



PLANNING DEPARTMENT

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WASCO COUNTY PLANNING **COMMISSION AGENDA PACKET**

FOR

Work Session Date: August 3, 2021
Work Session Time: 3:00 pm
Work Session Location: Electronically via Zoom
Meeting ID: 896 5664 4034

WORKSESSION DETAILS: The work session agenda includes the following topics: Wasco County Land Use and Development Ordinance Update - review of proposed revisions to Chapter 2, Chapter 21, Chapter 22 and portions of Chapter 3.



MEMORANDUM TABLE OF CONTENTS

Date: July 27, 2021
To: Wasco County Planning Commission
From: Wasco County Planning Office
Subject: Submittal for work session dated August 3, 2021
Re: Wasco County 2040 LUDO Scope

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Chapter 2 – Quick Comparison	PC 1- 1
Chapter 2 – Development Review Procedures	PC 1- 3
Chapters 21 and 22 Revision Notes	PC 1- 40
Updates to EPDs 4-7; 9, 10, 12 and 14	PC 1- 108

Existing Chapter 2 Development Approval Procedures	Draft Chapter 2 Revision	Details of Section and Alterations
Section 2.010 - Purpose	Section 2.010 - Purpose	Added nexus to State law.
Section 2.020 - Review Process	Section 2.090 - Review Procedures (Notice, Decision, & Appeal) TABLE 2-1: Review Procedures Summary	Step-by-step review process for each type of permit or land use action. Visual aid for permit review and appeal authorities.
Section 2.030 - Coordination of Development Approval	Section 2.020 - Review Authorities Section 2.090 - Review Procedures (Notice, Decision, & Appeal) TABLE 2-1: Review Procedures Summary	Authorities responsible for decisions and recommendations. Step-by-step review process for each type of permit and land use action. Visual aid for permit review and appeal authorities.
Section 2.040 - Who May Apply	Section 2.040 - Application Submittal and Completeness Review	Who may apply and what information is needed for a complete application.
Section 2.050 - Pre Application Conference	Section 2.030 - Pre-Application Conference	Little change. More robust submittal requirements and time-lines.
Section 2.060 - Application/Completeness (Amended 4/12)	Section 2.040 - Application Submittal and Completeness Review TABLE 2-1: Review Procedures Summary	Who may apply and what information is needed for a complete application. Visual aid for permit review and appeal authorities.
Section 2.070 - Filing Fees	Section 2.050 - Filing Fees	Added nexus to State law.
Section 2.080 – Notice	Section 2.090 - Review Procedures (Notice, Decision, & Appeal) TABLE 2-1: Review Procedures Summary	Public notice procedures for each type of permit and land use action. Visual aid for permit review and appeal authorities.
Section 2.090 - Contents of Notice	Section 2.090 - Review Procedures (Notice, Decision, & Appeal)	Contents of public notice, decision, and contents of the decision.
Section 2.100 - Administrative Action Procedure of the Director	Section 2.080 - Final Action on Permit or Zone Change Application Section 2.090 - Review Procedures (Notice, Decision, & Appeal) TABLE 2-1: Review Procedures Summary	Added nexus to State law detailing final decision time-lines for permits and land use actions. Review and decision making authority for each permit and land use action. Visual aid for permit review and appeal authorities.
Section 2.100 - Administrative Action Procedure of the Director	Section 2.080 - Final Action on Permit or Zone Change Application Section 2.090 - Review Procedures (Notice, Decision, & Appeal) TABLE 2-1: Review Procedures Summary	Added nexus to State law detailing final decision time-lines for permits and land use actions. Review and decision making authority for each permit and land use action. Visual aid for permit review and appeal authorities.
Section 2.110 - The Decision of the Director	Section 2.080 - Final Action on Permit or Zone Change Application Section 2.090 - Review Procedures (Notice, Decision, & Appeal) TABLE 2-1: Review Procedures Summary Section 2.140 - General Provisions	Added nexus to State law detailing final decision time-lines for permits and land use actions. Review and decision making authority for each permit and land use action. Visual aid for permit review and appeal authorities. Details burden of proof requirements, and other information.

Existing Chapter 2 Development Approval Procedures	Draft Chapter 2 Revision	Details of Section and Alterations
Section 2.120 - Notice of a Decision by the Director	<p>Section 2.090 - Review Procedures (Notice, Decision, & Appeal)</p> <p>TABLE 2-1: Review Procedures Summary</p>	<p>Review and decision making authority for each permit and land use action.</p> <p>Visual aid for permit review and appeal authorities.</p>
Section 2.125 - Time Limits for Permits and Extensions of Time	Section 2.100 - Time Limits for Development Permits and Extensions of Time	How long permits are valid, and provisions for receiving extensions of time.
Section 2.130 - Establishment of Party Status	<p>Section 2.090 - Review Procedures (Notice, Decision, & Appeal)</p> <p>Section 2.110 - Hearing Procedure</p> <p>Section 2.130 - Appeals Procedures</p>	<p>Party status is discussed in three sections. Receiving notice provides party status.</p> <p>Parties to the hearing are recognized by presiding officer.</p> <p>Parties that can file an appeal, procedures of appeal, appeal time-lines, and review authorities.</p>
Section 2.140 - Hearing Procedure	Section 2.110 - Hearing Procedure	Hearing procedures are provided in a step-by-step process.
Section 2.150 - Official Notice	Section 2.120 - Official Notice	Laws, rules, and other facts conclusively established.
Section 2.160 - Appeal from Decision of the Director	<p>Section 2.090 - Review Procedures (Notice, Decision, & Appeal)</p> <p>TABLE 2-1: Review Procedures Summary</p> <p>Section 2.130 - Appeals Procedures</p>	<p>Time limits for appeal and authorities that may appeal on motion.</p> <p>Visual aid for permit review and appeal authorities.</p> <p>Parties that can file an appeal, procedures of appeal, appeal time-lines, and review authorities.</p>
Section 2.170 - Review of a Decision of the Planning Commission	Section 2.130 - Appeals Procedures	Combined all appeals into a single section.
Section 2.170 - Review of a Decision of the Planning Commission	Section 2.130 - Appeals Procedures	Combined all appeals into a single section.
Section 2.180 - Review by the County Governing Body	Section 2.130 - Appeals Procedures	Combined all appeals into a single section.
Section 2.190 - General Conduct of All Hearings; Legislative, Administrative or Quasi-Judicial	Section 2.110 - Hearing Procedure	Hearing procedures and conduct requirements.
Section 2.200 - Additional Hearing Notification Requirements	Section 2.090 - Review Procedures (Notice, Decision, & Appeal)	Combined notice requirements into a single section.
Section 2.210 – Zoning Maps	N/A	Removed, as appears in Chapter 9 and Chapter 15 of the Comprehensive Plan



CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES

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Section 2.010 - Purpose

The purpose of this Chapter is to establish uniform procedures for review of land use applications and other actions required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority. This chapter, in conjunction with other chapters of the Land Use and Development Ordinance, implements the goals and policies of the Wasco County Comprehensive Plan as authorized by Chapters 92, 197 and 215 of the Oregon Revised Statutes.

Section 2.020 - Review Authorities

- A. Review Authorities, Generally: Review authorities are those who are designated to make recommendations or decisions regarding development and land use actions and legislative changes. Table 2.1 lists the development and land use actions and legislative changes that are provided by this Ordinance and establishes:
 1. The review authority charged with making the initial decision;
 2. The review authority charged with making the decision on appeal, if any;
 3. Those circumstances where an additional review authority is charged with making a recommendation on the application or proposal to the decision maker.

Section 2.030 – Pre-Application Conference

- A. Purpose: Pre-application conferences are intended to provide applicants with an opportunity to meet with county staff to discuss proposed projects in order to: familiarize applicants with the substantive and procedural requirements of this ordinance; to provide for an exchange of information regarding applicable elements of



the Comprehensive Plan, and development standards; to identify policies and regulations that create opportunities or pose significant constraints for the proposal; and to discuss procedures prior to filing a land use permit application.

- B. **Applicability:** A pre-application conference is required for all applications the Planning Director determines to be complex enough to necessitate it. This includes but is not limited to larger scale commercial energy projects, subdivisions, planned unit developments, and reviews that involve numbers of County departments and other agencies.
- C. **Submittal Requirements:** Pre-application conference requests shall include all the applications components detailed in [Section 2.040 \(B\)](#).
- D. **Scheduling:** Upon receipt of a complete application, the Planning Director will schedule the pre-application conference and coordinate the involvement of other County departments, as appropriate.
- E. **Report:** Subsequent to the pre-application conference, the Planning Director will provide the applicant with a written report of the conference. The purpose of the written report is to provide a preliminary assessment of the proposal, but shall not be deemed to be a land use decision or recommendation by the County or any other outside agency or service provider on the merits of the proposal.
- F. **Validity Period:** A pre-application conference is valid for the rules that apply at the time of the request. The subsequent land use application is subject to the regulations in effect at the time of application.

Section 2.040 - Application Submittal and Completeness Review

- A. **Initiation of Action:**
 - 1. Type I, II, & III development requests may be initiated by:
 - a. The owner(s) of record; or
 - b. Any person authorized by owner(s) of record to act on the authority of the property owner; or
 - c. Contract purchaser, or lessee of such property, who submits a duly executed written contract; or
 - d. Person or entity authorized by resolution of the County Governing Body; or



- e. A Wasco County Department or public utility agency when dealing with development necessary for public service.
2. Type III quasi-judicial application to amend the Comprehensive Plan text, inventories, maps or figures of the plan; amend a portion of the Comprehensive Plan Land Use Designation map; amend an urban growth boundary; request a zone change or combination of zone change and plan amendment may be initiated by:
 - a. The owner(s) of record; or
 - b. Any person authorized by owner(s) of record to act on the authority of the property owner.
 - c. By resolution of the Board of County Commissioners referring to the Planning Commission a proposal therefore;
 - d. By a majority vote of the Planning Commission confirmed by the Board of County Commissioners;
 - e. By request of the Planning Director, limited to changes required to implement the Comprehensive Plan or to eliminate spot zoning.
 - f. These applications are subject to Chapter 15 of the Wasco County Comprehensive Plan.
 3. Type IV applications for an amendment to one or more policies of the Comprehensive Plan, amend the text, inventories, maps or figures of the plan; amend a portion of the Comprehensive Plan Land Use Designation map; amend this Ordinance; amend the urban growth boundary; or to amend a combination plan change and zone amendment may be initiated by:
 - a. By resolution of the Board of County Commissioners,
 - b. By a majority vote of the Planning Commission, confirmed by the Board of County Commissioners,
 - c. By request of the Planning Director, limited to changes required to implement the Comprehensive Plan or to eliminate spot zoning.
 - d. These applications are subject to Chapter 15 of the Wasco County Comprehensive Plan.



- B. Application Submittal: Type I, II, and III permit applications are subject to the following submittal requirements for an application to be deemed complete:
1. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
 - a. The names, mailing addresses, email addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. The address of the subject property, if any, and its map and tax lot number;
 - c. The Wasco County tax identification number;
 - d. The size of the subject property;
 - e. The Comprehensive Plan designation and zoning of the subject property;
 - f. The type of application being submitted;
 - g. A description of the proposal;
 - h. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application; and
 - i. Anything required by the underlying zone or review use as determined by staff.
- C. An applicant may apply for all permits necessary for a development project at one time. If the applications involve different review processes, they will be heard and decided under the higher review procedure. The consolidated procedure shall be subject to the time limitations set out in this chapter.
- D. After submittal of an application, the request shall be reviewed for completeness as follows:
1. Except as otherwise provided in [ORS 215.427](#), the application shall be reviewed for completeness within 30 days of receipt.
 2. Determination of completeness shall be based upon the submittal requirements of [Subsection 2.040.B](#) of this Chapter. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the County will make a favorable decision on the application.



3. The County shall begin reviewing the application after it is deemed to be complete.
4. Pursuant to [ORS 215.427\(2\)](#), if an application is determined to be incomplete, written notice shall be provided to the applicant within 30 days of receipt of the application, identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. The application shall be deemed complete upon receipt by the Planning Director of:
 - a. All of the missing information;
 - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
 - c. Written notice from the applicant that none of the missing information will be provided.
5. The application will be reviewed for consistency with the rules in effect on the date the application was submitted.
6. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and either has not submitted the required information or provided written notice that the information will not be provided.

Section 2.050 - Filing Fees

All fees related to land use actions are established by Wasco County Board of County Commissioners Order separately from this Ordinance, and are revised, typically, on an annual or as necessary basis. All fees received are deposited in the County General Fund, are not transferable, and may not be refundable.

- A. Any application or appeal filed with the Planning Department shall be accompanied by the appropriate filing fee.
- B. Pursuant to [ORS 215.416\(1\)](#), fees shall not exceed the actual or average cost of providing the service.
- C. Receipt of an application is the date in which an application is submitted and accepted by the Planning Director. Accepted applications shall be deemed “incomplete” for failure to submit the required fee, including return of checks unpaid or other payment processing failure.



- D. Fees are not transferable. 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. An application or appeal filing fee may be waived by the Board of County Commissioners 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 Board of County Commissioners prior to submitting an application or appeal to the Planning Office.

Section 2.080 - Final Action on Permit or Zone Change Application

- A. Pursuant to [ORS 215.427\(1\)](#), for land within an urban growth boundary and applications for mineral aggregate extraction, the County shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under [ORS 215.422](#), within 120 days after determining the application is complete.
- B. Pursuant to [ORS 197.311](#), the review authority shall take final action on qualifying residential developments including resolution of all local appeals under [ORS 215.422](#), within 100 days after the application is deemed complete.
- C. Pursuant to [ORS 215.427\(1\)](#), the review authority shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under [ORS 215.422](#), within 150 days after determining the application is complete.
- D. Time period extensions and refund criteria are provided within [ORS 215.427](#).



TABLE 2-1: REVIEW PROCEDURES SUMMARY

<i>Overlay zones may modify the review procedure.</i>				
Common Land Use Permits/Actions	Review Procedure Type	Public Notice	Review Authority	
			Initial Decision Review Authority	Appeal Review Authority
Structural Without Land Use Application	I		PD	NA
Land Use Verification Letter	I		PD	NA
Ministerial Non Structural	I		PD	NA
Temporary Use Renewal	I		PD	NA
Preliminary Boundary Line Adjustment	I		PD	NA
Preliminary Replat	I		PD	NA
Final Plat Review	I		PD	NA
Telecommunications Tower - Collocation	I		PD	NA
Administrative Variances	II		PD	PC
Temporary Use Permits	II		PD	PC
Preliminary Partition/Replat (Not involving public or private roads)	II		PD	PC
Site Plan Reviews	II		PD	PC
Uses Permitted Subject to Standards	II		PD	PC
Significance Determination for Aggregate Overlay	II		PD	PC
Non-Conforming Use Verification, Restoration, or Alteration	II		PD	PC
Preliminary Partition/Replat (Involving public or private roads approval)	III	X	PC	BOCC
Preliminary Property Line Adjustment (Involving public or private road approval)	III	X	PC	BOCC
Conditional Use Review	III	X	PC	BOCC
Subdivision (Preliminary and Final Plat Approval)	III	X	PC	BOCC
Planned Unit Development (Preliminary and Final Plat Approval)	III	X	PC	BOCC
Mobile Home/Recreational Vehicle Parks	III	X	PC	BOCC
Division of Non Resource Land in Designated Resource Areas	III	X	PC	BOCC
Variance	III	X	PC	BOCC
Private Road Approval	III	X	PC	BOCC
Recommendation to BOCC on public road dedications	III	X	PC	BOCC
Revocation of Conditional Use Permits	III	X	PC	BOCC
Quasi-Judicial Plan Amendment or Zone change request	IV	X	BOCC (Recomm. from PC)	LUBA
Legislative Zone Map Amendment	IV	X	BOCC (Recomm. from PC)	LUBA (PAPA), DLCD (Periodic Review)
Legislative Ordinance Amendment	IV	X	BOCC (Recomm. from PC)	LUBA (PAPA), DLCD (Periodic Review)
Appeal to Board of Commissioners	IV		BOCC	LUBA



Section 2.090 - Review Procedures (Notice, Decision, & Appeal)

All land use applications will be reviewed by the County in accordance with Chapters 92, 197 and 215 of the Oregon Revised Statutes (ORS), and any applicable Oregon Administrative Rule (OAR). To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to local, state and federal agencies, County departments, and County designated Citizen Advisory Groups. A list of applicable local, state and federal agencies and entities shall be maintained by the Planning Director.

