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CHAPTER 3 BASIC PROVISIONS

SECTION 3.010 Introduction

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

SECTION 3.020 Compliance Required

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

New cultivation and some re-cultivation are subject to [Chapter 14 - Scenic Area Review](#). The Gorge Commission, Forest Service and County will work together to establish a farm stewardship program enabling the County's Technical Advisory Committee, the Soil Conservation Service, Cherry Grower's Association and other affected groups to help educate Wasco County National Scenic Area residents about compliance requirements and preferable farming practices.

SECTION 3.030 Location of Zones

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

SECTION 3.040 Zoning Maps

A Zoning Map or Zoning Amendment shall:

- A. Be prepared by authority of the Planning Commission or be a modification by the County Board of Commissioners of a map amendment so prepared;
- B. Be adopted by order of the County Board of Commissioners thereon;
- C. Be dated with the effective date of such action; and
- D. Be reviewed by the Columbia River Gorge Commission and Forest Service and approved if appropriate; and
- E. Be filed and maintained without change in the Office of the County Clerk as long as this Ordinance remains in effect.

SECTION 3.050 Boundaries of Zones

Boundaries of plan designations are established by the Gorge Commission and Forest Service in accordance with the Columbia River Gorge National Scenic Area Management Plan and Columbia River Gorge National Scenic Area Act ([Public Law 99-663](#)). These boundary lines have been transposed onto Wasco County tax lot maps for use in implementing this ordinance.

Original Scenic Area Maps and Land Use Designation maps are on file at the offices of the USDA Forest Service, National Scenic Area Office, Hood River Oregon and the Gorge Commission Office, White Salmon, Washington.

- A. When it is necessary to pinpoint the location of a boundary line on the ground an applicant shall consult with the Gorge Commission and Forest Service regarding the specific location of the boundary.
- B. Where a discrepancy exists, the applicant shall work with the Gorge Commission and Forest Service staff to resolve the discrepancy.

SECTION 3.060 Classification of Zones

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

ZONE

Large Scale Agriculture	A-1
Small Scale Agriculture	A-2
Industrial Forest	F-1
Small Woodland-Forest	F-3
Rural Residential	RR
Commercial	C
Public Recreation	PR
Commercial Recreation	CR
Open Space	OS
Agriculture Special	A-S

OVERLAY ZONES

Environmental Protection District - EPD

Division 1	Flood hazard overlay
Division 2	Geologic hazard overlay

SECTION 3.100 Uses Permitted Without Review

The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space and Agriculture Special, subject to the applicable property development standards:

- A. In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.
- B. In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.
- C. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.
- D. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.
- E. Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities.
- F. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (post and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.
- G. Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.
- H. The following transportation facilities:
 - 1. Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are:
 - a. The same location and size as the existing structures and
 - b. The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic*

Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

2. Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are
 - a. The same location and size as the existing structures and
 - b. The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
3. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
4. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
 - a. The signs comply with the *Manual on Uniform Traffic Control Devices*; and
 - b. The support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.
5. Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are
 - a. Located inside rights-of-way that have been disturbed in the past; and
 - b. Constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
6. New traffic barriers and guardrail ends, provided the structures are
 - a. Located inside rights-of-way that have been disturbed in the past and
 - b. Constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to

the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.” This category does not include jersey barriers.

7. In the General Management Area, replacement or expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.
 8. In the Special Management Area, replacement or expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.
 9. Maintenance of existing railroad track and paved roads, provided the activity does not
 - a. Increase the width of a road or railroad
 - b. Disturb the toe of adjacent embankments, slopes or cut banks, or
 10. Apply dust abatement products to non-paved road surfaces.
 11. Grade and gravel existing road shoulders, provided the activity does not
 - a. Increase the width of a road,
 - b. Disturb the toe of adjacent embankments, slopes or cut banks, or
 - c.
 12. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).
- I. The following underground utility facilities:
1. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.
 2. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

- a. No excavation would extend more than 12 inches beyond the depth and extent of the original excavation,
- b. No ditch for linear facilities would be more than 24 inches wide,
- c. No excavation for non-linear facilities would exceed 10 cubic yards, and
- d. No recorded archaeological site is located within 500 feet of the development. To comply, the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

J. The following aboveground and overhead utility facilities:

- 1. Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:
 - a. The same location and size as the existing facilities and
 - b. The same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."
- 2. Replace existing utility poles, provided the replacement poles are
 - a. Located within 5 feet of the original poles,
 - b. No more than 5 feet taller and 6 inches wider than the original poles, and
 - c. Constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.
- 3. New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

K. Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

L. The following Signs:

1. Election signs. Removal must be accomplished within 30 days of election day.
 2. "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
 3. Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual on Uniform Traffic Control Devices*. Removal must be accomplished within 30 days of project completion.
 4. Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Area.
 5. Temporary signs advertising civil, social, or political gatherings and activities provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.
 6. Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
 7. In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).
- M. In the General Management Area, wind machines for frost control in conjunction with agricultural use.

