060 - Violation of Ordinance as a Nuisance**

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

**Section 15.070 - Wasco County Code Compliance and Nuisance Abatement Ordinance**

The Wasco County Code Compliance and Nuisance Ordinance is a separate Wasco County Board of Commissioner adopted ordinance that implements land use, nuisance and health violations. Please refer to that Ordinance for further details related to enforcement of the provisions of the Wasco County Land Use and Development Ordinance.



## CHAPTER 16 - MOBILE HOME PARKS

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### Section 16.010 - Review

In addition to the general provisions of this Ordinance, special provisions for the establishment of a new mobile home park or the expansion of an existing mobile home park are required. No mobile home park shall be established or expanded and no plan for said park shall be filed or recorded until submitted to and approved by the Approving Authority.

### Section 16.020 - Information Required for Preliminary Site Plan Review

The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Office in the form described by the Director and shall be accompanied by five (5) copies of the site plan showing the general layout of the entire mobile home park and drawn at a scale not smaller than one inch (1") representing fifty feet (50'). The drawing shall show the following information:

- A. Name of the property owner, applicant, and person who prepared the plan;
- B. Name of the mobile home park and address;
- C. Scale and north point of the plan;
- D. Vicinity map showing relationship of mobile home park to adjacent properties and surrounding zoning;
- E. Boundaries and dimensions of the mobile home park;
- F. Location and dimensions of each mobile home site; designate each site by number, letter or name;
- G. Location and dimensions of each existing or proposed building;
- H. Location and width of park streets;
- I. Location and width of walkways;
- J. Location of each lighting fixture for lighting the mobile home park;
- K. Location of recreational areas and buildings, and area of recreational space;

- L. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials;
- M. Extent, location, arrangement and proposed improvements of all off street parking and loading facilities;
- N. Location of available fire and irrigation hydrants;
- O. Location of public telephone service for the park;
- P. Enlarged plot plan of a typical mobile home space, showing location of the stand, patio, storage space, parking, sidewalk, utility connections and landscaping.

#### **Section 16.030 - Final Site Plan and Submission Requirements**

At the time of application for final approval to construct a mobile home park, or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies as required by law or Ordinance:

- A. New structures.
- B. Public water systems approved by the Department of Human Resources, Health Division, State of Oregon.
- C. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon.
- D. Method of garbage disposal.
- E. Plan of electrical service.

#### **Section 16.040 - General Design Standards**

- A. Access: A mobile home park shall not be established on any site that does not have access to any public street on which the potential paving width is less than thirty six (36) feet.
- B. Park Street: A park street shall connect each mobile home site to a public street. The park street shall be a minimum of thirty five (35) feet in width, with a service width of at least twenty five (25) feet if no parking is allowed, and thirty five (35) feet if parking is allowed on one side only.

- C. Walkways: Pedestrian walkways of not less than three (3) feet in width shall be separated from vehicular ways and maintained for safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park.
- D. Off Street Parking:
  - 1. Two off street parking spaces shall be provided for each mobile home site, either on the site or within one hundred (100) feet thereof in the mobile home park, which shall be nine by twenty (9x20) feet in size per space.
  - 2. Guest parking shall also be provided in every mobile home park, based on a ratio of one parking space for each four (4) mobile home sites.
- E. Signs: Signs may be installed as follows:
  - 1. One sign not to exceed eighteen (18) square feet in area to designate the name of the mobile home park. The sign may be indirectly lighted, but shall have no flashing lights or moving parts.
  - 2. Incidental signs for the information and convenience of tenants and the public, relative to parking, traffic movement, office, lavatories, etc., are allowed, provided such signs do not exceed three (3) square feet in area.
  - 3. No advertising signs shall be permitted.
- F. Fencing and Landscaping:
  - 1. Every mobile home park shall provide a sight obscuring fence, wall, evergreen or other suitable screening/ planting along all boundaries of the mobile home park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.
  - 2. Walls or fences shall be six (6) feet in height. Evergreen planting shall not be less than five (5) feet in height, and shall be maintained in a healthy, living condition for the life of the mobile home park.
  - 3. There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.
- G. Lighting: Lighting shall be designed to produce a minimum of 0.1 foot-candle throughout the street system. Potentially hazardous location such as a major street intersection and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 foot-candle.

H. Area:

1. Size of a mobile home park site: No mobile home park shall be created on a lot or parcel of land of less than the minimum required to accommodate the density of the underlying zoning regulations.
2. Mobile home sites: The average area of a mobile home site within a mobile home park shall not be less than 3,000 square feet, and in no case shall any one mobile home site be less than 2,500 square feet, providing that the dwelling unit density for a new mobile home park shall not exceed the allowable density of the district in which it is located.
3. Setbacks: No mobile home or access thereto shall be located any closer than twenty five (25) feet from a park property line abutting on a public street, five (5) feet from all other park property lines and ten (10) feet from any such areas as a park street, a common parking area, or a common walkway.
4. Spacing: A mobile home shall be separated from an adjoining mobile home and its accessory structures a minimum of fifteen (15) feet.
5. Overnight Spaces: Not more than ten (10) percent of the total mobile home park area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight. (amended 2 89)

I. Other Site Requirements:

1. Permitted Uses: No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted as follows:
  - a. Mobile homes for residential use only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport or garage, and a storage or washroom building.
  - b. Private and public utilities.
  - c. Community recreation facilities, including swimming pools, for residents of the park and guests only.
  - d. One residence for the use of a caretaker or a manager responsible for maintaining or operating the property.
2. Recreational Area: A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or

more locations in the park. At least one recreation area shall have a minimum size of 5,000 square feet, and be of a shape that will make it usable for its intended purpose, and at least fifty percent (50%) of the required recreation area shall be provided for use by residents of the entire mobile home park. Swimming pools shall be set back at least fifty (50) feet from the nearest residential area and will have a fence surrounding it at least eight (8) feet high which does not obscure vision into the pool area. Rescue devices such as buoyant rings, poles, etc., shall be provided and easily accessible.

3. Accessories: Accessory structures located on a mobile home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
4. Exterior finishing of mobile homes: All mobile homes located in Wasco County shall conform to the provisions of Section 4.160 of this Ordinance.
5. State Requirements: Rules and regulations governing mobile home facilities as contained in ORS [446](#), and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks", adopted by the Oregon State Department of Human Resources, Health Division, shall be applicable in the development and operation of a mobile home park, provided, that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

#### **Section 16.050 - Occupancy Permit**

No permit for occupancy of any mobile home park, building, or facility located within said park shall be issued by the Building Official until such time as the development has been completed according to the finished plan approved by the Approving Authority. Deviations from the approved plan must be submitted to the Director for approval as revisions of the Plan.



## CHAPTER 17 - RECREATIONAL VEHICLE PARKS

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### Section 17.010 - Construction

All recreational vehicle parks and mobile home parks containing spaces for recreational vehicles shall conform to the provisions of Chapter 16 of this Ordinance.

### Section 17.020 - Exceptions

No recreational vehicle shall be permanently attached to the land, or otherwise finished with accessories as provided for in Section 4.160 of this Ordinance.

### Section 17.030 - Facilities

Recreational vehicle parks shall be designed as mobile home parks with modifications to lot design to accommodate recreational vehicles instead of mobile homes. For this purpose recreational vehicle parks shall also provide:

- A. Toilets at the ratio of one toilet for men and women each for every ten (10) vehicle sites.
- B. Public water facilities at a ratio of one faucet for every five (5) vehicle sites.
- C. Sanitary dumping stations as required by the Approving Authority.

### Section 17.040 - Certificate Required

No recreational vehicle park shall be operated in Wasco County without a certificate of sanitation provided by an agent of the Department of Human Resources, Health Division, State of Oregon, and no occupancy permit shall be issued by the Building Official until such certification is obtained pursuant to ORS [446.320](#).

### Section 17.050 - Service Buildings

Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. Such buildings shall be maintained in a sanitary and orderly condition.

### Section 17.060 - Accommodation of Handicapped

At least one (1) service building housing sanitation facilities shall be accessible to paraplegics or persons confined to wheelchairs. The stalls of said building shall be wide enough to permit entrance and shall be provided with assist bars. Ramps shall be provided over curbs. Such buildings shall be clearly marked and signed.





## CHAPTER 18 - PLANNED UNIT DEVELOPMENT (PUD)

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### Section 18.005 - Purpose

The purposes of the Planned Unit Development District are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

### Section 18.010 – Definitions

The following definitions apply only to this chapter:

**Gross Acreage** - The acreage of the entire PUD, less the acreage devoted to streets, public or semi-public buildings, kindergarten or day care centers, and commercial uses.

**Homeowners' Association** - A nonprofit corporation, membership in which is mandatory for owners of PUD residences, and which is responsible for maintaining common open space and private streets.

**Landscape Features** - Natural features of the PUD site, including waterways, wetlands, rock outcroppings, forest areas and significant wildlife habitat areas.

**Net Acreage** - The acreage of the PUD devoted to residential use, including residential building sites, private open space and driveways.

**Open Space** - Land not covered by buildings or structures, except minor recreational structures. Open Space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure time activities, freely accessible to residents, may be counted as open space at a value of fifty percent (50%) of actual roof area devoted to these uses.

- A. Common Open Space: open space reserved primarily for the leisure and recreational use of all PUD residents, and owned and maintained in common by them through a homeowner's association.
- B. Private Open Space: open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.
- C. Public Open Space: open space designed primarily for use by residents of a PUD, dedicated in fee to a public agency, and maintained by the agency.

#### **Section 18.020 - Application of PUD District**

- A. The Planned Unit Development (PUD) District is an overlay which may be applied to the following zoning classifications: FF, RR, AR, RC, R 1, R 2, R 3, R 4, RMH.
- B. In the case of a conflict between a provision of the underlying district and that of the Planned Unit Development District, the provision of the PUD District shall apply.
- C. The PUD District may be applied through the Development Approval Process subject to the provisions of Section 2.060(B) this Ordinance; provided that, if initiated by the owner or contract purchaser of the subject property, or their authorized representatives, application for a zone change to apply the PUD District must be in conjunction with application for PUD preliminary development plan approval.
- D. If the PUD District was applied as the result of the Development Approval Process initiated by the owner or contract purchaser of the subject property, or by their authorized representatives, in conjunction with an application for PUD preliminary development plan approval, and subsequently the approved preliminary or final development plan becomes void as provided in Section [18.150 B](#) or Section [18.180 B](#) of this chapter; the PUD District will stand until further Administrative Action is taken.

- E. All development in the PUD District requires approval of a PUD preliminary development plan and final development plan as provided in this chapter.

#### **Section 18.030 - Criteria for Zone Change to Apply PUD District**

The Approving Authority shall decide an application to apply the PUD District, initiated pursuant to Section 2.060(B) of this Ordinance, and shall approve the zone change if it finds:

- A. The criteria of Section 9.020 of Chapter 9 of this Ordinance have been met; and,
- B. Two or more of the following:
  - 1. The subject property contains significant landscape features or open space whose preservation requires planned unit development rather than conventional lot by lot development;
  - 2. Planned unit development of the subject property will promote increased energy conservation or use of renewable energy resources;
  - 3. The subject property contains natural hazards, the avoidance of which requires planned development of the property;
  - 4. Planned unit development of the subject property will produce more efficient use of the land and provision of services than conventional lot by lot development.

#### **Section 18.040 - PUD Preliminary Development Plan Approval**

Approval of a PUD preliminary development plan is a development request subject to Section 2.060(C) of this Ordinance.

- A. An application for PUD preliminary development plan approval shall be initiated as provided in Chapter 2 of this ordinance.
- B. The PUD preliminary development plan shall consist of the following:
  - 1. Written documents
    - a. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
    - b. The names and addresses of all owners of adjacent property.
    - c. A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a

description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape features of the site and adjacent areas, and the rationale behind the assumptions and choices made by the applicant.

- d. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
  - e. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
  - f. If common open space is to be deeded to a Homeowners' Association, a declaration of covenants and restrictions that will govern the Association.
  - g. Quantitative data for the following: total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amount of open space; amounts of private, common and public open space; total area and types of non-residential construction; economic feasibility studies or market analysis where necessary.
  - h. Traffic Impact Analysis, pursuant to Section 4.140.
2. Site Plan and Supporting Maps
- A site plan and any maps necessary to show the major details of the proposed PUD, containing the following minimum information:
- a. The existing site conditions, including contours at five (5) foot intervals, water courses, floodplains and other areas subject to natural hazards, significant landscape features, and forest cover.
  - b. Proposed lot lines and layout design.
  - c. The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, and non-residential structures, including commercial facilities.
  - d. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common or public open spaces or recreational areas, school sites, and similar public and semipublic uses.
  - e. The existing and proposed circulation system of arterial, collector, and local streets, including off street parking areas, service areas, loading areas, and major

points of access to public rights of way. Notations of proposed ownership, public or private, should be included where appropriate.

- f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.
  - g. The existing and proposed systems for providing sewage disposal, water, electricity, gas, fire protection and telephone services.
  - h. A general schematic landscape plan indicating the technique and materials to be used for private, common and public open spaces.
  - i. A preliminary subdivision or partition plan if the land is to be divided.
  - j. Information on land areas adjacent to the proposed PUD, including land uses, zoning classifications, densities, circulating systems, public facilities, and significant landscape features, to show the relationships between the proposed development and the adjacent areas.
  - k. The proposed treatment of the perimeter of the PUD, including materials and techniques to be used, such as screens, fences and walls.
3. The Approving Authority shall decide on the PUD preliminary development plan application as provided in Chapter 2 of this Ordinance; and shall approve the preliminary development plan if it finds:
- a. The proposed PUD is consistent with applicable Comprehensive Plan goals, policies and map designations, and with the purpose set forth in Section [18.010](#) of this chapter.
  - b. The preliminary development plan meets the development standards of Section [18.050](#) to Section [18.120](#) of this chapter.
  - c. If the preliminary development plan provides for phased development, pursuant to Section [18.140](#) of this chapter, that each phase meets the standard of Section [18.140 C](#) and that the applicant has the capability to obtain final development plan approval in the time limits imposed.
  - d. Exceptions from the standards of the underlying zone district or from the quantitative requirements of Chapter 21 of this Ordinance are warranted by amenities and other design features of the PUD furthering the purpose of Section [18.010](#).

- e. Any conditions or modifications imposed by the Approving Authority on the preliminary development plan approval are necessary to meet the requirements of Section [18.050](#) to Section [18.130](#), to further the purposes of Section [18.010](#), or to comply with the Comprehensive Plan.

#### **Section 18.050 - Development Standards for Preliminary Development Plan**

A PUD preliminary development plan must meet the Development Standards in Section [18.060](#) through [18.130](#) of this Chapter.

#### **Section 18.060 - Minimum Site Size**

The PUD site must be of such a size that at least four (4) dwelling units would be permitted by the underlying district.