Review procedures for the four review types are described as follows:

A. Type I Nondiscretionary Review Procedures (Development Permit):

1. Notice of Application: Notice of the application to the public is not provided.
 - a. A public hearing is not provided for Type I Permits.
2. Decision: The Planning Director shall approve or deny the application based on the applicable standards and approval criteria, and issue a decision.
 - a. The Planning Director has discretion to determine the form of Type I Permit decisions.
3. Notice of Decision: A copy of the decision shall be provided to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof by either electronic or postal mail.
4. Appeal: The Planning Director's decision is the County's final decision and may be appealed as provided by law for a non-discretionary decision.

B. Type II Administrative Review Procedures (Development Permit)

1. Notice is not required for all Type II Development Permits. Table 2-1 provides a comprehensive list of land use proposals that require a notice of pending administrative decision before a decision is issued by the Planning Director or other authorized review authority.
2. Notice of Pending Administrative Decision: 12 days prior to the issuance of a decision, written notice of application shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;



- b. Pursuant to [ORS 215.416\(11\)\(c\)](#), all property owners on the most recent property tax assessment roll:
 - i. Within 100 feet of the property that is the subject of the notice where the property is wholly or in part within an urban growth boundary;
 - ii. Within 250 feet of the property that is the subject of the notice where the property is outside an urban growth boundary and not within a farm or forest zone; or
 - iii. Within 750 feet of the property that is the subject of the notice where the property is within a farm or forest zone;
- c. In addition to notice required under Section 2.b of this section, notice of a replat shall be provided to all current owners of property within the boundary of the replat;
- d. Any active community planning organization, if the subject property lies wholly or partially inside the boundaries of such organization;
- e. Cities within whose recognized Urban Growth Boundary the subject property lies or whose facilities may be impacted, and as prescribed in applicable urban growth management agreements;
- f. A government agency or public district within whose boundary the subject property is located such as county departments, Sheriff's Office, fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. These agencies or districts typically include, but are not limited to, the Department of Environmental Quality, Oregon Department of Transportation, Oregon Department of Agriculture, Oregon Fish and Wildlife, the Department of Defense and other applicable local, state or federal agencies;
- g. Persons who requested to be notified of any land use actions;
- k. Other departments required by the provisions of applicable Zones and Environmental Protection Districts;
- l. 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, or if required by [ORS 197.183](#), [ORS 215.223](#), or [ORS 215.416](#).



3. Additional Notice of Pending Administrative Decision Requirements: The following notification requirements are in addition to those set forth in [Section 2.090.B.1](#) of the Chapter.
 - a. Pursuant to [ORS 215.418](#), notice shall be provided to Department of State Lands (DSL) within five working days of the acceptance of any complete application for the following that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory provided by DSL;
 - i. Subdivisions;
 - ii. Building permits for new structures;
 - iii. Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
 - iv. Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
 - v. Planned unit development approvals.
4. At a minimum, the Notice shall include:
 - a. The title of the request, the date such notice was sent, the general location and geographic description, and present zoning of the subject property;
 - b. An explanation of the nature of the application and the proposed use or uses that might be authorized;
 - c. A list of the applicable criteria from this Ordinance, the Comprehensive Plan, and any other state or federal laws, regulations, or rules that apply to the application;
 - d. The legal owner(s) of record, the name of the applicant(s) seeking review, and their mailing addresses;
 - e. The name and telephone number of the County staff member to contact where additional information may be obtained;



- f. A statement 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 a cost established by the Board of County Commissioners;
 - g. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and
 - h. A statement that subsequent to the closing of the public comment period, a decision will be issued and mailed to everyone entitled to the initial notice of the application.
5. Decision and Contents of Decision: If the applicant requests or the Planning Director decides that an administrative review process is elevated to the Planning Commission for decision, the procedural guidelines from [Section 2.090.C](#) shall be applied. The Planning Director's decision to elevate an application to the Planning Commission is not appealable.

In making a decision on the application, the Planning Director or other authorized review authority shall consider the evidence in the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The Planning Director shall issue a written decision that details the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts.

The decision shall also include:

- a. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
- b. The conditions of approval, if any;
- c. The general location and geographic description of the subject property;
- d. The name, email address, and telephone number of the County staff member to contact where additional information may be obtained;
- e. A statement that the complete application file is available for inspection at no cost and that copies will be provided at a cost established by the Board of County Commissioners;



- f. The date the review authority's decision becomes effective, unless appealed;
 - g. A statement that the decision will not become final until the period for filing an appeal with the County has expired without the filing of an appeal;
 - h. A statement that any person who is adversely affected or aggrieved or who is entitled to written notice under [Section 2.080.B](#), may appeal the decision by filing a written appeal within twenty-one (21) days from the date such notice of decision was sent;
 - i. A statement that provides location for filing the appeal, a brief statement explaining how to file an appeal, the appeal fee, and where further information may be obtained concerning the appeal process; and
 - j. An affidavit of all mailing notices shall be made part of the record.
6. Additional Considerations for Decision:
- a. The applicant has the burden to demonstrate that the application complies with the applicable standards and criteria. The applicant shall demonstrate by substantial evidence in the record that:
 - i. The proposed action fully complies with the applicable map elements of the Comprehensive Plan.
 - ii. The proposed action fully complies with other applicable elements of the Comprehensive Plan.
 - iii. The proposed action is in accordance with the applicable criteria of this Ordinance.
 - b. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.
 - c. Written comments from parties or other persons.
7. Limitations Applicable to Conditions of Approval
- a. Conditions of approval shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within two years from the date of decision.



- b. Changes or alterations of conditions shall be processed as a new review.
 - c. A condition of approval may require the property owner or developer to enter into a development agreement with the County. The Planning Director has authority to execute the agreement on behalf of the County. If a development agreement is required, no building permit shall be issued for the property until the agreement is executed and recorded in the real property records of Wasco County.
 - d. The County may require a bond, cash deposit or other form of financial security, in a form acceptable to the County, to ensure compliance with the conditions of approval. If a bond or other financial security is required, it shall be in an amount equal to 125 percent of any improvements secured by the bond. The bond or other financial security shall be provided to the County prior to the issuance of any building permits for improvements to the site.
 - e. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of administrative action, enforcement action or revocation of approval by the Planning Director.
8. Notice of Decision: The notice of decision and all other application materials, documents and other evidence submitted by or on behalf of the applicant or developed by staff for the land use decision shall become part of the record available for public review.

A copy of the decision shall be mailed to those identified in Subsections 2.080.B.2 and 2.080.B.3 of this Chapter.

9. Appeal: A Type II decision is the County's final decision unless an appeal is filed with the Planning Director within 12 days after the date of the decision. The Planning Commission or other authorized review authority, or Board of County Commissioners on its own motion, may order review of the decision within 12 days after the date of the decision. An appeal is subject to the standards and procedures described in [Section 2.130](#) of this Chapter.
10. Re-filing an Application: If an application is denied or a permit revoked by the Planning Director or other authorized review authority, and no higher authority reverses such denial or revocation upon appeal, a new application for the same or substantially similar action may not be filed for at least 12 months from the date of the final order of the action denying the application.

C. Type III Quasi-Judicial Review Procedures (Development Permit)



1. Notice of Application and Public Hearing: A minimum of 20 days prior to the first public hearing of each review authority on the proposal, or if two or more evidentiary hearings are allowed, ten days prior to the first evidentiary hearing, written notice of application and hearing shall be mailed to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners on the most recent property tax assessment roll:
 - i. Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
 - ii. Within 300 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - iii. Within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone;
 - d. The Oregon Department of Land Conservation and Development, at the discretion of the applicant;
 - e. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat;
 - f. Any active community planning organization, if the subject property lies wholly or partially inside the boundaries of such organization;
 - g. A city, within whose recognized Urban Growth Boundary the subject property lies or whose facilities may be impacted, and as prescribed in applicable urban growth management agreements;
 - h. Any governmental agency or public district within whose boundary the property is located, such as county departments, Sheriff's Office, fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Impacted jurisdictions and agencies typically include, but are not limited to, the Department of Environmental Quality, Oregon Department of Transportation, Oregon Department of Agriculture, Oregon Fish and Wildlife, the Department of Defense and other applicable local, state or federal agencies;



improvement, and where these facilities or improvements include or may impact a collector or arterial street, shall 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.

- e. If a proposed zone change will limit or prohibit uses previously allowed in the zone, the County shall provide mailed notice to each owner of property within the affected zone. The form of the notice shall generally comply with ORS 215.503.
3. Contents of Notice of Application and Public Hearing: At a minimum, the contents shall include:
- a. The title of the request, the date such notice was sent, the general location and geographic description, and present zoning of the subject property;
 - b. An explanation of the nature of the application and the proposed use or uses that might be authorized;
 - c. A list of the applicable criteria from this Ordinance, the Comprehensive Plan, and any other state or federal laws, regulations, or rules that apply to the application;
 - d. The legal owner of record, the name of the applicant, and their mailing addresses;
 - e. Date, time, and location of the hearing;
 - f. A statement that failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;
 - g. A statement 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 a cost established by the Board of County Commissioners;
 - h. A statement 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 a cost established by the Board of County Commissioners;



- i. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and
 - j. The name and telephone number of the County staff member to contact where additional information may be obtained;
 - k. A general explanation of the requirements for submission of comments, testimony and the procedure for conduct of hearings; and
 - l. An affidavit of all mailing notices shall be made part of the record.
4. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the Planning Commission or other authorized review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing. All application materials, documents or other evidence submitted by or on behalf of the applicant for any land use approval shall be provided and made available for public review.

Additional considerations include the following:

- a. The applicant has the burden to demonstrate that the application complies with the applicable standards and criteria. Unless otherwise provided for in this Chapter, the applicant shall demonstrate by substantial evidence in the record that:
 - i. The proposed action fully complies with the applicable map elements of the Comprehensive Plan.
 - ii. The proposed action fully complies with other applicable elements of the Comprehensive Plan.
 - iii. The proposed action is in accordance with the applicable criteria of this Ordinance.
- b. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.



5. Public Hearing: A public hearing shall be held before the Planning Commission or other authorized review authority for the purpose of receiving testimony and making a decision regarding the application. Rules of public hearing procedure and conduct are provided in [Section 2.110](#) of this Chapter.

6. Decision: The Planning Commission or other review authority shall consider the record and approve, approve with conditions, or deny the application based on the evidence in the record and the applicable standards and criteria. The Planning Commission or other review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision shall also include:
 - a. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
 - b. The conditions of approval, if any;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date the review authority's decision becomes effective, unless appealed; and
 - e. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal within 12 days from the date such notice of decision was sent, the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process.

7. Notice of Decision: The notice of decision, staff report, and all other application materials, documents and other evidence submitted by or on behalf of the applicant or developed by staff for the land use decision shall become part of the record available for public review.

A copy of the decision shall be mailed to:

- a. Those identified in [Section 2.090.C](#) of this Chapter;
- b. Anyone who provided evidence, argument, or testimony as part of the record;



- c. Anyone who made a written request for notice of decision; and
 - d. DLCD, if required pursuant to [ORS 197.615](#). Procedures for the giving of the required notice to DLCD shall be those established by [ORS 197.615](#) and [OAR 660-018](#).
8. Appeal: The Planning Commission or other authorized review authority's decision is final unless an appeal is filed with the Planning Director within 12 days after the date of the decision. The Board of County Commissioners on its own motion, order review of the decision within 12 days after the date of the decision. An appeal is subject to the standards and procedures described in [Section 2.130](#) of this Chapter.
 9. Re-filing an Application: If an application is denied or a permit revoked by the Planning Director or other authorized review authority, and no higher authority reverses the decision, a new application for the same or substantially similar action may not be filed for at least 12 months from the date of the final order of the action denying the application.
- D. Type III Text Amendment or Zone Change Request (Quasi-Judicial Review Procedures)
1. Notice of Application and Public Hearing: Written notice of an application and hearing shall be mailed within a minimum of 20 days prior to the first public hearing, or if two or more evidentiary hearings are allowed, ten days prior to the first evidentiary hearing, to:
 - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. All property owners on the most recent property tax assessment roll that are:
 - i. Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
 - ii. Within 250 feet of the property which is the subject of the proposed plan amendment or zone change request where the subject property is inside or outside an urban growth boundary and not within a farm or forest zone; or
 - iii. Within 750 feet of the property which is the subject of the proposed plan amendment or zone change request notice where the subject property is within a farm or forest zone;
 - c. Those identified in [Subsections 2.090.C.1](#);



3. Additional Notice of Application and Public Hearing Requirements:
 - a. Pursuant to [ORS 197.610](#) and [OAR 660-018-0020](#), a minimum of 35 days prior to the first public hearing, notification shall be provided to the Oregon Department of Land Conservation and Development (DLCD). Procedures for the giving of the required notice shall be those established by [ORS 197.610](#) and [OAR 660-018](#).
 - b. Notice shall be printed by publication in a newspaper of general circulation within Wasco County at least 14 days prior to the date of first public hearing of each review authority on the proposal. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio, website, and television. An affidavit of publication shall be made part of the record.
 - c. Pursuant to [ORS 197.798](#) and [OAR 660-012-0060](#), notice of a 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, shall 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:
4. Contents of Notice of Application and Public Hearing: At a minimum, the contents shall include:
 - a. Those contents identified in [Subsection 2.090.C.3](#) of this Chapter.
5. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. Additional considerations include the following:
 - a. The applicant has the burden to demonstrate that the application complies with the applicable criteria. Unless otherwise provided for in this Chapter, the applicant shall demonstrate by substantial evidence in the record that:
 - i. The proposed action fully complies with the applicable map elements, goals and policies of the Comprehensive Plan.



- ii. The proposed action is in accordance with the applicable criteria of this Ordinance.
- iii. The site is suitable to the proposed zone;
- iv. Evidence of change in a neighborhood or community, or mistake in the planning or zoning for the property under consideration, are additional relevant factors.
- v. Factors that relate to the public need for health, safety and welfare in applying the specific zoning regulations.
- vi. A text amendment or zone change may be based on special studies or other information that provide a factual basis to support the change. The public need and justification for the particular change must be established.

The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing. All application materials, documents or other evidence submitted by or on behalf of the applicant for any land use approval shall be provided and made available for public review.

6. Additional Review Requirements for Proposed Plan Amendments: Transportation Planning Rule Compliance

A proposed zone change or land use regulation amendment shall be reviewed to determine whether it significantly affects a transportation facility in accordance with [OAR 660-012-0060](#) (the Transportation Planning Rule – “TPR”).