SECTION 3.110 Expedited Review**A. Uses Permitted Subject to Expedited Review**

The following developments may be allowed on a legal parcel subject to the expedited development review process listed in [Chapter 2](#), provided they comply with the resource protection and procedural guidelines listed below.

1. Except in Open Space and Agriculture-Special, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.
2. Additions and covered decks for existing buildings provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.
3. Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.
4. Wire-strand fences other than those allowed outright, provided the fence complies with the "Approval Criteria for Fences in Deer and Elk Winter Range" in [14.600\(C\)](#) if it is inside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency.
5. Woven-wire fences for agricultural use that would enclose 80 acres or less. (GMA Only)
6. Decks that are:
 - a. Uncovered,
 - b. Attached and accessory to existing dwellings, and
 - c. 500 square feet or less in area and 30 inches or less in height above existing grade.

7. Road closure gates
8. Signs, other than those allowed outright subject to the provisions of [Chapter 23](#).
9. Outdoor lights.
10. Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
11. Property line adjustments and Replats subject to [Section 21.200](#) in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to the applicable property development standards for the zone in which the property is located and all other applicable provisions of [Chapter 21](#), except all lot line adjustments for parcels designated Open Space, Agricultural Special or, Public Recreation, shall be reviewed through the full development review process.
12. Property line adjustments in the Special Management Area subject to [Section 21.200](#) and all other applicable provisions of [Chapter 21](#).
13. Removal/Demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.
14. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
15. Trail reconstruction involving up to 1,000 feet of trail re-route.
16. The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):
 - a. New traffic barriers and guardrail ends, other than those allowed outright and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.
 - b. New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.
 - c. Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.
 - d. New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

17. New underground utility facilities, except in Agriculture Special, located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no ditch for linear facilities would be more than 36 inches wide and no excavation for non-linear facilities would exceed 20 cubic yards.
18. The following above ground and overhead utility facilities:
 - a. Modify existing aboveground and overhead utility facilities or, except in Agriculture Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.
 - b. Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.
 - c. New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.
19. Replace an existing mobile home in a mobile home space within a mobile home park, provided
 - a. The mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of existing use or structure in 1.200 and the provisions of [13.060](#) and [13.070](#).
 - b. The replacement mobile home shall be in the same location as the mobile home to be replaced;
 - c. The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and
 - d. The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

20. Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.

21. Wind machines for frost control in conjunction with agricultural use. (SMA Only)

22. Additions to existing buildings or structures that generate solar power for approved uses, provided that the panels and hardware are non-reflective black or dark earth tone colors and do not increase the overall roof height. This category does not include freestanding solar arrays, which are subject to full review as new structures under Chapter 19.

B. Expedited Development Review Process

Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

1. Scenic

- a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.
- b. Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth tones found at the specific site or the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building.
- c. Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.
- d. **Any exterior lighting** shall be directed downward and sited, hooded, limited in intensity and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- e. Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

2. Cultural

- a. The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The cultural resources in [Section 14.500](#) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.
- b. The requirements of [14.500\(G\)](#), “Cultural Resources Discovered After Construction Begins”, shall be applied as conditions of approval for all development approved under the expedited development review process.

3. Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

4. Natural

a. Wetlands, Riparian Areas, Streams, Rivers, Ponds, and Lakes:

The development is outside water resources and their buffer zones for wetlands, riparian areas, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

b. Sensitive Wildlife and Rare plants

(1) The development meets one of the following:

- (a)** The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range and known rare plants; or
- (b)** The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or
- (c)** For sensitive wildlife, the development is within 1,000 feet of known Priority Habitat or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range), but an appropriate federal or state wildlife agency determines the Priority Habitat or sensitive wildlife site is not active or the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.

For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.

- (2) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or rare plants in [Section 14.600](#).

C. Treaty Protection Rights

Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

1. Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.
2. The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.
3. Except as provided in 2 above, the GMA and SMA treaty rights and consultation criteria in [Sections 14.800](#) & [14.810](#) shall not apply to proposed developments reviewed under the expedited review process.