#### **Section 18.070 - Permitted Uses**

The following uses are permitted subject to the general standards of this chapter:

##### **A. Residential Uses:**

1. Single family dwellings or duplexes, and accessory buildings used as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses; provided, that there shall not be more than two buildings allowed as accessory to any single family dwelling or duplex and unattached structures shall be located on the rear half of the lot.
2. Multifamily dwellings, including townhouses, row houses, apartments, and condominiums.

##### **B. Commercial Uses:**

Retail commercial uses shall be permitted, except in the "FF" zone, if the Approving Authority determines that they are designed to serve primarily the residents of the PUD and their guests. The Approving Authority may require that the applicant submit a market analysis demonstrating what the amount of land proposed for commercial use is needed for, and realistically can be supported in, commercial use by the residents of the PUD and their guests.

##### **C. Other Uses:**

If designed to serve primarily the residents of a PUD and their guests, the following uses are permitted. If designed to serve residents of adjacent areas as well, the following uses may be permitted by the Approving Authority if it finds that such use is consistent with the purposes of Section [18.010](#) of this Chapter and with the underlying zone district.

1. Public and semipublic buildings, including schools, churches, libraries, community centers, fire stations, pump stations, and substations.
2. Park, playground or golf course.
3. Privately operated kindergartens or day nurseries.
4. Home occupations.

### **Section 18.080 - Residential Density**

- A. Basic Allowable Density: Unless an increase in density is allowed by the Approving Authority as provided in subsection [\(B\)](#) of this section, the number of dwelling units shall not exceed the number that would be allowed on the gross acreage of the PUD if dwelling units of same type were built at the minimum lot sizes specified by the underlying zoning district. A preliminary development plan meets this standard if the density ratio, computed as provided in subsection [\(C\)](#) of this section, is less than or equal to 1.00.
- B. The Approving Authority may permit an increase of up to twenty five percent (25%) in the allowable density if the proposed PUD is to be served by the community water supply and sanitary sewer systems, and the Approving Authority finds that such increase in density contributes to the purposes of Section [18.010](#), by providing one or more of the following:
  1. Distinctiveness and excellence in design (up to five per cent (5%) increase).
  2. Additional common open space, over that required by Section [18.100](#) (up to five percent (5%) increase).
  3. Recreational amenities (up to five percent (5%) increase).
  4. Preservation of significant landscape features of the site, or avoidance of areas with natural hazard site limitations, beyond what is required by Section [18.100](#) (up to five percent (5%) increase).
  5. Improvement of air, water or noise level qualities of the area (up to five percent (5%) increase).
  6. Energy conservation or use of renewable energy resources (up to five percent (5%) increase).

7. Location of housing convenient to transportation facilities, commercial services, employment opportunities, and public facilities and services (up to five percent (5%) increase).

A preliminary development plan meets such an increased density standard if the Density Ratio, computed as provided in subsection [\(C\)](#) of this section, is less than or equal to a number determined by increasing 1.00 by the percentage of the approved density increase.

C. Density Ratio Computation:

1. For each residential structure proposed on the preliminary PUD plan, determine the minimum lot size specified for that structure by the underlying zone district. If a proposed residential structure is of a type not permitted in the underlying district, for the purpose of calculating

Density Ratio, it will be assumed that the minimum lot size of such a structure is that specified by the underlying district for a single family dwelling multiplied by the number of dwelling units in the structure.

2. Add the specified minimum lot sizes for all proposed residential structures as determined in [1](#) above.
3. Divide this sum by the gross acreage of the proposed PUD.

**Section 18.090 - Building Spacing**

- A. A preliminary development plan shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low rise buildings and shall not invade the privacy of the occupants of such low rise buildings.
- B. If the Approving Authority determines that a preliminary development plan meets the standards of subsection [\(A\)](#) of this section, it may waive the lot area, lot width, lot coverage, setback and height requirements of the underlying zone district.
- C. If the Approving Authority finds it necessary to meet the perimeter design standards of Section [18.130](#), it may require a special setback from all or a portion of the perimeter of the PUD.



## Section 18.100 - Open Space

- A. At least sixty percent (60%) of the gross acreage of the PUD must be open space. At least twenty five percent (25%) of the total open space provided shall be private and at least fifty percent (50%) of the total open space provided shall be common or public. Not more than one half of the common or public open space provided may be areas covered with water.
- B. Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PUD. Unless the Approving Authority requires

Otherwise to meet the Environmental Design Standards of Section [18.110](#), common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.

- C. Open spaces shall be suitably improved for the intended use. Open spaces containing significant landscape features may be left unimproved or may be improved to assure protection of the features, subject to requirements imposed by the Approving Authority pursuant to Section [18.110](#).
- D. The development schedule required by Section [18.040 B 1 d](#) shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.
- E. The Approving Authority shall require that the applicant assure the permanence of the common or public open space required by this section in one of the following ways:
  - 1. By conveying the open space to a public agency which will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it; or
  - 2. By conveying the open space to a Homeowners' Association, subject to covenants running with the land which restrict the common open space to the uses specified in the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- F. If the common open space is to be deeded to a Homeowners' Association, the declaration of covenants and restrictions required by Section [18.040 B 1 f](#) shall include the following:
  - 1. The Homeowners' Association must be set up before the homes are sold. Prior to such sale, the property owner assumes the responsibility of that share attributable to each unsold home defined in the Homeowners' Association.

2. Membership must be mandatory for each home buyer and any successive buyer.
  3. The open space restrictions must be permanent, not just for a period of years.
  4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  5. Residence owners must pay their pro rata share of the cost. The assessment levied by the Association can become a lien on their property.
  6. The association must be able to adjust the assessment to meet changed needs.
- G. If the common open space is to be deeded to a Homeowners' Association, the Approving Authority shall require that one of the following enforcement methods be provided by the applicant:
1. Conveyance to the County of the legal right to develop the common open space for uses not specified in the final development plan; or
  2. Inclusion in the conveyance of the common open space, a condition that the fee title of the common open space shall vest in the County in the event of a substantial default in the conditions and restrictions governing the use and maintenance of the common open spaces; or
  3. Inclusion in the conveyance of the common open space a condition that, in the event a common open space is permitted to deteriorate or is not used and maintained consistently with the final development plan, the County may, at its own option, cause such maintenance to be done and assess the cost to members of the association.

#### **Section 18.110 - Environmental Design**

- A. The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites, and landmarks and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Approving Authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.
- B. Excessive site clearing of topsoil, trees and natural features before the commencement of construction operations shall be discouraged. The Approving Authority may require the applicant to submit a grading plan detailing proposed excavation, earth moving

procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.

- C. Sites for residential and non-residential buildings shall be discouraged in areas of natural hazards, such as floodplains, areas subject to landslides, areas with average slopes greater than twenty five percent (25%) and areas with unstable soil formations. The Approving Authority shall require that all floodplains be preserved as permanent common or public open space, and may require that other natural hazard areas be included in the common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.
- D. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting until growth is established.
- E. The preliminary development plan shall promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

#### **Section 18.120 - Traffic Circulation**

The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings and uses.

#### **Section 18.130 - Perimeter Design**

- A. The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.
- B. If topographical or other barriers do not provide reasonable privacy for existing uses adjacent to the development, the Approving Authority shall require one or more of the following:
  - 1. A special setback, or setbacks, of residential and non-residential structures shall be located on the perimeter.
  - 2. Residential and non-residential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or manmade materials.

### **Section 18.140 - Development Phasing**

- A. The applicant may provide in the preliminary development plan for development of the project in up to three (3) phases.
- B. In acting to approve the preliminary development plan, the Approving Authority may require that development be completed in up to three (3) specific phases, if it finds that public facilities would not otherwise be adequate to serve the entire development.
- C. If the preliminary development plan provides for phased development, each phase shall provide for the same ratio of open space and/or recreational facilities to dwelling units as the overall project. Development of accessory commercial uses shall be limited to the final phase.
- D. The following time limitations shall be observed in phased development proposals:
  - 1. Phase 1 final development plan must be approved within twelve (12) months of the date of preliminary plan approval.
  - 2. Phase 2 final development plan must be approved within twenty four (24) months of the date of preliminary plan approval.
  - 3. Phase 3 final development plan must be approved within thirty six (36) months of the date of preliminary plan approval.

### **Section 18.150 - Duration of PUD Preliminary Development Plan Approval**

- A. Approval of the preliminary development plan shall be valid for twelve (12) months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Section [18.140 D](#) of this Section.
- B. If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new development request.

### **Section 18.160 - PUD Final Development Plan Approval**

Approval of a PUD final development plan is subject to Section 2.060(C) of this Ordinance.

- A. Within twelve (12) months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Section [18.140](#) and [18.160](#) of this Ordinance, the

applicant shall submit a final development plan, prepared by an Oregon registered engineer, and supporting documents to the Director.

B. The final development plan shall include:

1. The site plan and maps submitted pursuant to Section [18.040 B 2](#) in their final, detailed form, and including reasonable assurance that an adequate, potable, year round water supply is available for the development.
2. The documents submitted pursuant to Section [18.040 B 1](#) amended to incorporate any conditions imposed on the preliminary development plan approval.
3. Final subdivision plat or partition map, if the land is to be divided.
4. Except as permitted by the Approving Authority pursuant to subsection [\(F\)](#) of this section, documents conveying common open space to a Homeowners' Association, including the restrictive covenants and conditions required by Section [18.110\(E\)](#) to [\(G\)](#).
5. Articles of Incorporation of the Homeowners' Association formed to maintain common open space and other common improvements.

C. The Director shall require the applicant to enter into an agreement with the County to complete all improvements required by the final development plan according to a schedule set forth in the agreement.

D. Agreement for Improvements:

1. Before approval of the final development plan, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the PUD, or shall execute and file with the Court an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for Administrative Action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him/her to fulfill the agreement within the original time limit(s).

E. Performance Bond:

1. To assure full performance of the improvement agreement, an applicant shall file one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
  - b. Cash deposit with the County Treasurer; or
  - c. Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Director of Public Works. The bank certification or letter of assurance shall be approved by the District Attorney; or
  - d. Cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Director of Public Works. Escrow instructions shall be approved by the District Attorney.
2. Such assurance of full and faithful performance shall be for a sum determined by the County Roadmaster to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plan, including related engineering, and may include an additional percentage as determined by the County Roadmaster to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.
3. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

F. Action By the Approving Authority:

The Approving Authority shall take action on the application for final approval in accordance with the procedures outlined in Chapter 2 of this Ordinance, and shall approve the final development plan if:

1. The applicant has submitted all information and documents required pursuant to subsection [\(B\)](#), [\(C\)](#) and [\(D\)](#) of this section; and

2. The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the Approving Authority. Substantial compliance means that any differences between the final and preliminary plan are "minor amendments" as defined in Section [18.180 A 1](#) of this chapter.

G. Recording a Final Development Plans:

The approved final development plan shall be recorded in the County Clerk's office within thirty (30) days of the date of approval.

**Section 18.170 - Expiration of Final Development Plan Approval**

- A. If the Director determines that no substantial construction or development has occurred within two (2) years of the date of approval of the final development plan for a PUD, or for a phase thereof, the Director shall initiate an Administrative Action to consider invalidating the final development plan approval.
- B. The Approving Authority shall invalidate such final development plan approval unless it determines that the applicant was not responsible for the failure to complete substantial construction, and that the applicant will be able to complete the development within two (2) years.
- C. If final development approval is invalidated, any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new application for preliminary development plan approval.

**Section 18.180 - Amendments to Approved Preliminary and Final Development Plans**

A. Definitions:

1. "Minor Amendment" means a change which:
  - a. Does not increase residential densities;
  - b. Does not enlarge the boundaries of the approved plan;
  - c. Does not change any use;
  - d. Does not change the general location or amount of land devoted to a specific land use, including open space;
  - e. Does not eliminate the preservation of a significant landscape feature; and

- f. Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.
- 2. "Major Amendment" is any change which does not meet the definition of a "Minor Amendment".
- B. A minor amendment to an approved preliminary or final development plan may be approved ministerially by the Director.
- C. A major amendment to an approved preliminary or final development plan shall be considered a new development request subject to the provisions of Chapter 2 of this ordinance.

**Section 18.190 - Granting of Extensions (Added 5-93)**

An applicant may request an extension of the validity of a planned unit development permit approval. Such request shall be considered an Administrative Action and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to twelve (12) months in the validity of the planned unit development permit approval if it is determined that unexpected conditions would prevent the applicant from commencing his operation within the original time limitation.



## CHAPTER 19 - STANDARDS FOR NON COMMERCIAL ENERGY FACILITIES, COMMERCIAL ENERGY FACILITIES & RELATED USES (Amended 4/12)

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### Section 19.010 - Purpose

This chapter describes the requirements for establishing non-commercial energy facilities, commercial energy facilities and related uses (as included) in Wasco County. The goals of this chapter are to:

- Encourage renewable energy production;
- Utilize clear and objective standards;
- Establish a clear, consistent and accountable application process;
- Collaborate and coordinate with agencies and other stakeholders;
- Minimize conflict with other permitted uses through compatibility review;
- Protect resources identified in the Wasco County Comprehensive Plan; and
- Protect the public health, safety and general welfare of the citizens of Wasco County.

The uses described in this chapter are only allowed if listed in the zoning section in Chapter 3 applicable to the subject (legally created) property(ies).

### Section 19.020 - Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review Processes & Approval Standards

- A. Review Processes - Non-commercial/Stand Alone Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Towers: Includes free standing (Wind Turbine & Meteorological) or roof mounted towers/turbines.

Tower Height	Property Size			
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	> = 10 Acres
<b>Non-Resource Zones</b>				
< = 35'	*Type I	*Type I	Type I	Type I
> 35' - < 50'	Type II – STS	Type II – STS	Type I	Type I
50' - < 100'	Type II – CUP	Type II – STS	Type II - STS	Type II - STS
100' - 150'	Type II – CUP	Type II – CUP	Type II - CUP	Type II - STS
<b>Resource Zones</b>				
< 35'	*Type I	*Type I	Type I	Type I

Tower Height	Property Size			
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	> = 10 Acres
35' - < 50'	Type II – STS	Type II – STS	Type I	Type I
50' - < 100'	Type II – CUP	Type II – STS	Type II - STS	Type II - STS
100' - < 200'	Type II – CUP	Type II – CUP	Type II - STS	Type II - STS
> = 200'	Type II – CUP	Type II – CUP	Type II - CUP	Type II - CUP

\*The 4<sup>th</sup> tower sited on the property shall elevate the review from a Type I to an STS.

Wind turbines that are attached to other lawful uses (excluding roof mounted turbines) including but not limited to street lamps and telephone poles are not subject to the standards of Chapter 19. They shall be subject to the same standards and review process as the use to which they are attached as outlined in the applicable zone.