7. Public Hearing: A public hearing shall be held before the appropriate review authority. Rules governing the conduct of the public hearing are provided in [Section 2.110](#) of this Chapter.
 - a. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission or other authorized review authority for the purpose of receiving testimony regarding the application.
 - i. Planning Commission Recommendation: The Planning Commission or other authorized review authority shall consider the evidence in the record and may make a recommendation to the Board of County Commissioners to approve, approve with modifications, or decline to approve the application. If no recommendation is made by the Planning Commission or other authorized review authority, and an extension is not granted by the Board



of County Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a recommendation.

- b. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners, for the purpose of receiving testimony regarding the application and to make a final decision.
8. Decision: The Board of County Commissioners shall consider the evidence in the record and approve, approve with modifications, or deny the application based on the applicable standards and criteria. The Board shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
- a. An explanation of the nature of the application and the plan or zone changes that were proposed and, if applicable, are authorized by the decision;
 - b. The modifications made, if any;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date the review authority's decision becomes effective, unless appealed;
 - e. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision; and
 - f. A statement that the decision may be appealed to the Land Use Board of Appeals pursuant to [ORS 197.830 to 197.845](#).
9. Notice of Decision: A copy of the decision shall be mailed to:
- a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - b. Anyone who provided evidence, argument, or testimony as part of the record;
 - c. Anyone who made a written request for notice of decision; and
 - d. Pursuant to [ORS 197.615](#) and [OAR 660-018-0022](#), to the Oregon Department of Land Conservation and Development (DLCD) within 20 days after the date of a decision to adopt the change. Procedures for notice to DLCD are set forth in [ORS 197.610](#) and OAR 660-018.



10. Appeal: The Board of County Commissioners decision is final. The Board's decision may be appealed to the Land Use Board of Appeals pursuant to [ORS 197.830-845](#).
11. Refiling an Application: If an application is denied or a permit revoked by the Planning Director or other authorized review authority, and the decision is not reversed by a higher authority on appeal, a new application for the same or substantially similar action may not be filed for at least 12 months from the date of the final order of the action denying the application.

E. Type IV Legislative Land Use Proposals (Legislative Review Procedures)

1. A proposed legislative change must be submitted to the Department of Land Conservation and Development (DLCDC) at least 35 days before holding the first evidentiary hearing on the proposed change. The proposed change must be submitted to DLCDC on the forms and include materials outlined in [OAR 660-18-0020\(2\)](#).
2. Notice of Proposal and Public Hearing: A minimum of 20 days, but no more than 40 days, prior to the first public hearing of each review authority on the proposal, written notice of the proposal and hearing shall be mailed to:
 - a. When the proposed change will limit or prohibit a use allowed in a zone, to the owner(s) of property in the affected zone;
3. Additional Notice of Proposal and Public Hearing Requirements:
 - a. Notice shall be printed by publication in a newspaper of record for Wasco County at least 14 days prior to the first public hearing of each review authority on the proposal. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio, website, and television. An affidavit of publication shall be made part of the record.
4. Contents of Notice of the Legislative Proposal and Public Hearing:
 - a. Pursuant to [ORS 215.503\(5\)](#), at a minimum, the contents of the notice for individual property owners shall substantially contain the following language:
 - i. This is to notify you that Wasco County has proposed a land use regulation that may affect the permissible uses of your property and other properties in the affected area, and may change the value of your property. On [date of public hearing], Wasco County will hold a public hearing at regarding the adoption of [Ordinance Number or File Number]. Wasco County has



determined that the adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property. [Ordinance Number or File Number] is available for inspection at no cost at the Wasco County Planning Department located at [current address]. A copy of [Ordinance Number or File Number] is also available for purchase for the cost of copies. For additional information concerning [Ordinance Number or File Number], you may call the Wasco County Planning Department at [phone number], visit our website [url], or email the staff contact [name and email address].

- ii. Pursuant to [ORS 215.513](#), the notice shall also contain the following statement: NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

- b. An affidavit of all mailing notices shall be made part of the record.

5. Additional Notice Requirements for Periodic Review of the Comprehensive Plan:

- a. Pursuant to [ORS 215.503\(6\)](#), for proposed amendments of a comprehensive plan or land use regulation by the Board of County Commissioners required by periodic review of the comprehensive plan under [ORS 197.628](#), [197.633](#) and [197.636](#), a written individual notice of the land use change shall be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of the property and contain the language required by [ORS 215.503 \(6\) \(a\) and \(b\)](#).

6. Proposal Review and Staff Report: The Planning Director shall consider the proposal, written comments, and evidence prior to each public hearing; prepare a staff report summarizing the proposal, comments received to-date, and relevant issues associated with the proposal; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.

- a. Considerations for Comprehensive Plan amendment proposals can be found in Chapter 15 of the Wasco County Comprehensive Plan.
- b. Considerations for Land Use Ordinance amendment proposals include, but are not limited to the following:



- i. The proposed action fully complies with the applicable map elements, goals and policies of the Comprehensive Plan.
- ii. Substantial evidence that the change is not detrimental to the spirit and intent of the applicable goals.
- iii. Evidence of change in a neighborhood or community, or mistake in the planning or zoning for the property under consideration, are additional relevant factors.
- iv. Factors that relate to the public need for health, safety and welfare in applying the specific zoning regulations.
- v. Revisions may be based on special studies or other information that provide a factual basis to support the change.
- vi. The public need and justification for the particular change must be established.

7. Additional Review Requirements for Proposed Plan Amendments: Transportation Planning Rule Compliance:

A proposed zone change or land use regulation change, whether initiated by the County or a private party, shall be reviewed to determine whether it will significantly affect a transportation facility in accordance with [OAR 660-012-0060](#) (the Transportation Planning Rule – “TPR”).

8. Public Hearing: A public hearing shall be held before the appropriate review authority. Rules governing the conduct of the public hearing are provided in [Section 2.110](#) of this Chapter.
 - a. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission or other authorized review authority for the purpose of receiving testimony regarding the proposal.
 - i. Planning Commission Recommendation: The Planning Commission or other authorized review authority shall consider the evidence in the record and may make a recommendation to the Board of County Commissioners to adopt, adopt with modifications, or decline to adopt the proposal. If no recommendation is made by the Planning Commission or other authorized review authority and an extension is not granted by the Board of County



Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a recommendation.

- b. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners for the purpose of receiving testimony regarding the proposal.
9. Decision: The Board of County Commissioners shall consider the record and adopt, adopt with modifications or decline to adopt the proposal; remand the matter back to the Planning Commission or other authorized review authority for further consideration; or table the matter. The decision of the Board of County Commissioners to adopt or adopt with modifications shall be by ordinance. The decision also shall include:
- a. A brief summary of the decision;
 - b. If adopted: The date and number of the adopting ordinance; and where and when the adopting ordinance, staff report, and all other materials, documents and other evidence submitted or developed by staff can be obtained;
 - c. A statement that the decision may be appealed to the Land Use Board of Appeals pursuant to [ORS 197.830 to 197.845](#); and
 - d. The name and telephone number of the County staff member to contact where additional information may be obtained.
 - e. An affidavit of all mailing notices shall be made part of the record.
10. Notice of Decision: A copy of the decision shall be mailed to:
- a. The Oregon Department of Land Conservation and Development (DLCD). Procedures for notice to DLCD are set forth in [ORS 197.610](#) and [OAR 660-018](#).
 - b. Parties who both participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or this Ordinance and requested in writing that the County give notice of the change.
11. Appeal: The Board of County Commissioners decision is final. The decision may be appealed to the Land Use Board of Appeals pursuant to [ORS 197.830 to 197.845](#).



Section 2.100 - Time Limits for Development Permits and Extensions of Time

A. Time Limits for Permits:

1. A development permit approval is valid for two years from the date of the final decision unless otherwise specified in the approval or by other provisions of the Wasco County Land Use and Development Ordinance, and except as provided for in Subsection 2.100.B below.
2. A permit for a discretionary approval of residential development on agricultural or forest zoned land is valid for four years, consistent with [OAR 660-033-0140](#) and [ORS 215.417\(1\)](#), unless otherwise specified in the approval or by other provisions of the Wasco County Land Use and Development Ordinance, and except as provided in Subsection 2.100.B below. For the purpose of this section “residential development” only includes the dwellings provided for under [ORS 215.213\(3\) and \(4\)](#), [215.284](#), [215.705\(1\) to \(3\)](#), [215.720](#), [215.740](#), [215.750](#), and [215.755\(1\) and \(3\)](#).
3. A permit becomes invalid if development has not commenced within the time limit listed in Section 2.100 (A) 1 and 2, and is not timely extended under Section 2.100 (B). Commencement of development is defined in Chapter 1 of this Ordinance.
4. A permit becomes invalid if the approved use is discontinued for any reason for one continuous year or more.

- B. Extension of Time Request: If an extension of time is required, the holder of the approved permit must apply for an extension. A one-time extension may be granted for a maximum of two years. Extension of time requests will be reviewed as an administrative action. Approval of an extension granted under this rule is not a land use decision as described in [ORS 197.015](#) and is not subject to appeal as a land use decision.

Extensions shall be granted only upon findings that:

1. Written 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 that will necessitate significant modifications of the development approval or conditions of approval.
3. For extensions for applications in an Exclusive Farm Use Zone, the applicant shall provide reasons, for which the applicant is not responsible, that prevented the applicant from beginning or continuing development within the approval period.



Section 2.110 - Hearing Procedure

- A. General Conduct of All Hearings. The presiding officer 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 rules of conduct. Violations of the rules of conduct shall be grounds for the immediate suspension of the hearing. The following rules apply to the general conduct of the hearing:
1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
 2. No person shall testify without first receiving recognition from the review authority.
 - a. Recognition shall require that the witness state their full name and address for the record.
 3. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.
 4. Audience demonstrations such as applause, cheering, and display of signs, or other conduct that disrupts the hearing is not permitted.
- B. In conducting a public hearing, the presiding officer has authority to:
1. Determine the order of the proceedings, including witness testimony.
 2. Regulate the course, sequence and decorum of the hearing.
 3. Dispose of procedural requirements or similar matters.
 4. Impose reasonable limits on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony.
 5. Take such other action appropriate for conduct commensurate with the nature of the hearing.
 6. When conducted by a hearings officer, grant, deny, or in appropriate cases, attach conditions pursuant to [Subsections 2.090.B](#) & [2.090.C](#) of this Chapter to the matter being heard.



- C. Order of Procedure: Pursuant to [ORS 197.763](#), and unless otherwise specified, the review 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. List the applicable substantive criteria.
 3. State that testimony, arguments and evidence must be directed toward the applicable substantive criteria or other criteria in the Comprehensive Plan or Land Use Ordinance which the person believes to apply to the decision.
 4. State that failure to raise an issue accompanied by statements or evidence sufficient to afford the review authority and the parties an opportunity to respond to the issue precludes appeal based on that issue.
 5. Recognize parties.
 6. Ask for disclosure of any bias, conflicts of interest or ex parte contact by those on the decision making body.
 7. Allow opportunity for the presenting and receiving of evidence.
 - a. The presiding officer may set reasonable time limits for oral presentations.
 - b. Members of the review authority may visit the property and the surrounding area, and may use information obtained during the site visit to support its decision, if the information is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
 8. Unless otherwise directed by the presiding officer, public testimony shall proceed in the following order:
 - a. The applicant;
 - b. Testimony in support of the application;
 - c. Testimony opposed to the application;
 - d. Neutral testimony;
 - e. Applicant rebuttal.
 9. Members of the reviewing body may ask questions of the applicant, witnesses or staff at any time during the hearing.



10. Following applicant rebuttal, the review authority may ask staff to respond to or clarify issues raised during the testimony.
11. Prior to the conclusion of the initial evidentiary hearing, any party may request that the record be held open to allow additional evidence, argument, or testimony regarding the application.
 - a. The review authority shall grant the request either by continuing the hearing to a time and date certain, or by holding the record open for additional written evidence.
 - b. If the hearing is continued and new evidence is submitted, the review authority shall provide an opportunity for testimony to address the new evidence.
 - c. If the record is left open, it shall be left open for at least seven days, and shall include an additional opportunity to respond to any new evidence that is received during the seven day period.
 - d. The applicant shall have an additional seven days after the record is closed to all other parties to submit final written argument, which may not include new evidence. The additional seven days is not included in the relevant deadline for issuing a final local decision. The applicant may waive the opportunity to file final written argument.
 - e. If the applicant requests the record be held open for additional evidence, the period the record is held open is not included in the relevant deadline for issuing a final local decision.
12. The applicant at its discretion may extend in writing the time for issuing a final decision.
13. The review authority at its discretion may continue the hearing to allow the submission of additional evidence or for deliberation without additional evidence.
 - a. New notice of a continued hearing need not be given so long as the review authority establishes a certain time and location for the continued hearing.
14. After the opportunity to submit evidence has expired, the presiding officer shall close the record and the review authority shall proceed to deliberate. Unless the review authority reopens the record to allow responsive evidence, any evidence that is received after the record is closed shall not be placed before or considered by the review authority.
15. The review authority's decision shall be set forth in writing with appropriate findings, conditions and conclusions. The decision is final when signed by the review authority.



- a. For the purpose of signing a decision of the Planning Commission or other authorized review authority, the Chair of the Planning Commission or authorized reviewing authority or the Planning Director may sign.

16. The Planning Director shall send a notice of the review authority's decision to all parties to the matter.

D. Ex Parte Contact, Conflict of Interest and Bias

An impartial review authority as free from potential conflicts of interest and pre-hearing ex-parte (outside the hearing) contacts as reasonably possible shall be a procedural entitlement provided at the public hearing.

Pursuant to [ORS 215.422](#), the following rules and procedures govern a decision maker's participation in a quasi-judicial or legislative proceeding or action affecting land use:

1. **Ex Parte Contact:** In a quasi-judicial proceeding, a member of the review authority who receives information regarding the application through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This subsection does not apply to legislative proceedings or contacts between staff and a member of the review authority.
2. **Conflict of Interest:** A member of a review authority shall not participate in any proceeding or action in which the member has an actual conflict of interest as defined in ORS 244.020. A member of a review authority shall disclose any potential conflict of interest, as defined in ORS 244.020, at the beginning of the initial hearing, but may thereafter participate in the proceeding.
3. **Bias:** All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This paragraph does not apply to legislative proceedings.

Section 2.120 - Official Notice

- A. The review authority may take official notice of the following:
 1. The laws of the State of Oregon, the United States, any federally recognized American Indian tribal government and any state, territory or other jurisdiction of the United States.



2. The Comprehensive Plan and other officially adopted plans, ordinances, joint management agreements, 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 review authority in reaching a decision.

Section 2.130 - Appeals Procedures

A. Appeals of Type II Administrative Decisions

1. Appeal of a Type II Administrative decision is subject to review by the Planning Commission or other authorized review authority. Table 2-1 identifies those Type II decisions and the applicable review authority.
2. An appeal may be filed by the following:
 - a. The applicant, property owner or contract purchaser, as shown in the Wasco County assessment records.
 - b. A person who submitted written comments on the application.
 - c. A person who received notice of the application.
 - d. A Citizen Advisory Group pursuant to the County Citizen Involvement Program.
 - e. An affected unit of local government, state or federal agency.
3. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision.
 - a. A party to an action who wishes to appeal an administrative decision shall submit the appeal notice on a form prescribed by the Planning Director. The notice must include the required appeal fee. In addition, the appeal notice shall contain:
 - i. A reference to the decision appealed.
 - ii. A description of the reasons the appellant believes the decision is in error.
 - iii. The date of the final decision of the action.
 - b. The failure to submit the appeal notice in a timely manner with the required fee, including return of checks unpaid or other failure of payment, is jurisdictional defect and the appeal will be dismissed.



4. Party Notice of Appeal: 20 days prior to the date of the appeal hearing, the Planning Director shall give notice to all parties to the case of the time, date and place of the hearing.
 - a. Notice shall be printed by publication in a newspaper of general circulation within Wasco County at least 14 days prior to the date of first public hearing of each review authority on the proposal. The notice provisions of this section shall not restrict the giving of notice by other means, including mail, radio, website, and television. An affidavit of publication shall be made part of the record.
 - b. Notice of a quasi-judicial hearing shall be provided as described in [Subsection 2.090.C](#) of this Chapter.
5. A staff report shall be made available to the public for review a minimum of seven days prior to an evidentiary hearing.
6. An administrative action that is appealed to the Planning Commission or other authorized review authority shall be heard "de novo," without limitation to the issues or evidence, and the hearing conducted as the initial evidentiary hearing.
 - a. An appeal hearing shall follow the hearings procedures set forth in [Section 2.110](#) of this Chapter.
7. The Planning Commission or other authorized review authority may affirm, reverse or modify the administrative decision, including such conditions of approval that the Planning Commission or other review authority determines are necessary to ensure compliance with the applicable standards and criteria.
8. The Planning Director shall send a copy of the Planning Commission or review authority's decision to all parties to the matter.

B. Appeals of Type III Quasi-Judicial Decisions

1. Appeal of a Type III Quasi-Judicial decision made pursuant to this Chapter is subject to review by the Board of County Commissioners. Table 2-1 identifies those land use decisions that may be appealed to the Board of County Commissioners.
 - a. A Type III decision may be appealed by any person who participated in the proceedings before the Planning Commission or other review authority.



5. Appeal of a Type III Quasi-Judicial decision shall be de novo.
6. The Board of County Commissioners may affirm, remand, reverse or modify the action of the lesser authority, and including conditions of approval the Board determines are necessary to ensure compliance with the conditions of approval. The Board of County Commissioners shall adopt written findings based on the evidence in the record.
7. The Planning Director shall send a copy of the Board's decision to all parties to the matter.
8. The Board of County Commissioners' decision is final. The decision may be appealed to the Land Use Board of Appeals pursuant with [ORS 197.805 to 197.860](#).

C. Appeals of Type IV Legislative Decisions

1. Appeal of a Type IV Legislative decision (Post Acknowledgment Plan Amendments only) made pursuant to this Chapter shall be made to the Land Use Board of Appeals in accordance with [ORS 197.620, 197.805 to 197.860](#).
2. A Legislative Decision made pursuant to periodic review must be appealed first to DLCD using the objection process. The final order can be appealed per ORS 197.650.

Section 2.140 – General Provisions

- A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.
- B. Property Owner's Signature: When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that he or she is buying the property under contract, the Planning Director or other authorized review authority may accept these statements to be true. Nothing herein shall prevent the Planning Director or other authorized review authority, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.



- C. **Property Owner Notice:** Where notice to property owners of record is required by [Section 2.090](#) and [Section 2.120](#) of this Chapter, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal will not be notified of the application, decision, or hearing. Wasco County is not required to provide more than one notice to a person who owns more than one lot or parcel affected by a change to the Comprehensive Plan or land use regulation. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in [Section 2.090](#) and [Section 2.120](#) of this Chapter shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.
- D. **Method of Mailing:** When mailing is required by [Section 2.090](#) and [Section 2.120](#), first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.
- E. **Burden of Proof:** Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.
- F. **Withdrawal:** Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.
- G. **Effective Date of Decision:** The County's final decision on a Type I, II, or III land use permit application becomes effective on:
1. The day the final decision is reduced to writing and signed by the decision maker, if no appeal at the County level is allowed;
 2. The day after the appeal period expires, if an appeal at the County level is allowed and the decision is not appealed; or



3. The day the decision is reduced to writing and signed by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County's final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed.



Chapter 21

- (Page 1, Introduction) The introductory paragraph was revised to more accurately reflect State Law.
- (Pages 1-2, Section 21.010) Additional purpose statements were added that reflected the policies and implementation strategies adopted in Wasco County 2040, the Comprehensive Plan.
- (Pages 2-7, Section 21.020) The revisions in this section reflect reference updates, streamlining of language/word choice, and clarifications of criteria based on analysis of state law. The irrigation district notification language is a required update resulting from the passage of [Senate Bill 865 \(2017\)](#).
- (Page 8 -9, Section 21.020) Staff is recommending clear and objective flag lot standards to be in conformance with ORS 197.307 (4). These standards are best practices throughout the state and have been approved by counsel as consistent with common practice. These criteria are necessary to be able to mitigate flag lot development.
- (Page 9-10, Section 21.020(Z)) The public open space language was revised to make more sense. Staff is also proposing language requiring a maintenance agreement for publicly dedicated space, as recommended by the public during Wasco County 2040. These provisions are specifically for subdivisions or planned unit developments.
- (Page 12, Section 21.030) The Technical Advisory Group advised the requirement for preliminary title report at the time of application to help identify any potential obstacles to approving the land division. They also wanted the language requiring an updated preliminary report, if changes have been made, ahead of final plat review as required by law. Staff also added in the necessary language for an affidavit of consent for all owners and lienholders on land use planning actions. Also in this section is language on series partitioning, consistent with ORS 92.
- (Page 13, Section 21.030) Staff and the Technical Advisory Group recommended the addition of an extension for a preliminary plat understanding costs and coordination involved in the process. Other edits on this page clean up the language to be consistent with state law and remove arbitrary criteria.
- (Pages 14-15, Section 21.030) These revisions reflect more accurately state law. This includes summarizing state law (ORS 209.250), and instead placing a direct citation as recommended by the Technical Advisory Group.
- (Pages 20-23) Revisions represent better alignment with state law and clarity of rules recommended by the Technical Advisory Group. Replats and property line adjustments have been decoupled because the processes are significantly different, replats being aligned with partitions or subdivision procedures.
- (Pages 26-27, Section 21.100) Staff and the Technical Advisory Group recommend a revision to the development phasing section of subdivisions.. This revision allows for 24 months for the phase, rather than 12, which accounts for costs and coordination associated with subdivisions.

Chapter 22

- (Page 1, Section 22.020) Revisions reflect requirements in Chapter 10 (Fire Safety Standards).
- (Page 2, Section 22.020) The Public Works Department no longer maintains a sign program, thus necessitating new signs to be installed by the applicant/developer.
- (Page 3, Section 22.020) New criteria related to road standards, consistent with new policies in Wasco County 2040, were added including a waiver of remonstrance or fees in lieu of construction for roads.
- (Pages 4-80) These revisions reflect reference corrections or updates consistent with state law.
- (Page 9) Changes to road standards are consistent with fire safety standards. Also on this page is the ability for the Public Works Director to review road standards, consistent with current practice.
- (Page 10) New criteria was added to be consistent with Wasco County 2040 policies and state law.
- (Pages 11-15) Minor clean up revisions, including reference corrections.
- (Page 16) This Section was moved from page 26 in the Road Standards and the criteria was revised to reflect changes to policy and state law.

All other edits are corrections, state law updates, or title updates and are mandatory.



CHAPTER 21 - LAND DIVISIONS

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~~As authorized by law, including Oregon Revised Statutes Chapters 92, 197, and 215, subdivisions and, partitions, replats and property line adjustments and streets created for the purpose of partitioning land and replats and property line adjustments shall be approved in accordance with this Chapter. This Chapter applies to all land within the unincorporated territory of the County. All land divisions, replats, and property line adjustments shall be approved in accordance with this Chapter and Oregon Revised Statutes (ORS) Chapters 92, 197 and 215. A person desiring to subdivide, partition, or replat land, to adjust a property line, 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, Chapter 2 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 ~~divisions~~^{development}, including *subdivisions, partitions, 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. **Ensure adequate lot and parcel sizes for homesites and other development;**



- E. **Encourage safe and convenient access;**
- F. **Ensure adequate sanitation and water supply services;**
- G. **Protect the public from pollution, flood, fire, landslides, and other hazards to life and property;**
- H. Improve land records and boundary monumentation.
- I. **Ensure 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.**

~~A~~ No person may **not** *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 21.020 - 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, **and no property line adjustment shall be filed or recorded** until submitted to and approved by the Approving Authority.
- ~~A.B.~~ **All subdivision and partition proposals shall comply with ~~conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions~~**
- ~~B.C.~~ **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.D.~~ **Conformity with the Comprehensive Plan:** All divisions of land shall conform to ~~and be in harmony with the~~ **applicable provisions of the** Wasco County Comprehensive Plan and Comprehensive ~~Plan~~ **Zoning** Map of that portion of the County within which the subdivision and partition lies.
- E.** **Conformity with Zoning Chapter:** All **land** divisions ~~of land~~, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3, **including zone and overlay zone criteria and regulations,** of this Ordinance. All **lawfully**



established units of land~~lots~~ created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, **access**, ~~space~~ ~~for off-street parking, landscaping and other requirements as may be set forth.~~

- F. Prior to approving a tentative plan for a proposed plat of a proposed subdivision or partition, if the property is located in whole or in part within the boundaries, an easement or a right of way of an irrigation district, drainage district, water control district, or water improvement district, Wasco County shall submit notice of the tentative plan to the district.**
- a. Within 15 days of receiving notice, the district may submit to the County a statement containing any information or recommended conditions for approval of the tentative plan, based on adopted district rules and regulations, for the proposed plat relating to:**
 - i. The structural integrity of irrigation facilities;**
 - ii. District water supply;**
 - iii. Public safety;**
 - iv. Potential liabilities of the district;**
 - v. Other potential exposures to the district.**
 - a.b. The County may include the conditions for approval described in the district's comments in the final decision approving the tentative plan of the proposed plat.**

~~D.G.~~ **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. ~~When principal streets in adjoining subdivisions or partitions are continued, the width shall meet that of the existing streets. 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.~~*

~~E.H.~~ **Redevelopment Plan:**

- ~~1. In subdividing or partitioning tracts of land into large~~ **When a partition or subdivision will create new large lots or parcels that** ~~which~~ at some future time could be further divided, the **Planning** Director shall 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.

~~F.I.~~ **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.

~~3.4.~~ **A Propertieslot or parcel that abuts a public or private road shall contain at least 50 feet of frontage. All properties are lot or parcel that is located along the bulb of a cul-de-sac shall have a , the minimum frontage of shall be 30 feet. A Propertylot or parcel that is ies-served by an easement isare exempt from the frontage requirements.**

~~G.J.~~ **Access Requirements for Land Divisions:** Each unit of land shall be provided with access by a public road meeting standards noted in Table **22-1** (Rural Public Roadway Design Standards) & **22-2** (Urban Public Roadway Design Standards), except as provided below ~~and~~ **or in Chapter 22 and** in Table **22-3** (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 the~~ road provides access for not more than three units of land, serves not more than three -units of land, and ~~that the easement is~~ **has** a minimum **width of 30 feet'** ~~in width;~~

~~2.~~
The requirements of Section ~~21.300~~ **22.070 do not apply** ~~are not applicable~~ to a Private Easement Road.

If the private easement road could provide access for more than three -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.

~~3.1.~~ 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 units of land and serves not more than ten units of land;

b. Private road approval is obtained pursuant to Section ~~21.300~~ **22.070**;

c. ~~The~~ private road is constructed to standards of Section ~~21.420~~ **22.040** when more than three 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 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 units of land may be served.

~~e.~~

f. If the private road could provide access for more than ten 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.

~~H.K.~~ 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.

~~L.~~ **L.** 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.

~~M.~~ **M.** 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.

~~N.~~ **N.** 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.

~~O.~~ **O.** 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.

~~P.~~ **P.** 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.

~~Q.~~ **Q.** Pedestrian Ways: ~~When desirable for public convenience, pedestrian ways~~ **are** may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks. **If no pedestrian ways currently exist in the vicinity, the applicant will be required to sign a waiver of remonstrance.**



~~Q.R.~~ Cul-de-sacs: ~~In general, dead-end (cul-de-sac) streets are not desirable, but if provided,~~ **If the street is planned to shall terminate in a cul-de-sac, it will be required to be consistent with** ~~in a turnaround that is consistent with Chapter 10 turnaround standards and the local fire department..~~

~~P.S.~~ 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~~.

~~Q.T.~~ 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.~~

~~R.U.~~ 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 **to provide buffering for adjacent** ~~for adequate protection of residential properties and to afford separation of through and local traffic.~~

~~S.V.~~ Utility Lines: **Utility easements are provided required in abutting roads where necessary to provide services to proposed lots and parcels, and where necessary to allow for development of adjoining lands. Other utility easements may be required in other locations if specifically requested by a public utility provider. The easements shall be clearly labeled for their intended purpose on the tentative plan.** ~~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.~~

~~W.~~ **W.** 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.

~~X.~~ **X.** 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.

~~Y.~~ **Y.** 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.~~

~~Z.~~ **Z.** ~~Lots~~**Units of land:**

1. **Unit of land** size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. ~~Lot~~ **Unit of land** dimensions shall not include part of existing or proposed streets. All ~~lots~~ **units of land** 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~~ **unit of land** is proposed.
2. Each side ~~lot~~ **unit of land** line shall be at right angles to the adjacent street line or radial to a curved street line. ~~, unless~~ **The applicant may request and** the Approving Authority **may approve** ~~determines that~~ a variation from these requirements **as necessary to accommodate** ~~is necessitated by~~ unusual circumstances such as topography and site location.
3. ~~A~~ **Units of land** with double frontage **is not allowed** ~~shall be avoided,~~ except where **necessary** ~~the Approving Authority determines that such lots~~ **units of land** ~~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 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 **unit of land**.

4. Flag lots ~~are shall not~~ **allowed be permitted**, except when **necessary to accommodate** unusual ~~circumstances exist. Such circumstances may include characteristics of topography that and site which affects~~ construction on the property or access to the property. Approval of ~~the creation of a~~ flag lots by the ~~Approving Authority~~ shall be based on specific findings indicating what **topographical unusual** circumstances exist. **In the case where a flag lot is permitted, it must meet the following standards:**

a. The flag lot must meet all setback standards in the applicable underlying and overlay zone(s).

b. ~~b.~~ The flagpole section of the flag lot shall be at least 50 feet, but not more than 60 feet in width.

c. ~~c.~~ No more than one flag lot is permitted to the rear of another lot or parcel.

~~a.d.~~ ~~d.~~ Access to the rear lot or parcel shall be by way of a driveway located entirely within the flagpole section of the lot or parcel. The driveway shall meet the access standards in Chapter 10 and Chapter 22. No re-division or property line adjustment shall be allowed that would alter the status of the flagpole for driveway use unless other access meeting all the requirements of this Ordinance is provided.

~~b.e.~~ ~~e.~~ A flag lot may have only one flagpole section.

~~c.f.~~ ~~f.~~ Adjoining flagpole sections of flag lots are not allowed.

4.5. "Bowling Alley" shapes shall not be permitted except where unusual circumstances exist. "Bowling Alley" shape is defined as a unit of land where the length is substantially greater than the width. Unusual circumstances may include such site characteristics as topography and orientation which preclude a more acceptable design.

~~AA.~~ Public Open Space:

Wasco County 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 in accordance with the County Comprehensive Plan and



district Parks and Recreation Plans. 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 acre of recreation area to every one hundred people. All public parks shall carry with them maintenance and management agreements at the time of designation. No public open spaces shall be designated and/or dedicated without a maintenance agreement in place.