## 2. Solar Systems

System Size	Property Size				
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	10 - < 40 Acres	> = 40 Acres
<b>Roof Mounted &lt; = 35' in height</b>	Type I	Type I	Type I	Type I	Type I
<b>*Roof Mounted &gt; 35' in height</b>	STS	STS	STS	Ministerial	Ministerial
<b>**Ground Array &lt; 500 sq. ft.</b>	Type I	Type I	Type I	Type I	Type I
<b>**Ground Array 500 - &lt; 1,500 sq. ft.</b>	Type II – STS	Type II – STS	Type II – STS	Type II - STS	Type I
<b>**Ground Array &gt; = 1,500 sq. ft.</b>	Type II – CUP	Type II – CUP	Type II – CUP	Type II - CUP	Type II - STS

\*Roof mounted systems exceeding 35' in height shall be allowed without a variance pursuant to either Chapter 6 or 7.

\*\*Ground Arrays are limited to 35' in height. Ground Arrays exceeding 35' in height will be required to apply for a variance pursuant to either Chapter 6 or 7.

Small solar systems (less than 10 square feet) that are accessory to other lawful uses including but not limited to gates, electric fences & lights are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are accessory as outlined in the applicable zone.

Multiple panels, multiple arrays and supporting equipment providing energy to the same structure or use shall be considered one (1) system in determining the applicable review process. If a portion of the system is already installed and the permit holder is creating an addition to the system, the applicable review process shall be based on the total size of the system.

## 3. OWRD -Hydroelectric Facilities:

- a. Not Located within an Area of Special Flood Hazard - Hydroelectric energy projects not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the planning department as long as they are being reviewed by the OWRD. If located in a resource zone they are required to be reviewed as a “utility facilities necessary for a public use”, “reservoir”, or water impoundment”.
    - b. Located within an Area of Special Flood Hazard – In addition to a. above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the planning department even if they are being reviewed by the OWRD.
  4. Additional Non-Commercial/Stand Alone Power Generating Facilities - The review process for energy facilities other than those previously described will be decided by the planning department based on an evaluation of the primary purpose of the zone, the size of the subject property and surrounding properties, the proposed location of the use and its potential impact to adjacent properties. Impacts include but are not limited to noise, vibration, smell, emissions, visibility, or physical footprint.
- B. Type I (Ministerial) Review Standards: The following are applicable to energy facilities in addition to meeting the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards:
1. General Standards for all Energy Facilities:
    - a. Lawful Use: Power will be for a lawfully established use or use that is in the process of being reviewed by the planning department.
    - b. Interconnect Agreement (Net Metering Only): The applicant shall provide an interconnect agreement with a local utility or copy of a submitted application requesting an interconnect agreement with a local utility.
    - c. Closed System (Non-Commercial Stand Alone Only): The applicant shall provide a plan or diagram that proves the proposal is a closed system and will not tie into a utility.
    - d. Setback/Buffers: Unless otherwise specified in this chapter, all energy facilities shall meet the property line setbacks of the zone in which they are located, natural resource buffers, as well as any additional setbacks required below.

- e. Height: Unless otherwise specified in this Chapter, Pursuant to Section 4.070, General Exceptions to Building Height Requirements, energy facilities shall be exempt from the height limits of the zone in which they are located.
- f. Color/Visibility: Energy facilities and their accessory electrical control equipment shall be a non-reflective, unobtrusive color that blends in with the surrounding environment unless otherwise required by the Federal Aviation Administration or Oregon Department of Aviation.
- g. Noise: Manufacturer's sound power level shall not exceed 60 dBA.
- h. Air Quality: Manufacturer's emissions estimate shall be in compliance with Oregon Department of Environmental Quality in OAR [340-220](#).
- i. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.
- j. Odor: To the extent practicable, odors shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.
- k. Health & Safety:
  - (1) All uses or structures shall be designed and constructed to limit access.
  - (2) Warning and safety signs, up to three square feet in area, are allowed.
  - (3) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
  - (4) The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled.
  - (5) Utility facility service lines, electrical lines and other wires associated with the energy facility that are not underground shall be kept clear along the route and have a single point of access to the building to the maximum extent practicable while still complying with local, state, and federal electrical codes.
  - (6) Uses and structures shall be designed and constructed to not impair emergency response. Contact local emergency responder for specific requirements and guidance.
  - (7) Energy facilities shall be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- l. Advertising: No commercial or advertising markings shall be allowed except those of the manufacturer & installer.
- m. Interference with Communication: Energy facilities shall not create any material signal interference with communication systems such as, but not limited to,

radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the property owner must develop and implement a mitigation plan in consultation with the planning department.

- n. Decommissioning/Removal: Any facility that is inoperable for more than 12 months shall be deemed discontinued. Removal of the equipment and facilities shall occur within six (6) months of the discontinuance time frame or other time frame approved by the planning department unless all or a portion of the equipment and facilities are converted to an approved use within this same time frame.
- o. Other Authority - All necessary local, state and federal authorizations/permits shall be obtained prior to constructing the use.

## 2. Specific Standards:

### a. Tower Standards:

#### (1) Setbacks

- (a) The base of the tower shall be set back from all property lines, public-rights-of-ways, and above ground public utility lines a distance equal to the height of the tower (i.e., full height). The setback shall be measured to the center of the tower's base.
- (b) Notwithstanding receiving permission from an affected property owner(s), road authority or utility, towers shall still be required to meet the property lines setbacks of the zone in which they are located and all natural resource buffer requirements unless a variance is granted pursuant to either Chapter 6 or 7.
- (c) Any guy wires associated with a tower shall be required to meet the property and buffer setbacks of the zone in which they are located unless a variance is granted pursuant to either Chapter 6 or 7.

#### (2) Safety:

- (a) Blade Reach: The lowest extension of any exposed blade or other exposed moving component shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies, that are located directly below the blade.

The minimum height may be reduced if a safety fence is installed around the area of the exposed blade or other moving component that would prevent access and direct contact with the exposed blade or other moving component. The minimum height may also be reduced through the Type II/STS review process in subsection [C](#) below.

- (b) Wind turbines shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
  - (c) Towers shall be equipped with lightning protection.
  - (d) Towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
  - (e) "Danger" signs shall be posted at the height of five feet on the tower if it has a climbing apparatus.
  - (f) Permit holders are encouraged to sheath guy wires in a covering that would increase their visibility from a height of three feet above ground to eight feet above ground.
- (3) Avian Protections: Perch deterrents shall be placed on all surfaces that would attract birds to a location where they could be struck by a moving component on the tower such as the sweep of a wind turbine blade.
- (4) Lighting : Lighting of towers subject to only a Type I review is not allowed.
- b. Solar System Standards:
- (1) Safety
    - (a) Roof mounted solar panels shall be installed in a manner that maintains adequate fire department access to the roof, with an unobstructed path from the structures eaves to structure components located on the roof (i.e., chimney, stove pipe, other roof mounted appliances). Contact local fire official for specific requirements and guidance.

(b) Ground arrays shall maintain a ten feet (10') perimeter of fire fuel break. Refer to Section 10.120 of the Fire Safety Standards for a description of a fire fuel break.

(2) Solar Access Rights - The establishment of a solar system consistent with the requirements of this ordinance shall not constitute solar access rights that are protected by this ordinance.

C. Type II (Subject to Standards) Review Standards: The following are applicable to energy facilities in addition to meeting the Type I Review Standards in subsection [B](#) above, the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities

a. General Compatibility: The proposed use is compatible with adjacent surrounding properties taking into consideration the following:

- (1) Scale
- (2) Odors
- (3) Vibration

b. Noise: If the manufacturer's sound power level exceeds 60 db(A) or there is no manufacturer's stated sound power level, the applicant shall submit an analysis from a qualified consultant or individual and written report to prove operation of the energy facility shall be in compliance with sound pressure noise regulations established by the Oregon Department of Environmental Quality in OAR [340-035](#) with regard to any existing dwellings on non-participating landowners property. These regulations shall govern notwithstanding the energy facility is neither a commercial or industrial use.

2. Specific Standards:

a. Tower Standards:

(1) Aviation Notification: Planning staff shall notify the following groups or agencies as to the location of the proposed tower(s). Comments received regarding safety may be included as safety features required in subsection (2) below.

(a) Aerial Sprayers and operators who have requested to be notified - All towers over 50' in height.

- (b) Oregon Department of Aviation (ODA) & Federal Aviation Administration (FAA) - All towers over 200 feet in height or as prescribed by OAR [738-070-0110](#).
- (2) Aircraft Safety Plan: A safety plan shall be submitted that will ensure aircraft safety is maintained for all towers 50' in height or greater. Unless a determination of no hazard is made, safety features will be required as necessary to ensure aircraft safety based on the location, height, and type of tower. Any safety features required as part of an approval shall be completed at the time the tower is installed. Safety features, if required, could include but are not limited to the following:
- (a) Placing an aviation device or equivalent visible marker at each of the outermost guy wire anchors.
  - (b) Painting the top 30 feet of each tower with 5 foot bands of alternating colors of Aviation Orange and Aviation White.
  - (c) Lighting: Lighting of towers shall be evaluated on a case-by-case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall minimize the amount of lighting to the extent feasible under the law, which may include consideration of radar triggered lighting.
- (3) Minimum Height: The lowest extension of any exposed blade or other exposed moving component may be allowed less than (15) feet above the ground as required by subsection [B 2 a \(2\)](#) if based on the proposed location and site specific circumstances, the tower will not represent a safety hazard.
- (4) Shadow Flicker: Upon the non-participating owner's request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if written permission from the property owner and an adjustment is granted under Section [19.030 D 1 c](#). Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Solar Standards:



- (1) Ground Leveling: The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.
- (2) Misdirection of Solar Radiation: The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public.
- (3) Glare: The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways.
- (4) Cleaning Chemicals and Solvents: During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

D. Type II (Conditional Use) Review Standards: Energy facilities subject to conditional use review shall meet the standards of Chapter 5, Conditional Use Review, the Type I Review Standards in subsection [B](#) above, the Type II Review Standards in subsection [C](#) above, the property development standards of the zone, unless otherwise specified and any other listed or referenced standards.

### **Section 19.030 - Commercial Power Generating Facilities Review Processes & Approval Standards**

A. Review Processes - Commercial Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

#### **1. Review Authority:**

- a. Planning Commission Review – Notwithstanding applications reviewed by EFSC and unless otherwise specified all energy facilities reviewed pursuant to this section shall be initially heard and decided upon by the Planning Commission in a public hearing.
- b. Planning Department Review:

- (1) Small Scale Commercial Power Generating Facilities - A commercial power generating facility shall be considered small scale if it falls within either the tower or solar matrix listed in Section [19.020, Non-Commercial Power Generating Facilities](#) and shall be reviewed by the planning department pursuant to the standards of Section [19.020](#) and not this section.

For non-resource zones, solar arrays shall be limited to ¼ acre and towers to no more than 150' in height and no more than 4 towers per property. For resource zones solar arrays shall be limited to ½ acre and towers to under 200' in height and no more than 4 towers per property shall be reviewed by the planning department. Beyond these limits the energy facility will not be considered small scale and will only be allowed pursuant to the standards in this section.

- (2) Community Projects - Renewable projects of 10MW or less which include a partnership between a local land owner and a community (public) organization such as Wasco County, Mid-Columbia Council of Governments, a city, or a school district, shall be reviewed by the planning department.
- (3) Post EFSC Review - Pursuant to ORS [469.401](#), after issuance of a site certificate by EFSC pursuant to subsection [c.](#) below, and subject to receiving the proper fees, Wasco County will issue in an expedited manner any permits, licenses and certificates addressed in the site certificate subject only to conditions set forth in the site certificate but without hearings or other proceeding (i.e., Type I review).
- (4) Hydroelectric Energy Facilities - See subsection d. below.

c. EFSC Review:

- (1) EFSC has regulatory authority over all energy facilities designated by ORS [469.300](#). However, pursuant to ORS [469.480](#) EFSC shall designate the BOC as a Special Advisory Group. As such and at their discretion the BOC may participate in the siting process pursuant to the role established in ORS [469](#) and OAR [345](#), which includes recommending substantive criteria applicable to the proposed energy facility.
- (2) Pursuant to ORS [469.320](#)(8), notwithstanding the threshold limits in ORS [469.300](#), an applicant can elect to have EFSC review an energy facility that may otherwise be subject to Wasco County's jurisdiction.
- (3) If for any reason the BOC desires, they may defer regulatory authority of energy facility to EFSC notwithstanding it is less than the threshold designated by ORS [469.300](#).

- d. OWRD Review - Hydroelectric Energy Facilities:
  - (1) Not Located within an Area of Special Flood Hazard - Hydroelectric energy facilities not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the planning department as long as they are being reviewed by OWRD or FERC. If located in a resource zone they are required to be reviewed as a “utility facilities necessary for a public use”.
  - (2) Located within an Area of Special Flood Hazard - In addition to [d \(1\)](#) above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the planning department even if they are being reviewed by the OWRD or FERC.
- e. FERC Review - FERC has regulatory authority over all energy or related projects of a size, scale or interest to the federal government pursuant to Title 18, Conservation of Power and Water Resources, of the Code of Federal Regulations.
- 2. County Decision Options - As part of the application materials the applicant shall indicate if they are requesting tentative or final approval. For facilities sited through EFSC, this section does not apply.
  - a. Tentative Approval - A tentative approval may be issued when the applicant has submitted most of the required application materials but defers completion of one or more required discretionary elements such as the wildlife plan and all of its required baseline studies. Any deferred discretionary elements will be the only elements reviewed and decided upon during the final approval process.

A tentative approval shall specify a time limit or expiration date within which all deferred discretionary review elements or plans shall be reviewed for final approval. Pursuant to Section 2.125, Time Limits for Permits and Extensions of Time, the combined time for both the tentative and final approval shall be limited to 2 years with the opportunity for a onetime 2 year extension. This time frame shall start on the date of the tentative approval.
  - b. Final Approval - Final approval occurs when the applicant has submitted all of the required application materials, Wasco County has issued a decision which includes conditions of approval that can be submitted for staff review and verification, and the appeal period has concluded.
- 3. Modifications - An amendment to the conditional use permit shall be required if the proposed facility changes would:

- a. Require an expansion of the established facility boundaries where the original facility was sited or constructed;
- b. Increase the number of towers; or
- c. Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

B. Non-Resource Zone Standards:

- 1. Small Scale Commercial Power Generating Facilities - Pursuant to Subsection [A 1 b \(1\)](#) above, commercial power generating facilities that are considered small scale will be allowed in non-resource zones subject to the standards of Section [19.020](#).
- 2. Large Scale Commercial Power Generating Facilities - Except for related or supporting facilities, large scale commercial power generating facilities shall not be allowed in non-resource zones.
- 3. Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility may be allowed in non-resource zones subject to Conditional Use Review upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. To the extent practicable, any related or supporting facilities must be consistent in size, scale, and impact as other existing or allowed uses in the non-resource zone. Related or Supporting Facilities shall be reviewed as part of the Commercial Power Generating Facility and not subject to a separate Conditional Use Review. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:
  - a. Technical and engineering feasibility of siting the energy facility as a whole;
  - b. Availability of existing rights-of-ways and public roads and proximity to transmission lines and interconnections;
  - c. Environmental impacts associated with avoiding non-resource zoned land; and
  - d. Protection of farm and forest resources.