~~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.~~

~~BB.~~ 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.

~~CC.~~ 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.

DD. Street Signs: All street and highway signs shall meet the County standards for such signs.

~~AA. Design Features and Map~~

Section 21.030 - 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.~~ **Chapter 2** of this Ordinance.
2. A preliminary partition **plat**, 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 **units of land** and ~~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 **the** 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~~ **North Central Public Health District** 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~~ **North Central Public Health**



District or an officer of a public sewer district or corporation warranting the availability of sewer hook ups for each parcel to be partitioned.

- n. **A current preliminary title report (within 90 days of application). If the title report changes between application and final plat approval, the applicant will be required to submit an updated preliminary title report at the time of final plat review.**

—**An affidavit of consent for all owners and lienholders if they are unable to sign the application.**

o.

~~m. Water~~

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 [21.020](#) of this chapter have been met.

- c. **If the Planning Director determines that the proposed partition constitutes series partitioning, or if series partitioning has occurred in the past, then the Planning Director may review for a determination as to whether require the application should be subject to the requirements for of the District Watermaster, Roadmaster, and Sanitation Authorities. Of a subdivision or Planned Unit Development.**

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 **and the zoning and comprehensive plan map designation(s)** 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~~ **Prior to expiration of the preliminary partition plat, the applicant shall file the final plat** with the Director as an application for final



approval, and shall otherwise comply with the provisions of subsections (2) and (3) of this section.

- a. **An extension of the 24 month preliminary approval period time frame to complete the conditions of approval required prior to the final plat being approved may be granted in accordance with Section 2.070 of this ordinance.**

B. Approval of Final Partition Plat:

1. If a tentative plan is approved, finalizing the approval requires the completion of a final plat. Within ~~twenty four (24)~~ months from the date of preliminary partition (tentative plan) approval, the applicant shall initiate a request for final partition plat approval by filing with the **Planning** Director a final plat prepared in accordance to those standards specified in Section **21.030**~~100~~ of this Chapter and ORS 92 and 209.

2. **The form and content of the final partition plat shall comply with the County's final decision approving the preliminary plat (tentative plan) and applicable provisions of Section 21.100030(B) and ORS 92 and 209.**~~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. **Any conditions of approval imposed upon the preliminary plat (tentative plan) by the Approving Authority shall be met;**~~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. **Consistent with ORS 455.175, a final plat must be recorded prior to the issuance of a building permit for a residential structure.**
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.~~ **Upon receipt of the final plat and related documents as described in this Ordinance, the Planning Director or their designee shall review the final map and documents to determine that the plat conforms with the approved preliminary plat, including any special conditions of approval, and that there has been compliance with provisions of ORS 92, ORS 209.250, and of this Ordinance.**
 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:

~~4.~~ Narrative. If the narrative is a separate document, the narrative must also contain the following:

~~5.~~ Location of survey by one fourth section, Township and Range.

~~6.~~ The date of survey.

~~7.~~ The surveyor's seal and original signature.

~~8.~~ The surveyor's business name and address.

~~9.~~ Location of survey by one fourth section, Township and Range.

~~10.~~ Date of the survey

~~11.~~ Scale of drawing and North Arrow.

~~12.~~ The distance and course of all lines traced or established, giving the basis of bearing and the measured distance and course to a monumented section corner, one quarter corner, one sixteenth corner or Donation Land Claim corner in Township and Range, or to a monumented lot or parcel corner or boundary corner of a recorded subdivision, partition or condominium.

~~13.~~ Measured bearings, angles and distances that are used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record together with the recording reference. Metric measurements may be used if a conversion to feet is provided.

~~14.~~ Monuments set and their relation to older monuments found. A detailed description of monuments found and set must be included and monuments set must be separately indicated from those found.

~~15.~~ The surveyor's seal and original signature.

~~16.~~ The surveyor's business name and address.

~~17.~~**3.** 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~~ **conditions** 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 **an Oregon-certified** ~~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 show.
- 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.

18.4. 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 [21.110 D 5](#) shall apply.

19.5. 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.

20.6. 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).

21.7. 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. Any **existing buildings and structures** permanent structures **are shown.**
- f. 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.
- g. Zoning classification and Comprehensive Plan Designation



h. 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

i. Any additional information made a condition of approval of the tentative plan is shown.

~~22.8.~~ 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 21.040 – Amendments to a Recorded Plat

Any plat of a subdivision or partition filed and recorded under the provisions of ORS [92.018-92.190](#) should follow procedure outlined in [ORS 92.170](#).

~~Section 21.110 – Amendments to Preliminary Plans and Final Plats or Maps Approved Tentative Plans/Plats/Maps~~

~~A. Definitions: Minor amendments to a tentative approval for a land division may be made by submitting an application pursuant to Type I procedures according to Chapter 2.~~

~~1. "Minor Amendment" means a change which:~~

~~— Does not require the revision of any findings addressing the original established approval criteria, development standards, or conditions of approval¹;~~

~~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~~

¹ ~~Lane County~~



~~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.~~

~~— All other revisions to tentatively approved plans must be processed as a new application for a request for modification of approval, pursuant to Type II procedures in Section 2.060 and will be subject to the applicable standards in effect at the time the new application is submitted.~~

~~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 21.050 - Property Line Adjustments/~~Replats~~ Application Requirements

A. ~~The decision on a request for~~ **A** Property Line Adjustment **may be initiated as a Ministerial Type 1 application, unless it involves properties becoming more nonconforming or is within an Overlay Zone. Then it shall be reviewed as provided in Section 2.0960 BA. A or #**

B. Preliminary property line adjustment/~~replat~~ map shall meet the same standards required for preliminary partition approval, described in Section ~~21.100 A~~ **2.030. #**

~~C. The applicant(s) shall submit a signed statement explaining the purpose of the proposed property line adjustment.~~

~~D.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 21.060 - Property Line Adjustment/~~Replat~~ Approval Standards

~~The request~~ **An application** for a property line adjustment ~~or replat~~ shall be approved by the Director if the following criteria are met;

A. The existing units of land ~~lots or parcels~~ were lawfully created in accordance with ORS 92 and Section 21.030.



~~A.~~**B.** The proposed property line adjustment/~~replat~~ will not result in the creation of any new tax lot ~~a new parcel~~**unit of land**. **Property line adjustments that create new parcels/units of land are exempt from this section and are subject to Section 21.030.**

C. 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.

~~B.~~**The adjustment shall not result in the loss of access to any unit of land unless alternative access complying with Chapter 22 is provided.**

D. Road access is consistent with requirements in Chapter 22.~~in resource and non-resource zones. See figures 21-3 to 21-7.~~

—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~~

E.

~~C.~~**F.** 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.~~

~~D.~~**G.** 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 **unless a restrictive covenant is recorded in the County deed records prohibiting the acreage that was added to the parcel through the adjustment from being considered in the division,**~~or if the Director finds the proposal will benefit the public interest.~~

~~E.~~**H.** The proposal will not cause any existing development to be placed in violation of the property development standards of the **underlying zone(s)** ~~zone~~, or force a violation of this ordinance.

—**A** ~~proposed property line adjustments/~~replats~~ which have~~ **that has** the net result of physically relocating a **unit of land** ~~parcel~~ to a new location beyond an existing common boundary line or ~~which~~ **that** requires the creation of a private or public road ~~will not be acted on, and~~ must be reviewed under Section **21.030** of the Wasco County Land Use and Development Ordinance.

~~F.~~**I.** _____



Section 21.070 - 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 21.080 - Survey Requirements for Property Line Adjustments/~~Replats~~

—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~~ **The** survey shall comply with ORS 209.250, and shall be filed with the Wasco County ~~Clerk~~ **Surveyor**

~~A. If all property affected by the property line adjustment is greater or becomes greater than ten acres the requirement of a survey and monumentation will be waived.~~

~~B.A.~~

If all units of land ~~property~~ affected by a the property line adjustment are ~~is greater or will becomes~~ greater than ten acres, the requirement of a survey and monumentation is ~~will be~~ waived, consistent with ORS 92.060 (8). However, a map prepared by a licensed surveyor must be submitted.

—~~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 21.090- Replats

The same procedure and standards that apply to the creation of a plat apply to the replat. Replats only apply to recorded plats. Replats will not act to vacate any recorded covenants or restrictions. A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys or fails to meet any applicable County standards. A replat may also not result in nonconformance with any conditions of approval including minimum parcel size, property development standards, subdivision requirements or open space requirements.

Upon completion of a replat and within the replatted area, the previously platted units of land will be vacated.

~~A. Partition Replat shall be initiated as provided in Section 2.060 A~~ **Chapter 2** of this Ordinance.

~~B.A Subdivision Replat shall be initiated as provided in~~ **Chapter 2** of this Ordinance.

1. Preliminary subdivision replat maps shall meet the same standards required for preliminary subdivision approval, described in Section 21.1 ~~200.~~



2. Approval standards in Sections [21.030](#) and/or [21.100](#) are applicable to replats.
3. Replats shall be consistent with the requirements in ORS 92.185.
4. All final replat map(s) shall meet the same standards required for subdivision approval.

Section 21.100 - Preliminary Subdivision Plan Approval

The approval of **An application for** a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of **Chapter 2**~~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 **Planning** Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by subsection [B](#) of this Section ~~to~~**that** 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~~**will** 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 **lot, parcel or** tract description according to the real estate records of Wasco County.
5. The boundary lines (accurate in scale) of the **lot, parcel or** 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~~ **proposed subdivision**, 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~~ **proposed subdivision** or immediately adjacent thereto together with pipe sizes, grades and locations indicated.
10. All units 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 **proposed** 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 **seasonal and perennial drainage channels** ~~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, **or acquiring water rights if needed, from the Oregon Water Resources Department shall be provided.** 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~~ **North Central Public Health Department** ~~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, areas 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. 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 21.020 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. **consistent with D.2. below.**

D. Development Phasing:

- 1. A preliminary subdivision plan may provide for platting in phases. When approval has been granted to develop a subdivision in phases, the final plat for the first phase shall be submitted in accordance with the time limitations outlined in Section 21.030-100.B.1. The final plat for each subsequent phase shall be submitted within ~~twenty four (24)~~ months of the date the final plat for the previous phase was recorded. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the ~~twenty four (24)~~ month period. The total time period for submittal of the final plats for all phases of the subdivision shall not exceed ten years from the date of final approval of the tentative plan.**
- 2. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria:**
 - a. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than ~~twenty four (24)~~ months from the date of preliminary plan approval;**
 - b. Public facilities shall be constructed in conjunction with or prior to each phase;**
 - c. The phased development shall not ~~result in requiring~~ the County or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;**
- 3. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and**

— **Planning Commission approval is required for modifications to phasing plans.**
—



Development Phasing:

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.

Time limitations for the various phases must meet the following requirements:

Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.

- a. Phase 2 final plat shall be approved within twenty four (24) months of preliminary approval.

Phase 3 final plat shall be approved within thirty six (36) months of preliminary approval.

1.4.

#

D.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.

E.F. Granting of Extensions: Extensions of time may be allowed as outlined in Section 2.125 ~~00.B.~~

Section 21.110 - Final Subdivision Plat Approval Requirements

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of ~~Chapter 2 Section 2.060(2)~~ of this Ordinance. **The final plat shall be prepared in conformance with all provisions of this Section 21.110.**

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:

~~C.B.~~

- ~~3. The final plat shall be prepared in conformance with all provisions of Section.~~

~~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.

~~D.C.~~ Information Required in the Final Subdivision Plat: **In addition to the requirements for the Preliminary Plat (Section 21.100), following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with [ORS 209.250](#).** ~~and~~ **The following information shall be included on the final plat or in the supporting documents:**

1. Name of Subdivision, **approved by the County Surveyor pursuant to [ORS 92.090](#).**
2. ~~North point, scale and~~ **d** 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 **and**, 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 **or a reference to the preliminary plan decision.**
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 (2).~~

~~21.~~**20.** 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.

~~E.~~**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. **Monuments should be consistent with ORS 92.060 and the following:**

- ~~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.~~

(a) 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.

(b) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.

(c) 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.

(d) 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.

(e) 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 **as** represented, **and has placed a proper monument as provided in ORS 92.060** ~~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. **Any dedication of land to public purposes or any public or private easements created, or any other restriction made, shall be stated in the declaration.**

~~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.~~

~~b.~~ **b.** 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.

~~c.~~ **c.** 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 **d**Declaration **for the purpose of consenting to the property being submitted to the provisions of ORS Chapter 92.**

~~d.~~ **d.** 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). **The affidavit must indicate the**



recorded document by which the interest in the property was acquired and all information required by ORS 93.410 it 93.530 and must be recorded in deed records at the same time as the subdivision or partition plat.

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. **Payment of taxes and disqualification of special assessment. A plat may not be recorded unless all ad valorem taxes have been paid, including additional taxes, interest, and penalties imposed on land disqualified for any special assessment and all special assessments, fees, or other charges required by law to be placed upon the tax roll that have become a lien upon the land or that will become a lien during the tax year. The tax year runs from July 1st-June 30th. If a subdivision or partition plat is recorded, any additional taxes, interest, or penalties imposed upon land disqualified for any special assessment become a lien upon the land on the day before the plat was recorded.**

10. 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 **the Surveyor's** ~~his~~ discretion, charge a second fee or partial fee.

~~F.~~**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~~ **Board of County Commissioners** an agreement between ~~himself~~ **the applicant** 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 **to complete** ~~for completion of the~~ 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).

~~G.~~**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 Public Works Director. 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 Public Works Director. 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, **up to 125%**, of ~~included~~ **completing the** 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.

~~H.G.~~ **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~~ **open space** in locations and of size **appropriate** ~~indicated by the Comprehensive Plan~~ for the area in which the subdivision is located. **These parks will be required to record a maintenance agreement including funding and an appointed administrator, like HOA, for ongoing upkeep.**

~~H.H.~~ **H.** Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a ~~sum~~ **fee in lieu of dedication** 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~~ **development or maintenance** of parks, playgrounds, and recreational areas within the ~~immediate~~ area of the subdivision.



J.I. Development Phasing: If the preliminary subdivision plan approval, pursuant to Section [21.100](#) 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.J. Standards for Final Subdivision Plat Approval

1. The Planning Commission shall grant final subdivision plat approval if ~~it~~**they** determines 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 **Board of County Commissioners** ~~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.
- 3.4. The County will not issue building permits for a habitable structure until the final plat is recorded.**

J.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 Chair~~man~~;
 - b. County Surveyor;
 - c. County Assessor;
 - d. An authorized representative of the Department of Environmental Quality, State of Oregon, or the ~~County Sanitarian~~**North Central Public Health District Environmental Specialist**;



- 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.



CHAPTER 22 - ROAD STANDARDS

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Section ~~21~~22.010 - Purpose

The purpose of this chapter is to provide and encourage a safe, efficient and economical transportation system. This chapter applies to the unincorporated Wasco County transportation system, and implements the policies of the Wasco County Transportation System and Wasco County Comprehensive Plan. The criteria and regulations are intended to be consistent with Oregon Revised Statutes 368.

Section ~~21~~22.020- Improvements

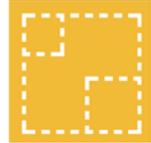
The improvement standards contained in Sections [22.020](#), [22.030](#), [22.040](#) and [22.050](#) shall apply to all subdivisions, land divisions, public road dedications and private road approvals in Wasco County. **Improvements shall also meet the requirements in Chapter 10; in the case of a different standard, the more restrictive standard shall be required.**

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.~~

~~3.2.~~ 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.



4.3. 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.

5.4. Road **signs** shall be required as an improvement in a subdivision or partition. **The developer is responsible for the installation of** ~~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.~~ **according to Wasco County Public Works standards.**

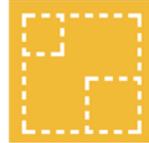
6.5. When necessary, and consistent with Wasco County's standards, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:

- 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.
- c. Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.

7.6. 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. **Sidewalk standards are listed in Chapter 20.**

8.7. 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. **Bicycle facility standards are listed in Chapter 20.**

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.



~~Improvement Policies and Standards: When possible, the~~

A. The developer of any road may elect to pay a fee in lieu of construction. The Public Works Director will determine if payment in lieu of construction is feasible. The fee amount will be determined by the Public Works Director and approved by the Board of County Commissioners. These fees must be dedicated for the express purpose of road improvements.

B.

~~A.~~ **The developer of any road shall provide a method for future maintenance of the road. Prior to approval the applicant shall establish an enforceable road maintenance agreement binding on all participating properties subject to the land division by the applicant and running with the land. Any approval of roads shall contain a disclaimer that approval does not represent an opinion or determination by Wasco ~~Creek~~ County that any such road will provide a safe or adequate travelling surface for vehicular or other traffic and that any such road is not eligible for county maintenance.**

———It shall be the duty of the ~~Wasco County Roadmaster~~ **Public Works Director** to interpret the provisions and- requirements of these standards in such a way as to carry out their intent and purposes, **and provide this information to the Planning Director during application review-**

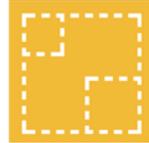
Section ~~21~~22.030 - Public Streets and Roads

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 [22.030 A](#) and the standard specifications which are applicable to construction of improvements under Section [22.030 E 2](#) of this Chapter. Any deviation from these standards shall be approved by the County **Public Works Director**~~Roadmaster~~.

C. Standard Drawings

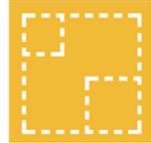
1. The County **Public Works Director**~~Roadmaster~~ shall have the authority to publish "Standard Drawings" for the design of public streets and roads.
2. The applicant's design shall conform to the "Standard Drawings".

D. General Considerations

1. The County ~~Roadmaster~~**Public Works Director** 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 ~~Readmaster~~ **Public Works Director** 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 ~~Readmaster~~ **Public Works Director**.
 - (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~~ **Right of Way Survey** ~~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.~~ **All newly dedicated public streets and roads shall be surveyed and monumented in accordance with the provisions of ORS 368, ORS 92, and ORS 209. The County Surveyor may waive the need to establish monument in the centerlines of unpaved streets and roads.**

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~~ **Board of County**

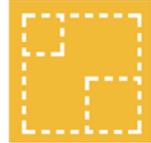
Commissioners, respectively. "Engineer" _____ and "Director" shall be construed to mean the County Roadmaster, or his _____ properly authorized agent(s) _____ acting within the scope of his (their) particular _____ duties.

b. Permits A permit to occupy and perform operations shall be obtained from the County ~~Roadmaster~~ **Public Works Director** 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 **Board of County Commissioners** ~~County Governing Body~~, the applicant shall provide a performance bond or other security, as set forth in Section 21.110 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:

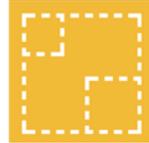
- (1) After clearing and grubbing is completed.



- (2) After grading and drainage is completed.
- (3) After rock surface is completed.
- (4) After paving is completed.

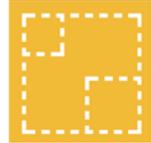
e. Certification and Warranty Requirements

- (1) When the project is completed, the ~~consultant~~ **applicant's** 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~~ **Public Works Director** 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~~ **Public Works Director** 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 ~~Readmaster~~ **Public Works Director**, at the completion of the project, may require the ~~consultant~~ **applicant's** 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 subsection E 1 a of this Section.
- (1) The title sheet shall contain the ~~consultant~~ **applicant's** 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~~**Public Works Director**, an amount determined by the ~~Roadmaster~~**Public Works Director** 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~~22.040 - Private Roads

A. General Design Policies: Private roads shall conform to the requirements outlined in **Chapter 21, Section 21.030.**

B. Design Criteria

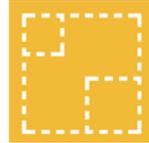
1. Finished top surface width of roads shall be a minimum of ~~twelve (12)~~**12 feet on straight sections and through gentle curves, 14 feet on single curves with less than 150-foot radius, and 16 feet when curves are linked or located on a slope in excess of 10%.**

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 four hundred (4600)~~ feet apart and not less than ~~fifty forty (450)~~ feet in length and eight ~~(8)~~ **additional** feet in width excluding taper.

4. The ~~County Roadmaster~~**Public Works Director**~~designated County Road Official~~ 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~~**18"** 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 Public Works Director shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.**
- ~~1.2.~~ The Approving Authority, upon recommendation of the ~~designated County Road Official~~ ~~County Roadmaster~~ **Public Works Director**, may impose additional requirements as are reasonably necessary to provide a safe and adequate access.
- 3.** Private roads shall be maintained by the benefited property owners and shall not be accepted by the County for maintenance.
 - a.** The following notice shall appear in legible print on the face of any proposed final plat containing a lot or parcel to be served by a private road: "Wasco County hereby gives notice to all developers, purchasers, potential purchasers and all third parties that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division. This notice serves as acknowledgment that the County is not liable for any improvement or maintenance actions or costs affiliated with this private road."
 - b.** A waiver of remonstrance for future road improvements is be required to be recorded with the County Clerk's office at the time of partition or subdivision.

D. Approval of a Private Road

- 1. 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.**



2. 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 Planning Director and the Wasco County Surveyor.

~~D~~-E. Certification and Special Considerations

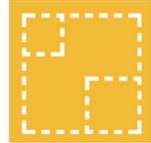
1. The ~~designated County Road Official County Roadmaster~~ **Public Works Director** may require the applicant to retain an ~~an consultant~~ engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been 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 an ~~an consultant~~ engineer retained by the applicant ~~and,~~ **to determine if it can be** found adequate for the intent and purposes of the private road requirements, ~~shall be approved.~~

- F. Signing: Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads. **The developer is responsible for the installation and maintenance of such road or street signs according to Wasco County Public Works standards and with the Public Works Director approval.**

~~—The applicant shall deposit (in cash) with the designated County Road Official 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.~~

~~a. The developer is required to post and provide for the maintenance of signs on the road stating that the County does not maintain the facility. Such signs shall say "Road privately maintained by property owners".~~

- ~~2~~.1. 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~~22.050 - 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.

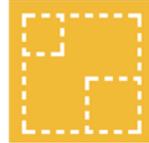
B. Minimum Right-of-Way Width - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed 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 **Public Works Director** ~~Roadmaster~~ may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:

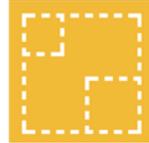
1. A partial improvement is not feasible due to the inability to achieve proper design standards;



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.

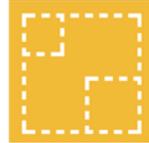
Section 22.060- Access Control

- 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

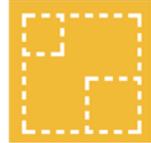


determine access, circulation and other transportation requirements. (See also, Section 4.180-140 Traffic Impact Analysis.)

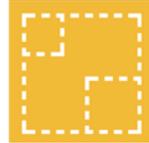
2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, 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~~ **road** or driveway connected to an adjoining property that has direct access to a public ~~street~~ **road** (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~~ **road** for all users of the private ~~street~~ **road**/drive.
 - c. Option 3. Access is from a public ~~street~~ **road** 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-Road~~ **Street-Road** accesses shall comply with the access spacing standards in **Section 22.060(B)(5)** ~~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, **and also Table 22-1 & 22-2 at the end of this chapter.**



- 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 22.04, upon the recommendation of the County Roadmaster~~ **Public Works Director** 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~~ **Public Works Director** 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 22.070- Provisions for New Roads Not in Conjunction with a Land Division

If multiple lawfully created units of land are found to exist but are undeveloped, a new road may be required for access purposes prior to development or when the development changes the road classification as defined by the number of trips per day.

- A. New private roads may be created to provide access to unimproved property only when the Planning Director finds that the private road will be needed for proper development related to the proposal. The Planning Director’s decision shall be made only after receiving and reviewing a written recommendation from the Public Works Director.**
- B. The Planning Director’s decision to allow or not allow creation of a private road to access proposed development is a land use action that shall be supported by written findings and subject to the notice provisions in Chapter 2.**
- C. A restrictive covenant removing the County from improvement or maintenance liability shall be required for all new private roads.**
- D. The private road shall meet all standards consistent with this Chapter and Chapter 10.**

Section 22.080- Road Vacations

Road vacations shall be processed by the Public Works Director, according to ORS 368.326-368.366.



Table 22-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain¹	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	22	23	13	22	23	13	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	²	²	1,470	²	²	1,835	²	²	2,135	²	²
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28	28	28	30	30	30	32	32	32
										30	30	30	38	38	38	40	40	40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing³	75			100			100			150			300			500		

¹ L= Level, R=Rolling, M=Mountainous

² See AASHTO manual for guidance.

³ Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

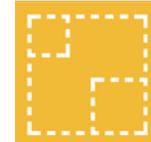


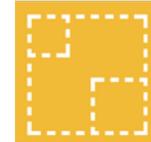
Table 22-2 – Urban Wasco County Public Roadway Design Standards

	Local Street	Urban Minor Collector	Urban Major Collector	Urban Arterial
Design ADT	<1,000	1,000-3,000	3,000–6,000	>6,000
Design Speed (mph)	25	25-30	25-35	25-35
Max Grade	12%	10%	10%	6%
Minimum ROW Width (ft)	58	64	63-76	90
Number and Width of Lanes	2 12' Travel Lanes	2 12' Travel Lanes	2 12' Travel Lanes	3 Two 12' Travel Lanes 14' Center Turn Lane
Traveled Way Width (ft)	36	40	52	50 or 66
On-Street Parking (ft)	Not striped	8 (each side)	8 (each side)	8 (each side), optional
Sidewalk Width (ft)	5 (each side)	5 (each side)	5 (each side)	5 (each side)
Bike Lane Width (ft)	-	-	6	6
*Preferred Access Spacing (ft)	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 22-3 – 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.
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*See Section [21.040](#) for complete standards.

Figure 22-3 – Hierarchy of Property Access (See Figures 21-4 – 21-7 Below)

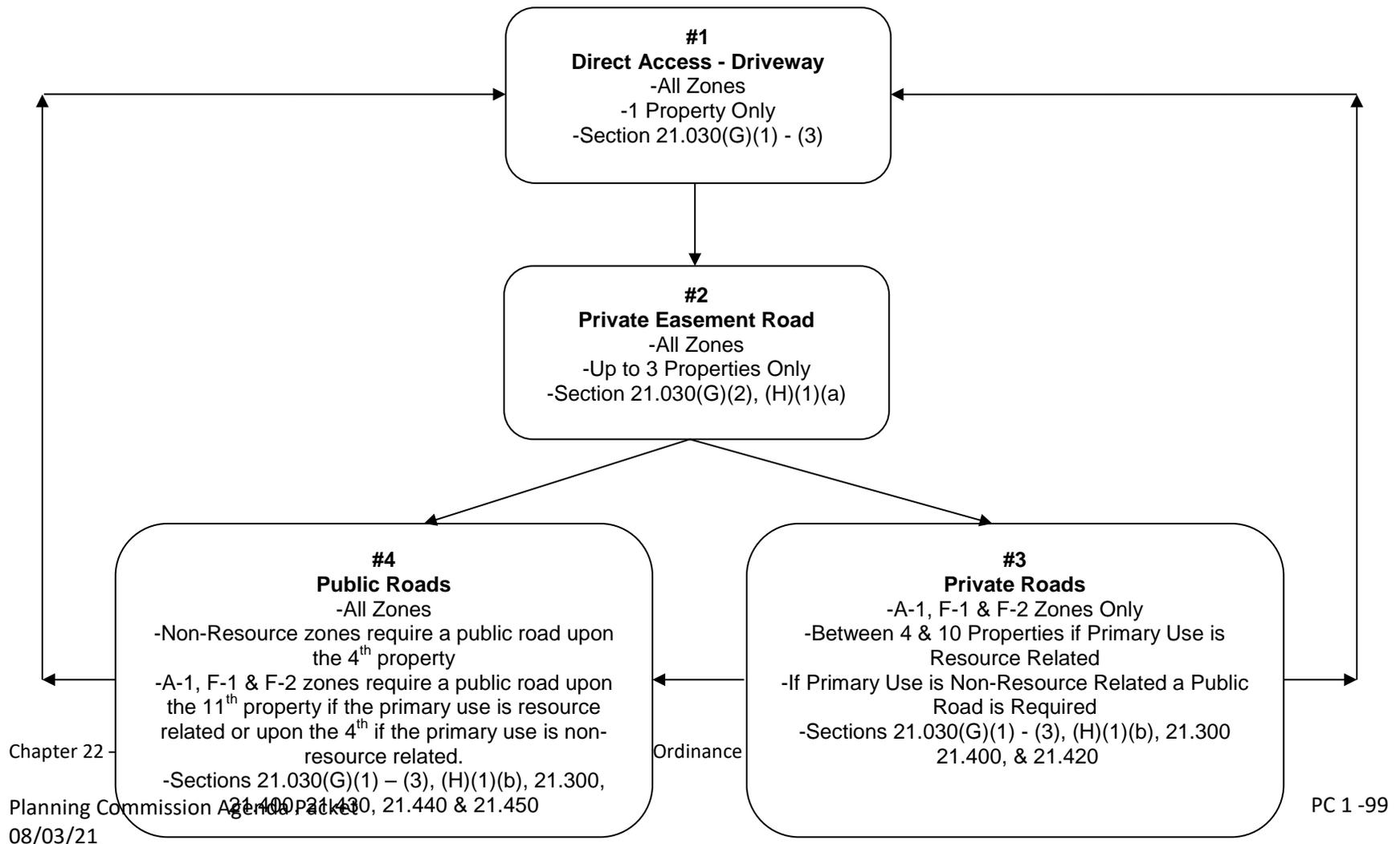




Figure 22-4 – Direct Access via a “Public Road” or “Private Road” (Driveway)

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”.

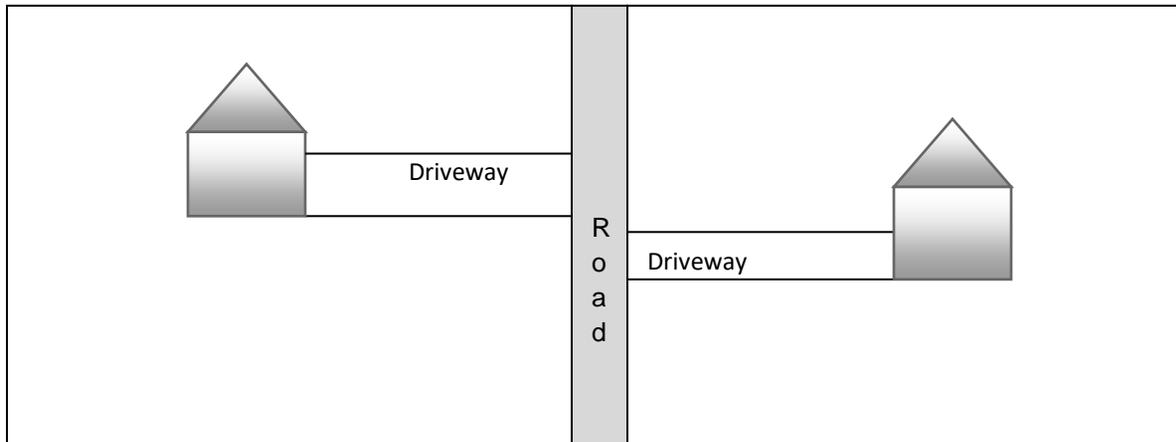


Figure 22-5 – Private Easement Road

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 22-6 – Private Road

In A-1, F-1 & F-2 Zones only, between ~~4~~**four** and ~~ten~~**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~~**fourth** property using it as its primary access.