- C. General Standards - The following standards apply to energy facilities as outlined in Section [A](#) above, in addition to meeting the Conditional Use Standards listed in Chapter 5:

1. Air Safety - All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR [738-070](#), shall comply with the air hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the planning department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

2. Interference with Communications - The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the planning department.
3. Noise - The energy facility shall comply with the noise regulations in OAR [340-035](#). The applicant may be required to submit a qualified expert's analysis and written report.
4. Visual Impact
  - a. Scenic Resources – To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.
  - b. Protected Areas - Except as provided in subsections [\(b\)](#) and [\(c\)](#) below, an energy facility shall not be located in the areas listed below:
    - (1) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;
    - (2) Scenic waterways designated pursuant to ORS [390.826](#), wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

- (3) State parks and waysides as listed by the Oregon Department of Parks and Recreation;
- (4) State wildlife areas and management areas identified in OAR [635-008](#);
- (5) National and state fish hatcheries or national and state wildlife refuges;
- (6) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS [273.581](#);
- (7) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and
  - (a) Exceptions to Protected Areas - Except where the following uses are regulated by federal, state or local laws, including but not limited to the Columbia River Gorge National Scenic Area Act and implement land use ordinances, the following may be approve in a protected area identified in subsection [b](#) above if other alternative routes or sites have been studied and been determined to have greater impacts
    - An electrical transmission line;
    - A natural gas pipeline; or
    - An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.
  - (b) Transmission Line & Pipeline Exception - The provisions of subsection [b](#) above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.
  - (c) Additional Visual Mitigation Impacts for all Facilities - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection [\(b\)](#) above. Methods to mitigate adverse visual impacts could include but are not limited to:
    - (1) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

- (2) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and
  - (3) Retaining or planting vegetation to obscure views of the energy facility.
- 5. Natural Resource/Wildlife Protection - Taking into account mitigation, siting, design, construction and operation the energy facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife agency resource management plan adopted and in effect on the date the application is submitted. As appropriate, the permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:
  - a. Providing information pertaining to the energy facility's potential impacts and measures to avoid impacts on:
    - (1) Wildlife (all potential species of reasonable concern);
    - (2) Wildlife Habitat;
    - (3) Endangered Plants; and
    - (4) Wetlands & Other Water Resources.
  - b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.
  - c. Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.
  - d. Utilizing turbine towers that are smooth steel structures that lack features that would allow avian perching. Where horizontal surfaces cannot be avoided, anti-perching devices shall be installed where it is determined necessary to reduce bird mortality.
  - e. Designing and installing all aboveground transmission line support structures following the current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.
  - f. Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.

- g. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.
  - h. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.
  - i. Locating transmission lines or associated transmission lines with the energy facility to minimize potential impacts (e.g., 50 feet from the edge of the nearest wetland or water body except where the line is required to cross the wetland or water body; or separating transmission lines or associated transmission lines with the energy facility from the nearest wetland or water body by topography or substantial vegetation to the extent practical, except where the line is required to cross the wetland or water body).
  - j. Locating transmission towers or associated transmission towers outside of Class I or II streams unless:
    - (1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in stream tower; and
    - (2) The lines cannot be safely and economically placed under the water or streambed.
    - (3) Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.
6. Protection of Historical and Cultural Resources - The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources included in the Wasco County Comprehensive Plan shall be flagged and avoided in areas of potential temporary or permanent disturbance, and construction activities monitored to ensure all cultural resources in such areas are avoided, unless appropriate permits are obtained from the Oregon State Historic Preservation Office. Prior to construction an Inadvertent Discovery Plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS [358.905-358.955](#) and any other applicable local, state and federal law.
7. Fire Protection & Emergency Response - A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire



district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things, the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.

8. Public Safety - A public safety plan shall be developed and implemented to exclude members of the public from hazardous areas within the Energy Facility Project Area.
9. Transportation Plan - A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and shall also provide or address:
  - a. The size, number, and location of vehicle access points off of public roads.
  - b. Use of existing roads to the extent practical to minimize new access roads.
  - c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.
  - d. A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.
10. Road Use Agreement - Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).
  - General design standards for roads shall, in general, conform to policies set forth in Chapter 21.
  - As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.

11. Onsite Access Roads and Staging Areas - The impact of onsite access roads and staging areas within the Energy Facility Project Area shall be limited by:
  - a. Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;
  - b. Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and
  - c. Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.
12. Dust Control - All approved non-paved temporary or permanent roads and staging areas within the Energy Facility Project Area shall be constructed and maintained to minimize dust, which may be addressed through the Road Use Agreement. If roads and staging areas are not constructed with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.
13. Erosion and Sediment Control - All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.
14. Weed Control - A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.
15. Signs - Outdoor displays, signs or billboards within the energy facility project boundary shall not be erected, except:
  - a. Signs required for public or employee safety or otherwise required by law; (e.g., OSHA or compliance with the Manual of Uniform Traffic Control Devices (MUTCD) administered through the County Road Department); and

- b. No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.
- 16. Underground Systems - Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.
- 17. Operation & Maintenance Buildings - Permanent maintenance/operations buildings shall be located in the same zone as the principal energy facility, except that such buildings may be constructed in a separate zone if:
  - a. The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and
  - b. The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.
- 18. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.
- 19. Termination and Decommissioning. For an energy facility sited through EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with these requirements.
  - a. The applicant shall prepare a decommissioning plan that describes the actions to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.
  - b. The applicant shall provide a detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a financial assurance (bond, letter of credit, insurance policy other such form of guarantee acceptable to

Wasco County), and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate and financial assurance may take into account salvage value associated with the project, and can be requested for review and update by Wasco County at their discretion (e.g., every 5 years).

c. The following shall be required as conditions of the Wasco County approval:

- (1) If operation of the energy facility ceases or begins construction of the project, but does not complete it, the permit holder shall restore the site according to a plan approved by Wasco County. A plan shall be submitted that ensures the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
  - (a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. Restoration of the surface grade and soil after removal of aboveground structures and equipment.
  - (b) Removal of graveled areas and access roads and restoration of surface grade and soil.
  - (c) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with Wasco County's weed control plan.
  - (d) For any part of the energy facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.
  - (e) The underground power collector and communication lines need not be removed if at a depth of three feet or greater. These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.
  - (f) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.

- (d) The plan must include a schedule for completion of site restoration work.
  - (2) Before beginning construction of the energy facility, the permit holder must submit in a form and amount satisfactory to Wasco County, assuring the availability of adequate irrevocably committed funds to restore the site to a useful, non-hazardous condition naming Wasco County as beneficiary or payee. The form may include posting a bond, issuing an irrevocable letter of credit, purchasing a paid up insurance policy or by other means acceptable by Wasco County and shall ensure continuity between owners.
  - (3) The amount of the financial assurance (bond or other such form of guarantee) shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder (including possible successor if sold or transferred) shall increase the amount of the financial assurance annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the amount. The amount of the financial assurance shall be prorated within the year to the date of decommissioning.
  - (4) Per the request of Wasco County, the permit holder (including possible successor if sold or transferred) shall describe the status of the financial assurance in a report (e.g., annual update report submitted to Wasco County).
  - (5) The financial assurance shall not be subject to revocation or reduction before retirement of the energy facility site.
20. Final Location - The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.
21. Power Production Reporting - The County may require a report of nonproprietary power production for any time frame after the energy facility first begins production if permitted through the County. If requested, the permit holder shall have 180 days to produce said report.

D. Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.

1. Wind Energy Facilities:

a. Visual Impact - To the extent practical, the proposed wind energy facility has been designed to minimize visual impact upon open space and natural landscape by:

- (1) Using underground communication and power collector lines (transmission lines that connect each turbine to a substation);
- (2) Using turbine towers of uniform design, color and height;
- (3) Lighting - Lighting of towers shall be evaluated on a case by case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall minimize the amount of lighting to the extent feasible under the law, which may include consideration of radar triggered lighting.
- (4) Using existing roads within the Energy Facility Project Area to provide access to the site, or if new roads within the Energy Facility Project Area are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact;
- (5) Using existing substations, or if new substations are needed, minimizing the number of new substations; and
- (6) Shadow Flicker – Upon the non-participating owner’s request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner’s property if written permission from the property owner and an adjustment is granted under Section [19.030 D 1 c](#). Said written permission shall be made part of the deed records of the non-participating landowner’s property.

b. Public Safety - The wind energy facility shall be designed, constructed, and operated to protect the public by measures that may include, but are not limited to, the following:

- (1) Installing the tower so at the closest point, the sweep of any exposed blade or other exposed moving component is at least 20 feet above the tallest existing or foreseeable obstruction to blade movement unless based on the proposed location and site specific circumstances, the tower will not represent a safety hazard; and
- (2) Designing, constructing and operating the energy facility to exclude members of the public from close proximity to turbine blades and electrical equipment, including installing locks on turbine tower access doors; and
- (3) Designing, constructing and operating the energy facility to protect against structural failure of the turbine tower or blades that could endanger members of the public's safety, including having adequate safety devices and testing procedures designed to warn members of the public of impending failure and to minimize the consequences of such failure.

c. Setbacks:

- (1) Project Boundaries - If the wind energy project encompasses more than one parcel neither the wind turbine setback to non-project boundaries nor the property line setbacks of the underlying zone in which the project is located are applicable to any internal property lines within the project area.
- (2) Non Project Boundaries - Wind turbines shall be set back from the property line of any abutting property not part of the project (non-project boundaries), the right-of-way of any dedicated road, and any above ground major utility facility line a minimum of 1.5 times the height of the wind turbine tower (i.e., full-height). Wind turbines shall be set back from any above ground minor utility facility line a minimum of 1.1 times the height of the wind turbine tower.
  - An applicant may request an adjustment to non-project boundaries using the process described in [19.030 D 1 c \(3\)\(c\)](#) below.
  - Wind turbines shall meet the underlying zone setback requirement unless a variance is granted pursuant to either Chapter 6 or 7.

(3) Resource Zone Dwellings

- (a) Participating Landowners: Participating landowners are owners of legally placed resource dwellings on lands committed to the energy facility project by written contract. Participating landowners or applicant must provide evidence demonstrating that setbacks from dwellings will meet the DEQ noise standard and, prior to construction, provide evidence of any recorded noise easement obtained under OAR [340-035-0035](#).
- (b) Non-Participating Landowners: For owners of legally placed resource dwellings who are not participating landowners in the energy facility project, wind turbine setbacks shall be 3,520 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance required to comply with the DEQ noise standard (OAR [340-035-0035](#)), whichever is greater, unless a noise easement is obtained under OAR [340-035-0035](#).
- (c) Adjustment Provision: Applicant may, as part of the wind energy permitting process, obtain an administrative adjustment to authorize a lesser setback from regulations addressing turbine setbacks from dwellings in resource zones. This may be authorized as part of the CUP pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee and upon findings that demonstrate the following criteria are met:
  - i. The underlying landowner (or applicable road authority or utility as may be appropriate for non-project boundary setbacks) has consented, in writing, to an adjusted setback.
  - ii. The proposed adjustment complies with DEQ noise standard.
  - iii. The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.
  - iv. The proposed adjustment will not unduly burden existing infrastructure (e.g., underground utilities or leach fields).
  - v. The proposed adjustment will not unduly impair safety in the area.
  - vi. The proposed adjustment will minimize impacts to environmental resources (e.g., wetlands or identified EPDs).
- (4) Non-Resource Boundaries - Wind turbines shall be setback a minimum of 1 mile (5,280 feet) from all non-resource zoned property boundaries located outside of urban growth boundaries or urban reserves (as measured from the centerline of the turbine to the edge of the property boundary zoned for non-resource purposes, e.g., rural residential). Adjustment provisions do not apply to these non-resource zone property boundary setbacks.



- (5) City Limits and Urban Areas – Wind turbines shall be setback 3/4 mile (3,960 feet) from the established city limit, urban growth boundary or urban reserve boundary of an incorporated city (whichever is the more restrictive applies) unless a lesser setback is granted through the adjustment process under this provision.

Adjustment Provision – Applicant may, as part of the wind energy permitting process, obtain an administrative adjustment to authorize a lesser setback from regulations addressing turbine setbacks from city limits, urban growth boundaries or urban reserves. This may be authorized as part of the CUP pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee and upon findings that demonstrate the following criteria are met:

- i. The incorporated city that would be affected has consented, in writing, to an adjusted setback.
- ii. The proposed adjustment complies with DEQ noise standard.
- iii. The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.
- iv. The proposed adjustment will not unduly burden existing infrastructure (e.g., underground utilities or leach fields).
- v. The proposed adjustment will not unduly impair safety in the area.
- vi. The proposed adjustment will minimize impacts to environmental resources (e.g., wetlands or identified EPDs).

- (6) Downwind Properties - The establishment of a commercial wind energy facility consistent with the requirements of this ordinance shall not constitute wind access rights that are protected by this ordinance beyond the following setback requirement.

If a wind turbine 200' in height or taller has been previously placed on a downwind property that is not part of the project, the closest tower on the upwind property shall be set back a minimum of fifteen rotor diameters from the downwind tower location or any lesser distance agreed to by the downwind and upwind property owners or those authorized to act on their behalf.

## 2. Solar Energy Facilities:

- a. Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

- b. Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public, or mitigated accordingly.
- c. Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways, or mitigated accordingly.
- d. Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.
- e. Wildlife - Measures to reduce wildlife impact may include using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.

### 3. Cogeneration Facilities:

- a. The cogeneration facility would supply thermal energy to an existing or approved industrial or commercial use.
- b. Except as allowed in this section, an electric transmission line or natural gas or petroleum pipeline necessary for the cogeneration facility must be an upgrade to an existing transmission line or pipeline or must otherwise be constructed in an existing right-of-way or utility easement. If the proposed electric transmission line or natural gas or petroleum product pipeline necessary for the proposed cogeneration project is not an upgrade to an existing transmission line or pipeline, the transmission line or pipeline must comply with the standards in subsection 4 or 5 below.

### 4. Electrical Transmission Facilities:

- a. Use of Existing Routes/Co-Locating - The development uses available developed or approved road and utility rights of way, easements or transmission facilities that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights of way or easements.

- b. Adjacent to Existing Routes - To the extent practical, any part of the proposed transmission or distribution line outside an existing route would be adjacent to an existing public road or utility right-of way or easement.
  - c. New Routes - If all or part of the proposed transmission line is outside an existing route or not adjacent to an existing route:
    - (1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or
    - (2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.
  - d. Setbacks to dwellings - Unless sited within a public road right-of-way, new electrical transmission lines shall not be constructed closer than 500 feet to an existing dwelling without prior written approval of the owner. Said written approval shall be made part of the deed records to that property.
5. Natural Gas or Petroleum Product Pipelines:
- a. Use of Existing Routes - To the extent practical, the proposed pipeline would use developed or approved road and utility rights-of way or easements that can safely accommodate the proposed line.
  - b. Adjacent to Existing Routes - To the extent practical, any part of the proposed pipeline outside an existing route would be adjacent to an existing public road or utility right-of-way or easement.
  - c. New Routes - If all of part of the proposed pipeline is outside an existing route or not adjacent to an existing route:
    - (1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or
    - (2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.
  - d. Stream crossings: If the proposed pipeline would cross a stream or river that is important habitat for a state or federally-listed threatened or endangered

species, the permit holder must use a crossing technique or method approved by the Oregon Department of Fish and Wildlife.

## CHAPTER 20 - SITE PLAN REVIEW

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### 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 multifamily 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. Preschool, 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:
  - 1. Marijuana production;
  - 2. Marijuana processing;
  - 3. Marijuana wholesaling; and
  - 4. 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.
- E. 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.
- F. Fire & Emergency Vehicle Access: Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.
- G. Catering: Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.
- H. 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.)

- I. 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.
- J. 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.
- K. 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?
- L. 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.



## CHAPTER 21 - LAND DIVISIONS

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As authorized by law, including Oregon Revised Statutes Chapters [92](#), [197](#), and [215](#), subdivisions, partitions, replats and property line adjustments and streets created for the purpose of partitioning land shall be approved in accordance with this Chapter. The Chapter applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Chapter and state statutes.

### Section 21.010 - Purpose

In accordance with the provisions of ORS Chapters [92](#), [197](#), and [215](#), this Ordinance sets forth the minimum standards governing the approval of land development, including subdivisions partition, replats, and property line adjustments as necessary to carry out the Wasco County Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant, and the future lot owner.
- D. Improve land records and boundary monumentation.
- E. Insure equitable processing of subdivision plats and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Wasco County.

No person may subdivide or partition land within Wasco County except in accordance with ORS Chapter [92](#) and the provisions of this Ordinance.

#### **Section 21.020 - Definitions**

The definitions set forth in Section 1.090 of this Ordinance shall be utilized for the purposes of this chapter.

#### **Section 21.030 - Basic Provisions and Design Standards**

- A. Compliance Required: No land within the unincorporated territory of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority.
- B. Minimum Standards: The requirements and standards set forth in this chapter are the minimum ones to which a subdivision or partition must conform before approval by the Approving Authority.
- C. Conformity with the Comprehensive Plan: All divisions of land shall conform to and be in harmony with the Wasco County Comprehensive Plan and Comprehensive Plan Map of that portion of the County within which the subdivision and partition lies.
- D. Conformity with Zoning Chapter: All divisions of land, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off street parking, landscaping and other requirements as may be set forth.

E. Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where the Approving Authority determines that topographic conditions make such continuation or conformity impractical, exceptions may be made as provided for in Section [21.450](#) of this Chapter.

F. Redevelopment Plan:

1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.
2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.
3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.
4. Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.

G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:

1. The unit of land abuts on the road or street.
2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.
3. The road or street provides actual physical access for the unit of land.

H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. Private Easement Road In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30' in width;

The requirements of Section [21.300](#) are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

2. Private Road In resource areas only (areas zoned F 1, F 2, and A 1), a unit of land may have access by way of a private road upon findings of the Approving Authority that:
  - a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;
  - b. Private road approval is obtained pursuant to Section [21.300](#);
  - c. Private road is constructed to standards of Section [21.420](#) when more than three (3) units of land use roadway;
  - d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;
  - e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right of way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

- I. Alignment: As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty five (125) feet.
- J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.
- K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty five (25) feet in width shall be provided along a railroad right of way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right of way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.
- L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.
- M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.

- O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.
- P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 10 and the local fire department.
- Q. Street Intersections:
  - 1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.
  - 2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.
  - 3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.
- R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:
  - 1. Prevent access to the street on a side where additional width is required to meet the minimum right of way standards;
  - 2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
  - 3. Prevent the uncontrolled development of land.
- S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet

wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.

- U. Water Courses: If a subdivision or partition is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
- V. Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.
- W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.
- X. Lots:
  - 1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.
  - 2. Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.
  - 3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.

4. Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.

Y. Public Open Space:

Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

- Z. Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

AA. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

BB. Street Signs: All street and highway signs shall meet the County standards for such signs.

## **Section 21.100 - Land Partitioning Approval**

A. Approval of Preliminary Partition Plans:

1. An application for preliminary partition plan approval shall be initiated as provided in Section 2.060.A. of this Ordinance.
2. A preliminary partition application, plan and supporting documentation shall include the following:
  - a. A vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;
  - b. North point, scale and date;
  - c. A plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each



tract, acreage of each tract and location and name of existing and proposed roads;

- d. Private streets and all restrictions or reservations relating to private streets;
  - e. Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;
  - f. Proposed means and location of water supply and sewage disposal for each tract;
  - g. Zoning classification of the land and Comprehensive Plan map designation;
  - h. Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards;
  - i. Any existing permanent structures;
  - j. Draft of proposed restrictions and covenants affecting the partitioned land;
  - k. Legal description of the property being partitioned;
  - l. If not sewered and located in an "F 1", "F 2", or "A 1" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on the face of the final partition plan that no investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal;
  - m. If not sewered and located in an F-F or any other non-resource zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook ups for each parcel to be partitioned.
3. Standards for approval of a preliminary partition plan.

- a. A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.
  - b. The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided and if the design and development standards of Section [21.030](#) of this chapter have been met.
4. The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and comprehensive plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.
5. Duration of approval for preliminary partition plan: Approval of a preliminary partition plan shall be valid for twenty-four (24) months from the date of tentative approval. During such time, all conditions of approval shall be met and required documentation shall be filed with the Director as an application for final approval, and shall otherwise comply with the provisions of subsections (2) and (3) of this section.

B. Approval of Final Partition Plat:

1. Within twenty-four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance to those standards specified in Section [21.100](#) of this Chapter.
2. The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:
  - a. the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;
  - b. any conditions imposed by the Approving Authority have been met;

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section [21.110 A 1](#) of this Ordinance.

3. All access easements created as part of land partitioning become effective when the plat is recorded by the County Clerk. If an access easement is preexisting or if the access easement has been recorded with the County Clerk prior to the final approval

of the land partition, then the recorded Document Number shall appear on the face of the plat.

4. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary partition plat.
5. After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.
6. Pursuant to ORS [92.055\(1\)](#) a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:
  - a. The approximate acreage of each unsurveyed parcel shall be shown.
  - b. Any unsurveyed parcel shall have the word "unsurveyed" placed in bold letters adjacent to the parcel number on the plat as provided in (5) above.
  - c. Unsurveyed parcels need not comply with ORS [92.050](#)(5), (7) and (8).
7. Pursuant to ORS [92.095](#), prior to recordation of the final partition map, the current years' taxes must be paid in full. (The tax year runs from July 1st through June 30th).
8. If the property is zoned "A-1" Exclusive Farm Use, a statement shall appear on the face of the partition plat stating that the land division is for commercial farm use.

C. Final Land Partition Plat Requirements:

1. Conformance to Preliminary plan. The plat shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.
  - a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
  - b. All signatures on the original must be in archival quality black ink.
  - c. The lettering shall be a size or type to be clearly legible when copies are made.
  - d. A face sheet and index must be included for a plat with 3 or more sheets.

3. Compliance with ORS [209.250](#). A plat shall comply with all requirements of ORS [209.250](#) including:
  - a. Narrative
  - b. Location of the survey by one-fourth section, Township and Range.
  - c. Date of the survey.
  - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
  - e. The distance and course of all lines traces or established, giving the basis of bearing.
  - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.
  - g. Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
  - h. The surveyor's seal and original signature.
  - i. The surveyor's business name and address.
4. Compliance with [92.050](#). A person shall not submit a plat of a partition for record until all the requirements of ORS [209.250](#) and the plat requirements of the partition have been met.
  - a. The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
  - b. The plat shall be made by professional land surveyor.
  - c. The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:
    - (1) The survey and mathematical information and all other details are clearly and legibly shown on the plat.
    - (2) Each lot or parcel is numbered consecutively.
    - (3) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
    - (4) Each street is named and shown on the plat.

- d. The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be shown.
- e. The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
- f. The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
- g. In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
  - (1) Arc length
  - (2) Chord length
  - (3) Chord bearing
  - (4) Radius
  - (5) Central Angle
- h. The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:
  - (1) Parcels located in an "A-1", "F-1" or "F-2" zone shall contain the following statement: "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department."
  - (2) Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."
  - (3) Planning Department File Number
  - (4) Tax lot Information

(5) Zoning classification and Comprehensive Plan Designation

(6) Table indicating the acreages of all existing and newly created parcels.

(7) Assessor Account Number for each existing property.

5. Monuments.

- a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS [92.060](#)(1). The location of the monument shall be with reference by survey to a known corner, per ORS [92.060](#) and shown on the plat.
- b. The exterior boundary and all parcel corners must be monumented per ORS [92.060](#).
- c. For partitions involving land in a flood plain, the provisions of Section [21.210 D 5](#) shall apply.

6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

7. Declaration.

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.
- b. Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration

- e. Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS [92.075](#)(4).
8. General Information. No plat shall be approved unless:
- a. Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.
  - b. All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorders number shall appear on the face of the plat.
  - c. Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
  - d. The names of any streets intersecting or within the parcels are shown.
  - e. All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a preexisting easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
  - f. Zoning classification and Comprehensive Plan Designation
  - g. Space for date and signatures of the following officials is made:
    - (1) Planning Director or designee
    - (2) County Surveyor
    - (3) County Assessor
    - (4) County Tax Collector
  - h. Any additional information made a condition of approval of the tentative plan is shown.
9. County Surveyor Fees: The partitioner shall pay a fee to the County Surveyor as provided in ORS [92.100](#)(2) which is included in the cost at the time of the plat application.

#### **Section 21.110 - Amendments to Preliminary Plans and Final Plats or Maps**

A. Definitions:

1. "Minor Amendment" means a change which:

- a. Does not change the number of parcels created by the subdivision or partition;
- b. Does not enlarge the boundaries of subdivided or partitioned area;
- c. Does not change the general location or amount of land devoted to a specific land use; or
- d. Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.

2. "Major Amendment" means any change which is not a minor amendment.

B. Approval of Minor Amendments: A minor amendment to an approved preliminary subdivision or partition plan or to an approved final subdivision plat or final partition map may be approved by the Director.

C. Approval of Major Amendments: Approval of a major amendment to an approved preliminary subdivision or partition preliminary plan or to an approved final subdivision plat or final partition plat shall be subject to the provisions of Section 2.060 of this Ordinance.

**Section 21.115 - Property Line Adjustments/Replats**

The decision on a request for a Property Line Adjustment or Partition Replat shall be initiated as provided in Section 2.060 A of this Ordinance.

- A. Preliminary property line adjustment/replat map shall meet the same standards required for preliminary partition approval, described in Section [21.100 A](#).
- B. The applicant(s) shall submit a signed statement explaining the purpose of the proposed property line adjustment.
- C. The applicant(s) shall submit a copy of the property deed. No property line adjustment may be approved unless all properties involved were lawfully created.

**Section 21.120 - Property Line Adjustment/Replat Approval Standards**

The request for a property line adjustment or replat shall be approved by the Director if the following criteria are met;



- A. The proposed property line adjustment/replat will not result in the creation of any new tax lot.
- B. The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.
- C. Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment/replat.
- D. Property line adjustments/replats shall result in greater conformity where it can be achieved. Property line adjustments/replats to nonconforming property shall not result in greater nonconformity, provided however, the Director may approve a reduction in area which will result in greater nonconformity if the Director finds the proposal will benefit the public interest.
- E. Adjusted property lines may cross zoning district boundaries unless the adjustment will increase the number of parcels or lots which could potentially be created, based on the density requirements of the applicable zoning district.
- F. The proposal will not cause any existing development to be placed in violation of the property development standards of the zone, or force a violation of this ordinance.
- G. Proposed property line adjustments/replats which have the net result of physically relocating a parcel to a new location beyond an existing common boundary line or which requires the creation of a private or public road will not be acted on, and must be reviewed under Section [21.100](#) of the Wasco County Land Use and Development Ordinance.

#### **Section 21.125 - Final Property Line Adjustment/Replat Map Requirements**

All final property line adjustment/replat map(s) shall meet the same standards required for final partition approval described in Section [21.100 C](#), Final Land Partition Map Requirements.

#### **Section 21.130 - Survey Requirements for Property Line Adjustments/Replats**

- A. An adjusted property line created by the relocation of a common boundary as described in ORS [92.010](#) (7)(b) shall be surveyed and monumented in accordance with ORS [92.060](#) (3). Said survey shall comply with ORS [209.250](#), and shall be filed with the Wasco County Clerk. If all property affected by the property line adjustment is greater or becomes greater than ten (10) acres the requirement of a survey and monumentation will be waived.
- B. Replats shall be reviewed in the same manner as property line adjustment requests, with the exception that the requirements of ORS [92.180](#) - [92.190](#) shall apply.

### **Section 21.200 - Preliminary Subdivision Plan Approval**

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of Section 2.060 (c) of this Ordinance.

#### **A. Application for Preliminary Subdivision Plan Approval:**

1. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this Ordinance.
2. The applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by subsection [B](#) of this Section to demonstrate the design and objectives of the subdivision.
3. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

#### **B. Information Required in the Preliminary Subdivision Plan:**

1. The proposed name of the subdivision or major partition.
2. North point, scale, date of application, and basis of bearing.
3. Names and addresses of the subdivider, engineer, surveyor, land planner or landscape architect.
4. The tract description according to the real estate records of Wasco County.
5. The boundary lines (accurate in scale) of the tract to be subdivided.
6. Contour lines may be required at intervals to be determined by the Director.
7. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
8. The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights of way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.

9. Existing sewers, water mains, culverts or underground utilities and improvements within the tract or immediately adjacent thereto together with pipe sizes, grades and locations indicated.
10. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
11. The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.
12. Typical cross sections of proposed streets, showing all improvements proposed within the street right of way at such scale to clearly show the details thereof.
13. Approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.
14. Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.
15. Parks, playgrounds, recreation areas, parkways, and other open space for public use.
16. Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.
17. Proposed source of water supply, if any; estimated volume to be available, together with data regarding the location, type, and size of all storage facilities, distribution lines, fire hydrants, and gate valves.
18. If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.
19. The proposed method of sewage disposal.
  - a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding

conformity to applicable regulations of the Oregon State Department of Environmental Quality.