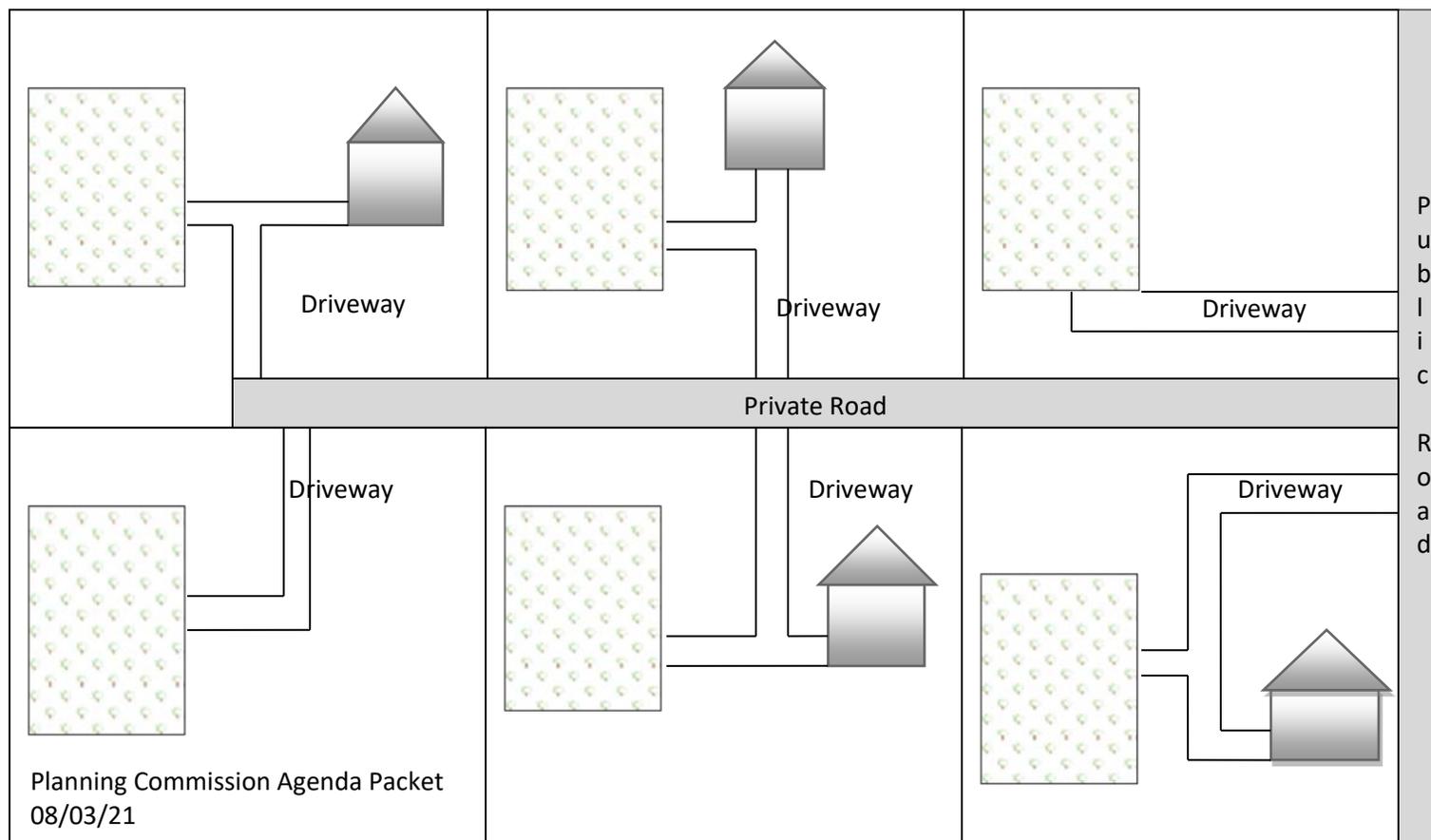
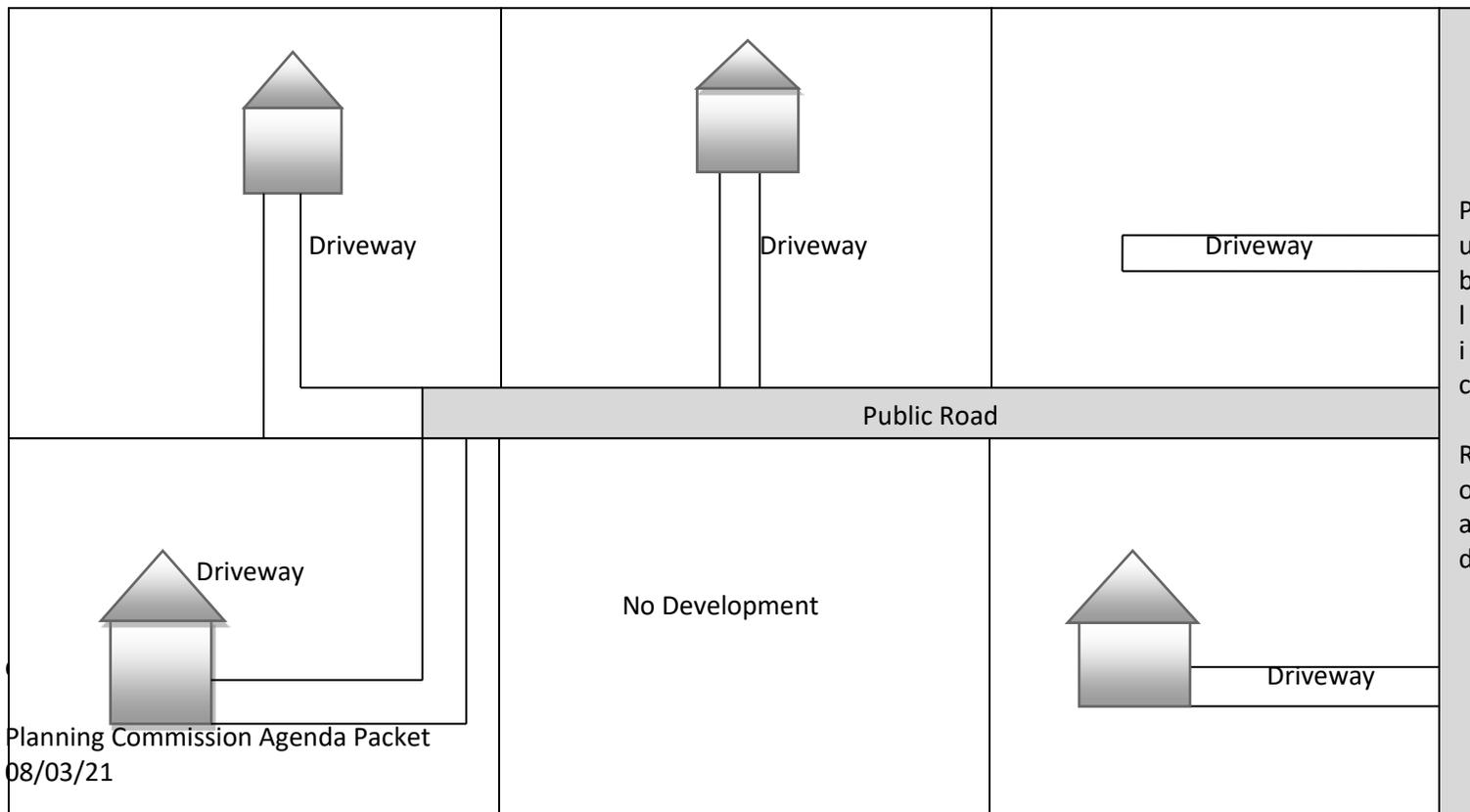




Figure 22-7 – Public Road

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.





Section 22.070- Dedication of Private or Public Streets not part of a LandSubDivision 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).

E.G. Application for Tentative Plan Process

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.~~ **Any person desiring to create a street not part of a subdivision or major partition shall make written application to the Planning Director. Said application shall be made on prescribed forms, and shall be accompanied by the required information and appropriate filing fee**~~The applicant shall submit to the Director a written application of a Tentative Plan prepared in accordance with subsection B of this section.~~
- ~~3.~~**2.** The Director shall distribute a copy of the ~~Tentative Plan~~ **Preliminary map** to the County ~~Roadmaster~~ **Public Works Director-Designated County Road Official, and local fire district to** and obtain **their written** ~~his~~ recommendation on the proposed action.



~~F.H.~~ Information Required on ~~Tentative Plan~~ **Preliminary map:** ~~Tentative Plans~~ **Preliminary maps shall be the same as set forth for the requirements for subdivisions, section nnn.** 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.~~

I. Procedure

~~G.J. Approval of Road or Street Dedication~~ **Process**



~~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.~~

— Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the county road department for review and written findings and recommendations.

a. Upon receipt of written findings and recommendations from commission and road department, the proposal shall be submitted to the ~~county court~~ ~~county governing body~~ Board of County Commissioners for preliminary review and approval. Such submission shall be made at least 10 days prior to a regularly scheduled meeting.

~~2.1.~~ If Tentative Plan to dedicate a road or street is recommended to the ~~County Governing Bod~~ **Board of County Commissioners**, 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 Designated County Road Official~~ ~~Roadmaster~~ **Public Works Director**.

~~H.K.~~ ~~Acceptance of~~ **Final approval and** Dedication by the County Governing Body

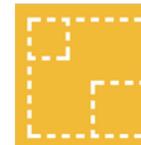
1. Before the **Board of County Commissioners** ~~County Governing Body~~ may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with Section [21.210](#) F of this Chapter.



2. Prior to acceptance by the ~~County Governing Body~~ **Board of County commissioners**, 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~~ **Board of County Commissioners**, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public **and contact the County Taxation and Assessment Department for any tax adjustments.**
3. 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.
4. **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.**
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.

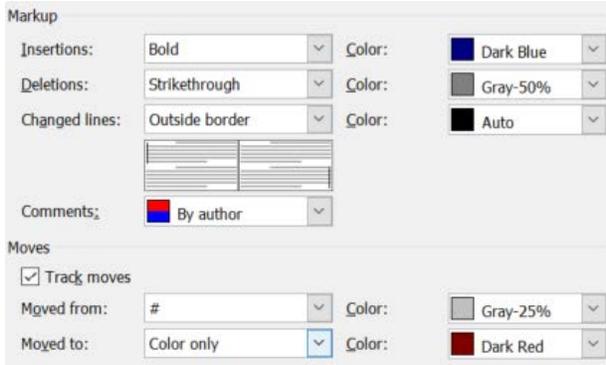
~~I. Approval of a Private Road~~

- ~~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.~~





Wasco County Planning Land Use and Development Ordinance Update Draft Cover Sheet



The drafts are created using track changes in Microsoft Word.

The key to the left is a reference for how revisions are marked up in the draft.

The bold, blue text shows new text. Text with a line through it, in light grey, is proposed to be deleted.



rules adopted under ORS ~~4688.095~~, and must be reviewed subject to Section ~~3-219K~~ below: ~~OAR 660-033-130 (11), ORS 215.246, ORS 215.247, ORS 215.249, and ORS 215.251.~~

Text underlined by a wavy line is optional.



COMMERCIAL USES RELATED TO FARM USE

- B. A winery subject to ~~3-219F~~ below: ~~ORS 215.452, ORS 215.453, ORS 215.454, ORS 215.455 and ORS 215.237.~~
- C. A cider business subject to ORS 215.451.
- D. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 subject to the following: farm products as described in ORS 215.255.

The # shows where text has been moved from and the red text shows the new proposed location for that moved text



- #
- K. 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.



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

- (Page 1, Section 3.771) Proposed to change EPD to OZ. Language in red was moved from another section.
- (Page 2, Section 3.772) A new subject header was added for applicability, to be consistent with a new framework for overlay zones. Some of the content was moved. #3 was added to be consistent with new state law.
- (Page 2, Section 3.773) A new permitted uses section has been added to make explicit what is permitted. The old Section 3.772 is removed, consistent with the new Wasco County Comprehensive Plan policy to eliminate the Historic Landmarks Commission (HLC) and replace with reviews by the Planning Director or Planning Commission. The Planning Commission has been the proxy HLC for the last several decades.
- (Page 4, Section 3.774) A new required notice to property owners providing the right to object has been added
- (Page 14, Section 3.782) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

Section 3.800 (EPD 5) Mineral and Aggregate Overlay

- (Page 1, Section 3.801 & 3.802) Purpose is given a section number and reference to correlated state law. The next section is renamed to match the new framework for overlay zones.
- (Page 8, Section 3.807) Based on suggestions from ODOT, more flexibility is added in for hours of operation.
- (Page 13, Section 3.812) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

Section 3.900 (EPD 6) Reservoir Overlay Zone

- (Page 1, Section 3.901) A sentence is proposed to clarify the process that identified the resources.
- (Page 4, Section 3.907) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

Section 3.910 (EPD-7) Natural Areas Overlay

- (Page 1) The name of the overlay zone is updated to better indicate all the resources it protects.
- (Page 1, Section 3.911) The purpose statement is edited to make the intent of this overlay more clear.
- (Page 1, Section 3.912) A section for applicability is added, as part of the new overlay zone framework and to clarify how this overlay zone is applied.
- (Page 1-2, Section 3.913) A clarifying statement is added, based on the ESEE Analysis, to allow for all uses to be reviewed as conditional uses and none to be prohibited.
- (Page 2, Section 3.914) Based on policies from the Comprehensive Plan, new criteria is added to this section to ensure the Planning Department and property owners know to coordinate with specific organizations.
- (Page 2, Section 3.915) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

Section 3.930 (EPD 9) Big Muddy Limited Use Overlay

- (Page 1, Section 3.931 and 3.932) New section numbers are added for purpose and applicability, consistent with the proposed framework for overlay zones.
- (Page 1, Section 3.933) The date of adoption of the overlay is added for accuracy and transparency.
- (Page 3, Section 3.937) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

Section 3.940 (EPD 10) Badger Creek Limited Use Overlay

- (Page 1, Section 3.941 and 3.942) New section numbers are added for purpose and applicability, consistent with the proposed framework for overlay zones.
- (Page 1, Section 3.943) The date of adoption of the overlay is added for accuracy and transparency.
- (Page 2, Section 3.950) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.



Section 3.960 (EPD 12) Sensitive Bird Site Overlay

- (Page 1, Section 3.960) A new section number is added for the purpose.
- (Page 1, Section 3.962) Language is added or updated to be more consistent with Comprehensive Plan.
- (Page 1, Section 3.963) The exempt uses are added to a distinct section for clarity.
- (Page 4, Section 3.968) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

Section 3.980 (EPD 14) Camp Morrow Limited Use Overlay

- (Page 1, Section 3.981 and 3.982) New section numbers are added for purpose and applicability, consistent with the proposed framework for overlay zones.
- (Page 1, Section 3.983) The date of adoption of the overlay is added for accuracy and transparency.
- (Page 3, Section 3.986) A new section has been added, to be consistent with a new framework for overlay zones, to clarify the relationship between the base zone and the overlay zone.