- b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.
  - c. If to be served by subsurface sewage disposal, a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.
20. Information on the source of other public utilities; proposed deed restrictions, if any; and the irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision.
21. The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.
22. Proposed building setback lines.
23. Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.

C. Development Phasing:

- 1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
- 2. Time limitations for the various phases must meet the following requirements:
  - a. Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.
  - b. Phase 2 final plat shall be approved within twenty four (24) months of preliminary approval.
  - c. Phase 3 final plat shall be approved within thirty six (36) months of preliminary approval.

D. Criteria for Approval of Preliminary Subdivision Plan:

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.
2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
  - a. The information required by this Chapter has been provided;
  - b. The design and development standards of Section [21.030](#) of this Chapter have been met; and
  - c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

E. Duration of Preliminary Subdivision Plan Approval:

1. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section [21.200 C 2](#) of this Ordinance.
2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

F. Granting of Extensions: Extensions of time may be allowed as outlined in Section 2.125 B.

**Section 21.210 - Final Subdivision Plat Approval**

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Section 2.060(2) of this Ordinance.

A. Application for Final Subdivision Approval:

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to Section [21.200](#) of this Ordinance, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in

subsections [B](#) to [F](#) of this Section, and the appropriate fees as established by the County Governing Body.

B. Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of Section [21.210](#).
2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.

C. Information Required in the Final Subdivision Plat: The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS [209.250](#):

1. Name of Subdivision.
2. North point, scale and date the plat was prepared.
3. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one fourth section and Donation Land Claim, Township and Range.
4. Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.
5. Subdivision block and lot boundary lines and street right of way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
6. Names and width of the portion of streets being dedicated, the width of any existing right of way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
7. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown.

If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.

8. Locations and widths of drainage channels, railroad rights of way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
9. Numbering of blocks and lots, as follows:
  - a. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.
  - b. Lot numbers beginning with the number "1" and numbered consecutively in each block.
10. Ties to any city, county, or adjacent subdivision boundary lines.
11. Zoning classification of the property within the subdivision.
12. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one sixteenth corner or Donation Land Claim corner in Township and Range.
13. Space for date and signature of the County officials specified in subsection [K](#) of this Section.
14. Any conditions specified by the Approving Authority upon granting preliminary approval.
15. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.
16. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco County.
17. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.

18. A declaration and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
19. A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.
20. A narrative per ORS [209.250](#)(2).
21. All subdivisions outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.

D. Survey Requirements for Final Plat:

1. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an equivalent, matted on both sides, eighteen inches by twenty four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.
2. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.
3. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
4. Measurements. The subdivision plat shall contain the following measurements:
  - a. The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.
  - b. The arc, length, chord length, chord bearing, radii, central angles, of curves.
  - c. Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.



- d. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.
- e. All measured bearings or angles and distances separately indicated from those of record.
- f. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

- 5. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.
  - a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS [92.060](#)(1). The location of the monument shall be with reference by survey to a known corner per ORS [92.060](#).
  - b. The exterior boundary including every angle point or curve point along the boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.
  - c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments are not set prior to the approval of the plat:
    - (1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.
    - (2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than 120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

- (3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.
  - (4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.
  - (5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.
  - (6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of such number for notation on the plat previously filed with him.
- d. Flood Plain Monumentation for Subdivisions and Partitions.

For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:

- (1) A standard Bench Mark shall be a minimum of thirty six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.
- (2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.
- (3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.
- (4) Field notes and closure copies to County Surveyor:
  - (a) Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

- (b) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.
- 6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.
- 7. Declaration
  - a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS [92](#).
  - b. Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.
  - c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
  - d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.
  - e. Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS [92.075](#) (4).
- 8. Supplemental Information with Final Plat: The following data shall accompany the final plat, if requested by the Director or County Surveyor:
  - a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - b. Sheets and drawings showing the following:
    - (1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

- (2) The computation of all distances, angles, and courses shown on the final map.
- (3) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.
- c. A copy of any dedication requiring separate documents.
- d. A Plan and Profile on Federal Aid sheets showing the following:
  - (1) Widths of the proposed dedication throughout the length of the proposal.
  - (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.
  - (3) Ground line and grade line profile on the centerline of the proposed street or road.
  - (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
  - (5) Proposed drainage structures, showing both size and type of structure.
  - (6) Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.
  - (7) Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.
  - (8) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
  - (9) Typical section of roadbed to be constructed.
  - (10) Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.
  - (11) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
  - (12) The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.

e. Cross Sections

(1) Shall be platted on rolls of ten inch (10"), on standard cross section paper. Computer cross section print outs may be submitted in lieu of platted cross sections.

(2) Shall show proposed widened cuts or fill if these are needed for material balance.

f. If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:

(1) Plans and profiles of proposed sanitary, and storm water sewers, with grades, pipe sizes and the location of manholes indicated.

(2) Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.

(3) Specification for the construction of all proposed sewer and water lines and other utilities.

(4) Grading plans and specifications as required for areas other than streets and ways.

(5) Planting plans and specifications for street trees and other plantings in public areas.

9. County Surveyor Fees: The subdivider shall pay a subdivision review fee to the County Surveyor as provided in ORS [92.100](#)(2) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

E. Agreement for Improvements

1. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County Governing Body an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.

2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

F. Performance Bond

1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
  - b. cash deposit with the County Treasurer; or
  - c. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Roadmaster. The bank certification or letter of assurance shall be approved by the District Attorney; or
  - d. cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Roadmaster. Escrow instructions shall be approved by the District Attorney.
2. Such assurance shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related County expenses; and
3. Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.

- G. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Comprehensive Plan for the area in which the subdivision is located.

- H. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a sum equal to six and two thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.
- I. Development Phasing: If the preliminary subdivision plan approval, pursuant to Section [21.200](#) of this ordinance, provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in subsections (A) through (F) of this section, for that phase only.
- J. Standards for Final Subdivision Plat Approval
1. The Planning Commission shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section [21.110 A 1](#) of this Ordinance.
  2. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.
  3. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.
- K. Filing and Recording of Final Plat
1. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials:
    - a. Planning Commission Chairman;
    - b. County Surveyor;
    - c. County Assessor;

- d. An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;
  - e. County Tax Collector;
  - f. County Commissioners;
  - g. County Clerk.
2. The final plat shall be recorded within thirty (30) days of the date that the signatures and approvals required by subsections [J](#) and [K](#) of this section were obtained.

### **Section 21.300- Private Road Approval Public Road Dedications**

Any person desiring to create a public or private road not part of a subdivision or land division shall make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission subject to the provisions of Section 2.060(B).

#### **A. Application for Tentative Plan**

- 1. An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in Chapter 2 of this Ordinance.
- 2. The applicant shall submit to the Director a written application of a Tentative Plan prepared in accordance with subsection [B](#) of this section.
- 3. The Director shall distribute a copy of the Tentative Plan to the County Roadmaster and obtain his recommendation on the proposed action.

#### **B. Information Required on Tentative Plan: Tentative Plans shall include the following information presented in the following form:**

- 1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.
- 2. A vicinity map showing the proposal in relationship to other existing or proposed streets.
- 3. Date, north point and scale
- 4. Name and address of applicant and the person preparing the Tentative Plan.
- 5. Appropriate identification of the drawing as a Tentative Plan.
- 6. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its



location and, if available, a centerline description or right of way boundary description.

7. Zoning classification and Comprehensive Plan Map designation.
8. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.
9. Existing roads or street(s) intersecting or meeting the proposed dedication or private road.

#### C. Approval of Road or Street Dedication

1. After considering the recommendation by the County Roadmaster, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it determines that:
  - a. the information required by this section has been provided;
  - b. the road or street is or will be improved to meet all applicable standards of these regulations; and
  - c. dedication of the road or street to the public is consistent with the goals, policies and map of the Comprehensive Plan.
2. If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Roadmaster.

#### D. Acceptance of Dedication by the County Governing Body

1. Before the County Governing Body may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with Section [21.210 F](#) of this Chapter.
2. Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.

3. Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.
4. The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
5. No road or street will be accepted for maintenance as part of the county road system unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County Governing Body pursuant to law.

E. Approval of a Private Road

1. The County Roadmaster shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.
2. The Approving Authority shall approve a private road if it finds that the private road meets the basic provisions and design standards of Section [21.030](#) and also the improvement standards for private roads.
3. Upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.

**Section 21.400 - Improvements**

The improvement standards contained in Sections [21.400](#), [21.410](#), [21.420](#), and [21.430](#) shall apply to all subdivisions, land divisions, public road dedications and private road approvals in Wasco County.

- A. Improvement Requirements: The following improvements shall be installed at the expense of the subdivider partitioner, or person(s) creating the road:
1. Roadways in all cases shall conform with the improvement standards set forth herein.
  2. Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.
  3. The applicant shall undertake on site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision, partition, or properties adjacent to the dedicated road.

4. The applicant shall make improvements to existing County or public roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots or partition parcels are created which front on County maintained roads.
  5. Road shall be required as an improvement in a subdivision or partition. Wasco County shall install and maintain such road or street signs, provided the person(s) creating the road pays the expense of the initial improvement.
  6. When necessary, and consistent with Wasco County's standards, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:
    - a. The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or
    - b. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.
  7. Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the Wasco County Transportation System Plan). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.
  8. Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.
- B. Improvement Policies and Standards: The improvement policies and standards contained herein shall apply to development conducted under provisions of this Ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Wasco County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.

It shall be the duty of the Wasco County Roadmaster to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

#### **Section 21.410 - Public Streets and Roads**

- A. General Design Policies: The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following

publications by the American Association of State Highway and Transportation Officials (AASHTO):

1. "A Policy on Geometric Design on Highways and Streets".
2. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

#### B. Design Criteria

1. Improvement of public streets and roads shall conform to the design standards designated for the particular classifications indicated in [Table 21-1\(Rural Public Roadway Design Standards\)](#) & [21-2 \(Urban Public Roadway Design Standards\)](#) of this Chapter.
2. Roadway sections shall conform to the sections designated for the particular classifications.
3. The design of structural sections of all roadways required by this Ordinance, including arterials, collectors, local access roads and principal highways shall conform with the General Design Policies under Section [21.410 A](#) and the standard specifications which are applicable to construction of improvements under Section [21.410 E 2](#) of this Chapter. Any deviation from these standards shall be approved by the County Roadmaster.

#### C. Standard Drawings

1. The County Roadmaster shall have the authority to publish "Standard Drawings" for the design of public streets and roads.
2. The applicant's design shall conform to the "Standard Drawings".

#### D. General Considerations

1. The County Roadmaster may impose additional design requirements as are reasonably necessary to provide safe and adequate access.
2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision or partition. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.
3. Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the

County. No other road or street shall be accepted for maintenance as a part of the County road system unless it is ordered accepted by the County Governing Body pursuant to law.

#### E. Development Requirements

##### 1. Engineering:

- a. Plans Construction plans may be required for improvements governed by these standards. Such construction plans shall be prepared under the direction of a consultant engineer registered in the State of Oregon, and shall be submitted for approval to the County Roadmaster and shall include the following information:

- (1) Widths of all proposed road right of way dedication.
- (2) Original ground line and grade line profile on the centerline of the proposed road.
- (3) Proposed drainage structures, showing both size and type of structure.
- (4) Toe of fill and top of cut lines.
- (5) Typical structural section of roads to be constructed.
- (6) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.
- (7) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
- (8) Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.
- (9) The plans shall contain a standard symbol sheet approved by the County Roadmaster.
- (10) The stamp and signature of a consultant engineer preparing the plans.
- (11) The location and dimensions of the pedestrian circulation system.
- (12) The location and dimensions of bicycle parking, when required.

- b. **Cost Estimates** The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road work and affected utility installation and/or relocation.
- c. **Monumentation** All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right of way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

## 2. Construction:

- a. **Standard Specifications** The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by provisions contained herein):
  - (1) "Standard Specifications for Highway Construction", most recent edition, published by the Oregon Department of Transportation, Highway Division, except for the General Provisions contained in Sections 102 through 109.
  - (2) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Chapter of the American Public Works Association (APWA) and the Oregon Department of Transportation (ODOT).

References to "State and Highway Commission" shall be construed to mean Wasco County and the Wasco County Governing Body, respectively. "Engineer" and "Director" shall be construed to mean the County Roadmaster, or his properly authorized agent(s) acting within the scope of his (their) particular duties.

- b. **Permits** A permit to occupy and perform operations shall be obtained from the County Roadmaster prior to commencing construction within the right of way of any County maintained road.
- c. **Bond Requirements** Before the dedication or deed to the public for street or road right of way is accepted by the County Governing Body, the applicant shall provide a performance bond or other security, as set forth in Section [21.210 F](#) of this Ordinance.
- d. **Inspection Schedule** After financial assurance is received by the County, the applicant shall arrange for periodic inspection by his consultant engineer. At a minimum, such inspection shall occur at the following stages of construction:

- (1) After clearing and grubbing is completed.
- (2) After grading and drainage is completed.
- (3) After rock surface is completed.
- (4) After paving is completed.

e. Certification and Warranty Requirements

- (1) When the project is completed, the consultant engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance with the plans and specifications. The certification shall include a copy of the results of all conformance tests performed in conjunction with the design and construction of the project.
- (2) Upon receiving said certification, the County will accept the project for normal and routine maintenance, provided the applicant posts a warranty bond equal to twenty percent (20%) of the performance bond required in Section [E 2 c](#) of this Section for the correction of any deficiencies that may arise within a period of one (1) year.
- (3) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the County Roadmaster that the provisions of the improvement agreement are complete, the performance bond required by Section [E 2 c](#) of this Section shall be released to the applicant.
- (4) The County Roadmaster shall inspect the project at the end of one (1) year and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.
- (5) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.
- (6) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the County shall release the remainder; and if the amount of the

warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.

- f. **As Constructed Plans** The County Roadmaster, at the completion of the project, may require the consultant engineer to furnish permanent reproducible plans of the work or an "as constructed" modification of the original permanent reproducible plans previously submitted, as may be required under Section [E 1 a](#) of this Section.
  - (1) The title sheet shall contain the consultant engineer's signed P.E. stamp and a certification signed by the engineer "that the project has been constructed in substantial conformance with the plans and specifications".
  - (2) The title sheet shall contain in the title block the name of the street or road; the name of the subdivision; the names of the applicant and consultant engineer preparing the plan; the location of the street or road according to Section, Township and Range; a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes; and, a vicinity map of approximately 1"= 1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.
  - (3) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right of way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.
  - (4) The plans shall show the original ground line and the finish grade on the centerline, all P.I. elevations and stations, elevations of vertical curves and tangent grades.
  - (5) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.
  - (6) The consultant engineer will provide accurate "as constructed" plans to all affected utility companies.
- g. **Signing** Permanent traffic control and street or road identification signs will be required for all subdivisions.
  - (1) The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Roadmaster adequate for the construction and



installation of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

- (2) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

## **Section 21.420 - Private Roads**

- A. General Design Policies: Private roads shall conform to the requirements outlined in [Table 3](#) of this Chapter.
- B. Design Criteria
  1. Finished top surface width of roads shall be a minimum of twelve (12) feet.
  2. The roadbed shall have an all-weather surface of suitable material, in good repair and of sufficient depth to ensure a solid roadbed, but in no case less than four (4) inches of crushed rock.
  3. Turnouts shall be provided no further than six hundred (600) feet apart and not less than fifty (50) feet in length and eight (8) feet in width excluding taper.
  4. The County Roadmaster may require paving for road profile grades exceeding fifteen percent (15%), and in no case shall a grade exceed twenty percent (20%).
  5. Cross culverts of adequate size (minimum eighteen inches in diameter) shall be provided to carry storm run-off under the roadway.
  6. All cut and fill slopes shall be 1.5:1 or flatter; unless steeper slopes are determined feasible by a consultant engineer. A fallout area may be necessary for any slope steeper than 1.5:1.
  7. Adequate roadside ditches shall be provided to carry storm run-off. Roadside ditches in excess of seven percent (7%) grade and in erodible soils shall be lined with suitable material to prevent erosion.
- C. General Considerations

1. The Approving Authority, upon recommendation of the County Roadmaster, may impose additional requirements as are reasonably necessary to provide a safe and adequate access.
2. Private roads shall be maintained by the benefited property owners and shall not be accepted by the County for maintenance.

D. Certification and Special Considerations

1. The County Roadmaster may require the applicant to retain a consultant engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance to the County's current improvement standards.
2. In the event an existing road is to be used for access to a land division, it shall be inspected by a consultant engineer retained by the applicant and, if found adequate for the intent and purposes of the private road requirements, shall be approved.

E. Signing: Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads.

1. The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Director adequate to cover the costs of construction and installation of required permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.
2. Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

**Section 21.430 - Roadway Improvement Standards**

A. Roadway Requirements

1. No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:
  - a. A development may be approved if the adjacent roadway does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.

- b. Roadways under the jurisdiction of the Oregon Department of Transportation shall be improved to state standards.
- B. Minimum Right-of-Way Width - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets. Unless otherwise indicated on the official roadway map, the width of all rights of way and roadway improvements shall be in compliance with the following:
  - 1. Arterials: A minimum right of way width of sixty (60) feet.
  - 2. Collectors: A minimum right of way width of sixty (60) feet.
  - 3. Local Roads: A minimum right of way width of fifty (50) feet.
- C. Partial street improvements - Partial street improvements resulting in a pavement width of less than 16 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.
- D. Improvements Guarantee in Lieu of Improvements - If the County could and would otherwise require the applicant to provide street improvements, the County Roadmaster may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
  - 1. A partial improvement is not feasible due to the inability to achieve proper design standards;
  - 2. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  - 3. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
  - 4. The improvement would be in conflict with an adopted capital improvement plan;
  - 5. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or

6. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.
- E. Off-site Improvements - Off-site improvements, such as pavement construction or reconstruction of existing street(s) proposed for access to the subdivision or partition, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted Wasco County Transportation System Plan.

#### **Section 21.440- Access Control**

- A. Purpose. The following access control standards apply to industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the Wasco County Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the county. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision or partitioning of land.
- B. Access Control Standards.
  1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)
  2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
  3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required).

- a. Option 1. Access to the lower order roadway.
  - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
  - c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection e., below.
4. Subdivisions and Partitions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots.
5. Access Spacing. Minimum access spacing standards apply to newly established public street intersections, private drives, and non-traversable medians.
  - a. Standards are found in Table 7.2, Rural Wasco County Roadway Design Standards and Table 7-3 Urban Wasco County Roadway Design Standards, in the Wasco County Transportation System Plan.
  - b. Access to State Highways and Interchanges. Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and the requirements of OAR [734-051](#).
6. Number of Access Points. For single-family housing types, one street access point is permitted per lot, when secondary (local or collector) street access cannot otherwise be provided. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection (g) below, in order to maintain the required access spacing, and minimize the number of access points.
7. Shared Driveways. The number of driveway and the frequency with which private streets intersect with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

- a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- C. Notwithstanding Section [21.450](#), upon the recommendation of the County Roadmaster the County may reduce access spacing standards if the following conditions are met:
  - 1. Joint access (shared) driveways and cross access easements are provided in accordance with the standards;
  - 2. The site plan incorporates an integrated access and circulation system in accordance with the standards;
  - 3. The property owner enters into a written agreement with the County that pre-existing connections on the site will be closed and eliminated after construction of each side of the shared driveway; and,
  - 4. The proposed access plan for redevelopment properties moves in the direction of the spacing standards.
- D. The County Roadmaster may modify or waive the access spacing standards for roadways under County jurisdiction where the physical site characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical and would make meeting the access standards infeasible, subject to the following:
  - 1. The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.
  - 2. The granting of the modification or waiver shall meet the purpose and intent of these standards and shall not be considered until every feasible option for meeting access standards is explored.

3. Applicants for modification or waivers from these standards must provide proof of unique or special conditions that make strict application of the standards impractical. Applicants shall include proof that:
  - a. Indirect or restricted access cannot be obtained;
  - b. No engineering or construction solutions can be applied to mitigate the condition; and,
  - c. No alternative access is available from a road with a lower functional classification than the primary roadway.
  - d. The hardship is not self-created.
- E. **Street/roadway Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private roads, in accordance with AASHTO design standards. For residential and commercial developments, the maximum block length shall not exceed 600 feet, with the maximum perimeter not to exceed 1,400 feet.

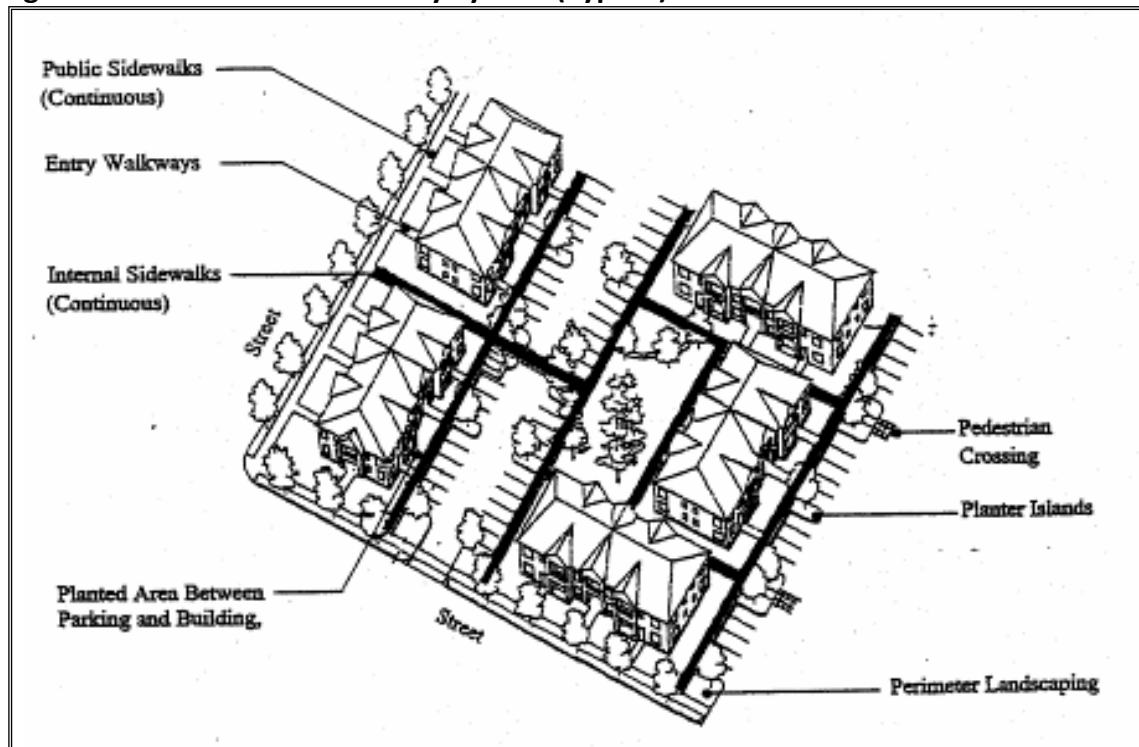
#### **Section 21.450 - Pedestrian Access and Circulation**

- A. **Site Layout and Design** - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:
  1. **Continuous Walkway System** - The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets or roads and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 21.030.E (Relation to Adjoining Street System).
  2. **Safe, Direct, and Convenient** - Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets/roadways, based on the following definitions:
    - a. **Reasonably direct** - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

- b. Safe and convenient - Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - c. "Primary entrance" for commercial, mixed use, and office buildings is the main public entrance to the building. In the case where no public entrance exists, street/roadway connections shall be provided to the main employee entrance.
  - d. "Primary entrance" for residential buildings is the front door (i.e., facing the street or road). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.
3. Connections Within Development - Connections within developments shall be provided as required in subsections a-c, below:
- a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in [Figure 21-1](#);
  - b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
  - c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets/roadways, or driveways with street-like features, Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting.



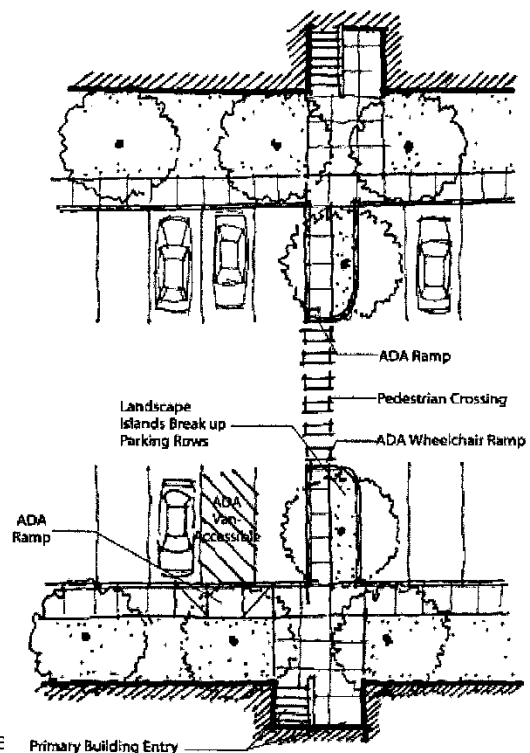
**Figure 21-1 – Pedestrian Pathway System (Typical)**



- B. Walkway Design and Construction - Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in [Figure 21-2](#):

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Approving Authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

**Figure 21-2 – Pedestrian Walkway Detail (Typical)**



2. Crosswalks - Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
3. Walkway Width and Surface - Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.
4. Accessible routes - Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

#### **Section 21.460 - Penalty and Enforcement on Violation**

- A. Violation of any provision of this Ordinance is punishable upon conviction under the provisions of ORS [92.990](#)(1).
- B. In addition to the criminal penalties provided for by subsection (1) of this Section, Wasco County may seek equitable relief for violations of this Chapter.

#### **Section 21.470 - Repeal and Transferral Provisions**

- A. The Wasco County Subdivision and Land Development Ordinance adopted February 3, 1982, is repealed upon the effective date of this Ordinance.
- B. Actions approved under the provisions or regulations repealed by subsection (A) of this Section shall continue to be governed by the terms and conditions of such approval.
- C. Violations of the provisions or regulations repealed by subsection (A) of this Section shall be deemed violations of this Chapter.

**Table 21-1 – Rural Wasco County Public Roadway Design Standards**

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
<b>Design ADT</b>	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
<b>Terrain<sup>1</sup></b>	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
<b>Design Speed (mph)</b>	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
<b>Max Grade (%)</b>	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
<b>Stopping Sight Distance (ft)</b>	22 0	23 5	13 5	22 0	23 5	13 5	220	235	135	340	230	135	475	350	235	600	610	350
<b>Passing Sight Distance (ft)</b>	-	-	-	-	-	-	1,090	<sup>2</sup>	<sup>2</sup>	1,470	<sup>2</sup>	<sup>2</sup>	1,835	<sup>2</sup>	<sup>2</sup>	2,135	<sup>2</sup>	<sup>2</sup>
<b>Traveled Way Width (ft)</b>	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
<b>Paved Shoulder Width (each side)</b>																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
<b>Gravel Shoulder Width (each side)</b>	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
<b>Roadway Width (Non Bike / Bike Route) (ft)</b>	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
<b>Number of Lanes</b>	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
<b>Minimum ROW Width (ft)</b>	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
<b>Preferred Access Spacing<sup>3</sup></b>	75			100			100			150			300			500		

<sup>1</sup> L= Level, R=Rolling, M=Mountainous

<sup>2</sup> See AASHTO manual for guidance.