All other edits are corrections or updates to references or state law requirements.

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

Section 3.770 - Cultural, Historic and Archaeological Overlay (OZ-4) 1
 Section 3.771 – Purpose 1
 Section 3.772 - Applicability..... 2
 Section 3.773 – Permitted Uses..... 2
 Section 3.774 – Designation of Historic Landmarks or Districts 4
 Section 3.775 - Removal of Historic Landmark Designation..... 6
 Section 3.776 - Review of Exterior Alterations 7
 Section 3.777 - Review of New Construction..... 10
 Section 3.778 - Procedure for Demolition or Moving a Historic Landmark..... 11
 Section 3.779 - Interim Protection..... 14
 Section 3.780 - Appeals..... 14
 Section 3.781 - Penalties..... 14
 Section 3.782 – Relationship to Base Zones 14

~~Scope. #~~

~~applicability. #~~

Section 3.771 – Purpose

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. 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 - Applicability

A. This ordinance is applied:

- 1. To all historic, cultural, or archaeological 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.**
- 3. To all historic, cultural, and archaeological resources that are on the National Historic Register**

Section 3.773 – Permitted Uses

- A. Properties within the Cultural, Historical, and Archaeological Overlay Zone may be used for any use which allowed in the underlying zone provided such use is not detrimental to the preservation of the resource, subject to the specific requirements for the use and all other requirements of Section 3.770.**

~~**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 3.774 – 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 Director**, 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~~**Planning Director**.– The ~~Landmarks Commission~~**Planning Director** makes recommendations for designations to the ~~Board of Commissioners~~**Planning Commission**.– The ~~Board of Commissioners~~**Planning Commission** shall conduct a de novo hearing in accordance with the requirements of Chapter 2 of the Wasco LUDO (**Type III**) taking into consideration the recommendations of the ~~Landmarks Commission~~**Planning Director**, and the public testimony.– **A public notice must be sent, including a notice to the owners of the right to object at any time during the hearings process.**
- 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~~**Planning Director** 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~~ **Planning Director**.— After the historic resource has been evaluated according to the review criteria set forth in Section [3.773 D](#), the ~~Landmarks Commission~~ **Planning Director** 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 **Planning Director** ~~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 —**Planning Director** ~~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~~ **Planning Commission**.— If the **Planning Director** ~~Landmarks Commission~~ acts to reject a —proposed designation, no further action shall be taken unless an appeal of the —~~Landmarks Commissions'~~ **Planning Commission** action is filed with the Board of Commissioners by the —applicant, pursuant to Section [3.779](#).

F. ~~Board of Commissioners~~ **Planning Commission** Decision.— The ~~Board of Commissioners~~ **Planning Commission** 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~~ **Planning Commission** shall conduct a public hearing to consider the proposed designation and recommendations of the ~~Landmarks Commission~~ **Planning Director**.— Following the public hearing, the ~~Board of Commissioners~~ **Planning Commission** shall approve, or approve with conditions, or to deny the proposed designation based on the ~~Landmarks Commission's~~ **Planning Director's** recommendation, and the public comment.— Written notice of the action taken by the ~~Board of Commissioners~~ **Planning Commission** shall be sent to the applicant by the Planning Director within 30 days of such action.

Section 3.775 - 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~~ **Planning Director**, the property owner, or by any other interested person.

- B. Procedure.– Review of a request for removal of designation is heard by the ~~Landmarks~~ **Planning** Commission who is the final review body unless an appeal is filed.– The ~~Landmarks~~ **Planning** 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 **Planning** ~~Landmarks~~ Commission.
- D. Review Criteria.– The ~~Landmarks~~ **Planning** 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 to 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 3.776 - 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~~ **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~~ **Planning** 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~~ **Planning Director**.– 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~~ **Planning** Commission which is the final review body unless an appeal is filed.– The ~~Landmarks~~ **Planning** 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~~ **Planning** Commission for review.
- F. Review Criteria.– The ~~Landmarks~~ **Planning** 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~~ **Planning** 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~~ **Planning** 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~~ **Planning** 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~~ **Planning** Commission under this section shall be supported by written findings in accordance with the review criteria.

Section 3.777 - Review of New Construction

Purpose: The purpose of reviewing the **exterior** ~~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 **within 750 feet** ~~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~~ **Planning Director** which is the final review body unless an appeal is filed. The **Planning Director** ~~Landmarks Commission~~ shall conduct a ~~quasi-judicial hearing~~ **Type II review** 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~~ **Planning Director**, using forms prescribed by 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 **Planning Director** ~~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 **Planning Director** ~~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 **Planning Director** ~~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 **Planning Director** ~~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 **Planning Director** ~~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 3.778 - 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 **Planning** ~~Landmarks Commission~~.– The **Planning** ~~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 **Planning** ~~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 **Planning Landmarks** Commission shall make a decision following the completion of the public hearing.— For applications for demolition, the **Planning 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 **Planning 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 **Planning 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 **Planning** ~~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 **Planning** ~~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 3.779 - 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 3.780 - Appeals

A final written decision of the **Planning** ~~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 **Planning** ~~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 **Planning** ~~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 3.781 - 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 3.782 – Relationship to Base Zones

- A. Land located in this overlay zone 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 more restrictive regulation or standard shall apply.**

Section 3.800 - Mineral and Aggregate Overlay (OZEPD-5)

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Section 3.801 - Purpose

~~Purpose:~~ **Mineral and aggregate resources are protected by Goal 5 of the Statewide Land Use Planning Program (OAR 660-023-0180).** 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 3.802 - Applicability 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~~ **Significant** resource ~~Resource~~ sites **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 3.803 - 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
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:
 - a. Is located within an ownership or long-term lease containing reserves in excess of 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.
 - 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.
- 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 3.804 - Exemptions

The following activities at significant sites are exempt from the development standards of Section [3.807](#). 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 3.805 - 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 [3.807 - Development Standards](#).

Within an Extraction Area, existing mining activities that do not conform to the standards of Section [3.806 - 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 [3.809 - Impact Area Uses and Standards](#).

Section 3.806 - Permitted Uses - Extraction Areas

The following uses may be permitted in the Extraction Area subject to Site Plan approval in accordance with Section [3.808](#):

- 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 [3.809](#).
- 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 3.807 - Development Standards - Extraction Area

A development plan shall be submitted to the Wasco County Planning Department for any permitted activity allowed in Section [3.806](#). 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 **or within 1000' of a residence** 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.~~ **subject to site specific review including consideration of:**
 - a. **The safety of workers**
 - b. **Impacts on road traffic**
 - ~~a.~~ **c. Impacts on adjacent properties related to noise, light, and air quality.**

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 [3.807](#). 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 3.808 - Application Process

Final development plan approval is required prior to the beginning of any mineral and aggregate activity listed in Section [3.806](#), 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 [3.807](#) 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 [3.807](#) 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 3.809 - 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 3.810 - 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](#) - [3.810](#) 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 3.811 - 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 3.812 – Relationship to Base Zones

- A. Land located in this overlay zone 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 more restrictive regulation or standard shall apply.**

Section 3.900 - Reservoir Overlay Zone (OZ-6)

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Section 3.901 - Purpose

This overlay zone is for reservoir areas identified in the Comprehensive Plan through the safe harbor rules. 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 (**DSL**) concerning applications for development permits or other land use decisions affecting wetlands on the adopted wetland inventory.

Section 3.902 - Applicability 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~~ **State** 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 – Permitted Uses and 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:-

1. Streets, roads and paths,
2. Drainage facilities, utilities, and irrigation pumps,
3. Water-related and water dependent uses, and
4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
5. Removal of vegetation only when it is either:
 - a. non-native vegetation removed for the purpose of replacing non-native with native vegetation, or
 - b. vegetation that must be removed for the development, redevelopment, or maintenance of water related or water dependent uses
 - c. 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.

- B. The county shall notify the Oregon DSL and the Oregon Department of Fish and Wildlife (ODFW) of any development application for land within a wetland identified on the State Wetland Inventory.

Section 3.904 - Sensitive Resource Plan and Plan Review Process

- A. Completed ~~site plan~~ **site** 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 ~~site 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 3.907 - Relationship to Base Zones

- A. Land located in the Reservoir Overlay Zone (~~EPDOZ~~**EPDOZ-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 more restrictive regulation or standard shall apply.**

Section 3.910 - Natural Areas, Wild and Scenic Rivers and Oregon Scenic Waterways Overlay (EPDOZ-7)

Section 3.910 - Natural Areas Overlay (OZ-7)..... 1
Section 3.911 - Purpose 1
Section 3.912 - Applicability 1
Section 3.913 - Permitted Uses..... 1
Section 3.914 - Approval Standards..... 2
Section 3.915 - Relationship to the Base Zones..... 2

Section 3.911 - Purpose

~~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.~~

Consistent with Goal 5, the purpose of this overlay district is to protect Natural Areas (OAR [660-023-0160](#)), Federal Wild and Scenic Rivers (OAR [660-023-0120](#)), and Oregon Scenic Waterways (OAR [660-023-0130](#)). These resources have been identified and inventoried in the Wasco County Comprehensive Plan.

Section 3.912 – Applicability

Natural Areas are designated sites listed in the Oregon State Register of Natural Heritage Resources, the Wasco County Comprehensive Plan, and on the Wasco County Comprehensive Plan Zoning Map.

The White River is a Federally Designated Wild and Scenic River and is also listed as a protected resource in the Wasco County Comprehensive Plan and Comprehensive Plan Zoning Map.

The John Day and Deschutes Rivers are designated Oregon Scenic Waterways and are also listed as protected resources in the Wasco County Comprehensive Plan and Comprehensive Plan Zoning Map.

Section ~~3.911~~ 913 - 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.~~ **Consistent with the Wasco County**

Comprehensive Plan, all uses allowed in the underlying zones ~~are~~ may be permitted but subject to conditional use criteria and review.

Section 3.912-914 - 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.

All applications are also subject to the conditional use procedures and criteria, as listed in Chapter 5. Applications within the overlay zone protections for the Oregon Scenic Waterways are also subject to the following:

- A. The Bureau of Land Management, Oregon State Department of Transportation and the Warm Springs Indian Reservation shall be notified of all proposed land actions with the Deschutes River and John Day River Scenic Waterways areas for their review and comment.**
- B. Landowners proposing development along the Deschutes and/or John Day Rivers must notify the Oregon Parks and Recreation Department (OPRD). The landowner shall make notification on OPRD forms and submit directly to OPRD.**

Section 3.915 – Relationship to the Base Zones

- A. Land located within this overlay zone 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 more restrictive regulation or standard shall apply.**

~~* White River is designated as an Outstanding Scenic Recreation Area (requires CUP review). See Table 11; Page 5-19 or Comprehensive Plan.~~

Section 3.930 - Big Muddy Limited Use Overlay (OZ 9)

Section 3.930 - Big Muddy Limited Use Overlay.....	1
Section 3.931 - Purpose	1
Section 3.932 - Applicability	1
Section 3.933 - Permitted Uses.....	1
Section 3.934 - Conditional Uses	1
Section 3.935 - Development Standards	2
Section 3.936 - Limitations	2
Section 3.937 - Relationship to the Base Zone	3

Section 3.931 - Purpose

~~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 3.932 - Applicability

This overlay zone applies exclusively to the Big Muddy/Washington Family Ranch Exception Area as inventoried in the Wasco County Comprehensive Plan.

Section 3.931-933 - Permitted Uses

- A. Use of buildings **lawfully established** ~~existing on~~ **or before September 18, 1997** ~~the date of adoption of this Section~~ consistent with the Exception.
- B. Renovation and relocation of buildings **lawfully established** ~~existing on~~ **or before September 18, 1997** ~~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 3.932-934 - 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 3.933-935 - 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 3.934-936 - 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 3.937 - Relationship to the Base Zone

- A. Land located within this overlay zone 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 more restrictive regulation or standard shall apply.**

Section 3.940 - Badger Creek Limited Use Overlay (OZ-10)

Section 3.940 - Badger Creek Limited Use Overlay (OZ-10)	1
Section 3.941 - Purpose	1
Section 3.942 - Applicability.....	1
Section 3.943 - Permitted Uses.....	1
Section 3.944 - Conditional Uses	1
Section 3.945 - Limitations.....	2
Section 3.950 – Relationship to Base Zones	2

Section 3.941 - Purpose

~~Purpose:~~ The purpose of the Badger Creek Limited Use Overlay is:

- A. ~~(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)~~
- B. to limit uses and activities in accordance with the Exception.

Section 3.942 - Applicability

This overlay zone applies exclusively to the Badger Creek Exception Area as inventoried in the Wasco County Comprehensive Plan.

Section 3.~~941~~943 - Permitted Uses

- A. Residential uses **lawfully established** ~~as of the effective date of this Ordinance~~ **on or before March 17, 1999** shall be allowed to remain.
- B. **Lawfully established** ~~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~~944 - 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 3.943-945 - 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 – Relationship to Base Zones

- A. **Land located in this overlay zone 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 more restrictive regulation or standard shall apply.**

Section 3.960 - Sensitive Bird Site Overlay (~~EPD~~OZOZ-12**)**

Section 3.960 - Sensitive Bird Site Overlay (OZ-12) 1
Section 3.961 - Purpose 1
Section 3.962 - Applicability..... 1
Section 3.963 - Exempt Uses..... 1
Section 3.964 - Procedure for Applying the Overlay Zone 2
Section 3.965 - Applicable Criteria..... 2
Section 3.966 - Threatened and Endangered Species 3
Section 3.967 - Interim Protection of Sensitive Bird Habitat Sites 3
Section 3.968 - Relationship to Base Zones..... 4

Section 3.961 - 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 **sensitive bird species** ~~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~~ 962 - Applicability

Sensitive bird site protection measures are applicable to all uses in the underlying zone(s).

- A.** 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.
- B.** Land divisions **and property line adjustments** of parcels ~~including~~ **within a** sensitive habitat protection area shall be reviewed to determine the need for sensitive resource review specifically considering review criterion Section [3.963 E](#).
- ~~A.C.~~ **C.** 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.

Section 3.963 – Exempt Uses

- A.** 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 **and are exempt from review**.

Section 3.962-964 - 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 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.– 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 3.963-965 - 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, **or property line adjustments** 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 3.964-966 - 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 3.965-967 - 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 3.968 – Relationship to Base Zones

- A. Land located in the Sensitive Bird Overlay Zone, 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 more restrictive regulation or standard shall apply.**

Section 3.980 - Camp Morrow Limited Use Overlay (OZ-14)

Section 3.980 - Camp Morrow Limited Use Overlay (OZ-14) 1
Section 3.981 - Purpose 1
Section 3.982 - Applicability 1
Section 3.983 - Permitted Uses..... 1
Section 3.984 - Conditional Uses 1
Section 3.985 - Development Standards 2
Section 3.986 – Relationship to the Base Zone 3

Section 3.981 - Purpose

~~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 3.982 - Applicability

This overlay zone applies exclusively to the Camp Morrow Exception Area inventoried in the Wasco County Comprehensive Plan.

Section 3.981-983 - Permitted Uses

- A. Use of all lawfully established development existing on **or before November 14, 2006**~~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 **or before November 14, 2006**~~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 3.982-984 — Conditional Uses~~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 3.983-985 - 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.

Section 3.986 – Relationship to the Base Zone

- A. Land located within this overlay zone 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 more restrictive regulation or standard shall apply.**