<sup>3</sup> Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

**Table 21-2 – Urban Wasco County Public Roadway Design Standards**

	Local Street	Urban Minor Collector	Urban Major Collector	Urban Arterial
<b>Design ADT</b>	<1,000	1,000-3,000	3,000–6,000	>6,000
<b>Design Speed (mph)</b>	25	25-30	25-35	25-35
<b>Max Grade</b>	12%	10%	10%	6%
<b>Minimum ROW Width (ft)</b>	58	64	63-76	90
<b>Number and Width of Lanes</b>	2 12' Travel Lanes	2 12' Travel Lanes	2 12' Travel Lanes	3 Two 12' Travel Lanes 14' Center Turn Lane
<b>Traveled Way Width (ft)</b>	36	40	52	50 or 66
<b>On-Street Parking (ft)</b>	Not striped	8 (each side)	8 (each side)	8 (each side), optional
<b>Sidewalk Width (ft)</b>	5 (each side)	5 (each side)	5 (each side)	5 (each side)
<b>Bike Lane Width (ft)</b>	-	-	6	6
<b>*Preferred Access Spacing (ft)</b>	50	150-300	150-300	300-600

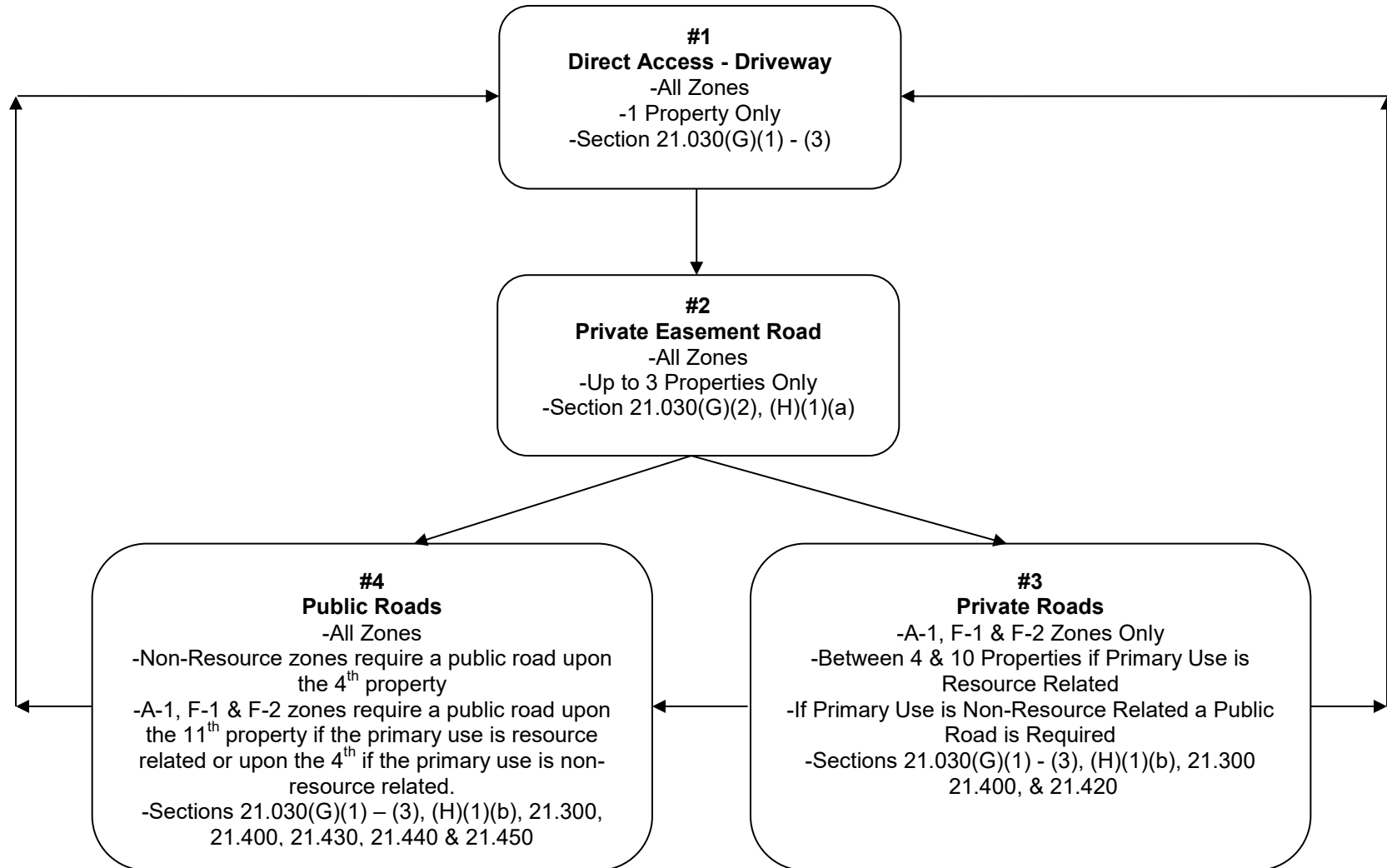
Note: The urban roadway design standards apply to all County roadways in urban areas (incorporated communities). However, local roadway design standards may be utilized when deemed appropriate. \*Lower spacing may be allowed when supported by a traffic study and/or approved by the local jurisdiction

**Table 21-3 – Private Access Standards**

Location in Zones	Designation	Responsibilities for Maintenance	Minimum Improvement Standards	Minimum Width of Easement	Maximum Number of Lots, Parcels or Units of Land
All Zones	Driveway	Property Owners	Fire Safety Standards	No Easement Required	One
All Zones	Private Easement Road	Property Owners	Fire Safety Standards	30 Feet	Three (3) provided the service to additional lots parcels or units of land is improbable
Resource Zones Only (F-1, F-2, & A-1)	Private Road	Property Owners	*Improve with minimum of four inches (4") of base rock	*30 Feet with 12 feet of travel surface.	Ten (10) provided that no more than three (3) lots are less than ten (10) acres in size and the primary use is resource related.

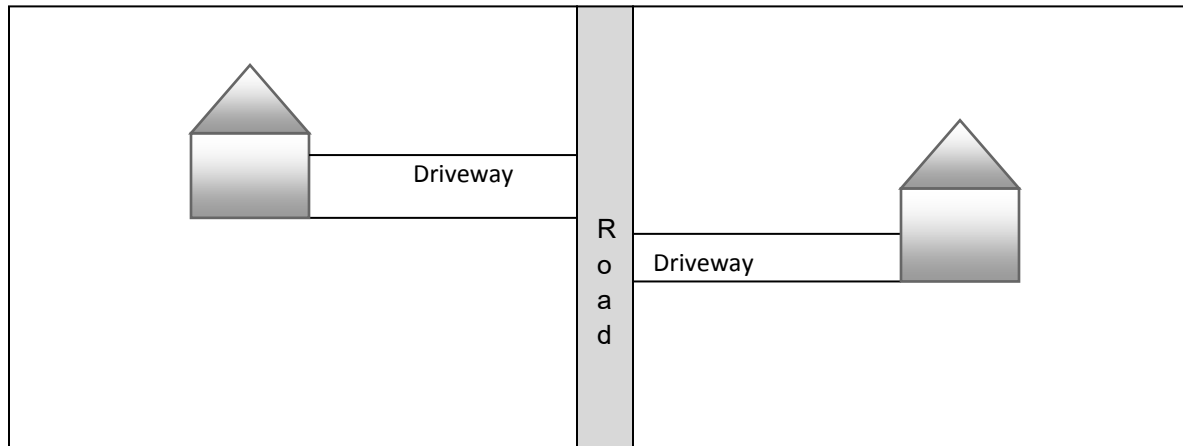
\*See Section [21.420](#) for complete standards.

**Figure 21-3 – Hierarchy of Property Access (See Figures 21-4 – 21-7 Below)**



**Figure 21-4 – Direct Access via a “Public Road” or “Private Road” (Driveway)**

In all zones, a single property is considered to have direct access via a “Public Road” or “Private Road” if the property intersects a lawfully established “Public Road” or “Private Road” and has a legal right to enter and exit the “Public Road” or “Private Road”.



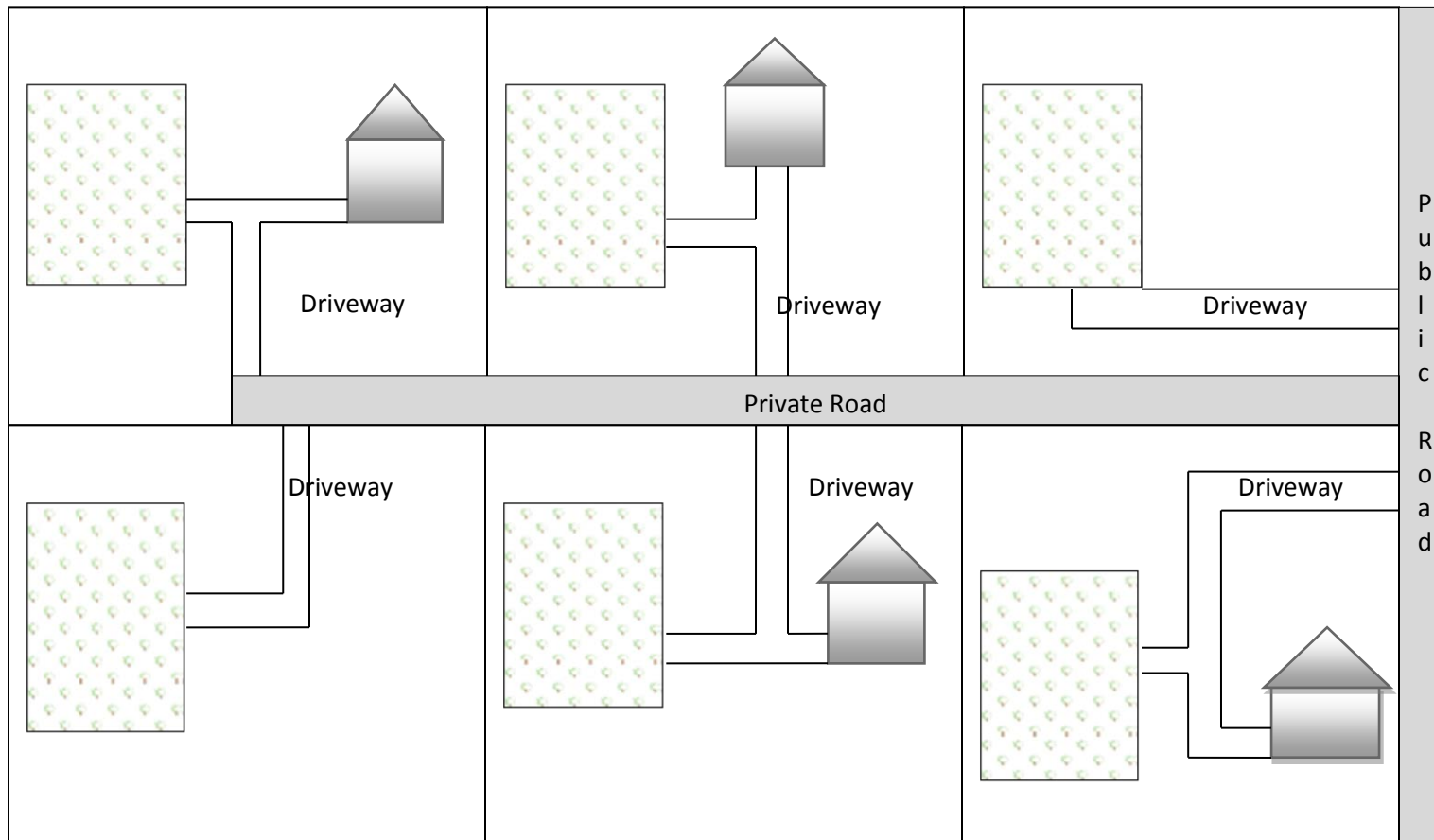
**Figure 21-5 – Private Easement Road**

In all zones, up but not exceeding 3 properties may have their primary access by way of a “Private Easement Road”. Upon the fourth, it must become “Public Road” or “Private Road” depending on the zone and the primary use of the properties.



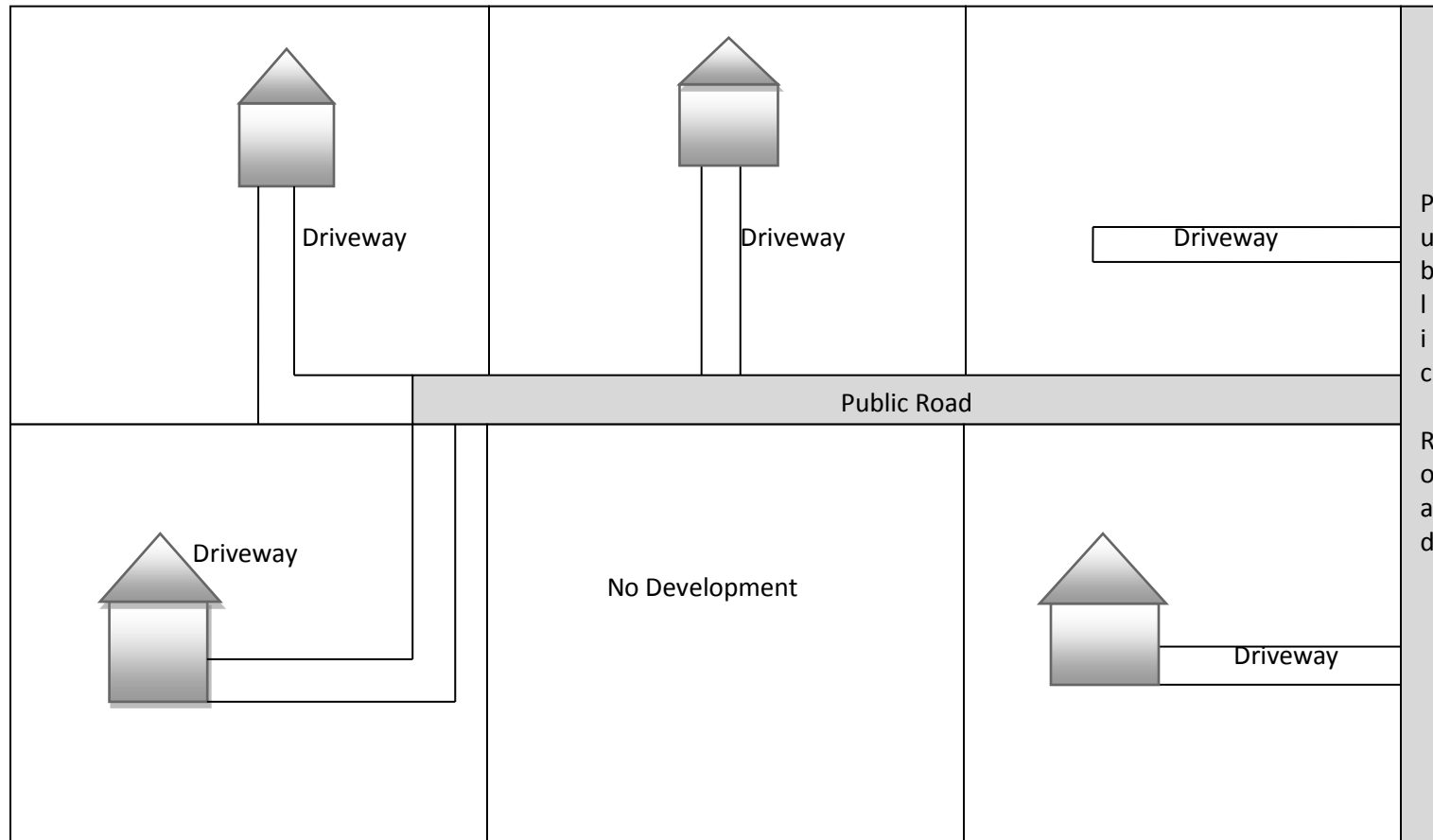
**Figure 21-6 – Private Road**

In A-1, F-1 & F-2 Zones only, between 4 and 10 properties may have their primary access via a “Private Road” if the primary use of the properties is resource related. If the primary purpose is non-resource the access shall become a “Public Road” upon the 4th property using it as its primary access.



**Figure 21-7 – Public Road**

In non-resource zones an access shall become a “Public Road” if it provides primary access to more than 3 properties. In A-1, F-1 & F-2 Zones an access shall become a “Public Road” upon the 11th property if the primary use is resource related or upon the 4th if the primary use is non-resource related. There are no limitations to the number of properties having their primary access via a publicly dedicated road.





## **DETAILED TABLE OF CONTENTS**

### **CHAPTER 22**

**[Reserved for Future Expansion]**