SECTION 3.120 "A-1" Large Scale Agriculture Zone (GMA & SMA)

A. Purpose

The purpose of the Large Scale Agriculture Zone is to protect and enhance large scale agricultural land for agricultural uses. Large Scale Agricultural lands are generally:

1. Currently devoted to agriculture of a scale that is land intensive, employs workers, or provides significant products for markets or processors; or
2. Have a combination of soil capability, size and freedom from conflicting use that renders them suitable for large-scale agriculture or forest use.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Large-Scale Agriculture. (GMA & SMA)

C. Uses Permitted Subject to Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Large-Scale Agriculture subject to the [Expedited Review Process, Subsection G - Property Development Standards](#), and [Chapter 11 - Fire Safety Standards](#) as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application. (GMA & SMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Large-Scale Agriculture subject to Subsection G - Property Development Standards, [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

FARM USE

1. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas, upon demonstration that the landowner has sufficient water to support the use.

Clearing trees for new agricultural use is subject to criterion J(5): (SMA Only)

2. Forest practices in accordance with an approved forest practices application consistent forest practice requirements listed in criterion J(6) below. (SMA Only)
3. Agricultural structures in conjunction with agricultural use, including new cultivation. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA).

4. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards: (GMA & SMA)

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

RESIDENTIAL USE

5. One single family dwelling customarily provided in conjunction with agricultural use, as defined, subject to the following standards: (GMA & SMA)

- a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

- b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and

- c. The operation is a commercial agricultural enterprise as determined by the submittal of a [Farm Management Plan defined in Section 1.200](#) and an evaluation of the following factors:

- (1) Size of the entire unit, including all land in the same ownership;

- (2) Operational requirements for the particular agricultural activity common to area agricultural operations; and

- (3) The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

$$\text{Average Yield Per Acre/Unit} \times \text{Average Commodity/Unit Price} \times \text{Total Acres for Production of Commodity/Units} = \text{Annual Income}$$

- d. The parcel is a minimum of 40 acres in size. (SMA Only)

6. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 7 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA)
7. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel: (GMA & SMA)
 - a. Parcels less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
8. A single family dwelling for an agricultural operator's relative subject to the following standards: (GMA Only)
 - a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;
 - b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
 - c. The operation is a commercial enterprise as determined by an evaluation of criterion D(5)(c) above.
9. Agricultural labor housing subject to the following standards (GMA & SMA):
 - a. The proposed housing is necessary and accessory to a current agricultural use as evidenced

by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;

- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- c. The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
- d. The operation is a commercial enterprise as determined by an evaluation of criterion D(5)(c) above
- e. There is an existing dwelling on the parcel.

10. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Large Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling in conjunction with agricultural use may be allowed subject to the following standards: (GMA Only)

- a. The proposed dwelling is in conjunction with agricultural use, as defined, subject to the following standards:
 - (1) There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy 5(c)(3) above; and
 - (3) The operation is a commercial agricultural enterprise as determined by an evaluation of criterion D(5)(c) above.
- b. Upon termination of the Life Estate, the original or second dwelling shall be removed.

11. A second single family dwelling customarily provided in conjunction with agricultural use, as defined, when the new dwelling would be used for the primary residence instead of the existing dwelling that is listed in the National Register of Historic Places, or is eligible for inclusion in the Register as determined using the criteria listed in [Sections 14.500](#) and [14.510](#), Cultural Resources. (GMA Only)

12. A single family dwelling not in conjunction with agricultural use on a lot/parcel that was legally created prior to November 17, 1986, subject to the following standards: (GMA Only)
 - a. The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
 - b. The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
 - c. The dwelling shall be setback from any abutting parcel designated Forest as required in [3.140\(G\)](#), Property Development Standards for the Large Scale Forest zone.
 - d. A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;
 - e. Request has been made to the County Assessor to disqualify the parcel for special assessment under [ORS 308A.315](#), or [321.839](#) and that said disqualification is completed prior to the final approval of the non-farm dwelling.
13. The temporary use of a manufactured home or dwelling structure in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (GMA & SMA). In the SMA, the property must be 40 acres or greater.
14. One dwelling on a lot/parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following (SMA Only):
 - a. The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.
 - b. The subject parcel has been enrolled in the appropriate state's forest assessment program.
 - c. A plan for management of the parcel has been approved by the Oregon Department of Forestry or Wasco County. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

- d. There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
- e. A declaration has been signed by the landowner and recorded into County deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

MISCELLANEOUS USE

- 15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
- 16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
- 17. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources subject to the Resource Enhancement standards prescribed in [Chapter 10](#): (GMA & SMA)
- 18. Uninhabitable structures associated with hunting and fishing operations. (GMA Only)
- 20. Towers and fire stations for forest fire protection. (GMA & SMA)
- 21. Docks and boathouses, subject to the standards below: (GMA & SMA)
 - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use maybe allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
- 22. Exploration, development, and production of sand, gravel, or crushed rock subject to that material being used only for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA. (SMA only)
- 23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#). (GMA & SMA)

24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#) and all other applicable provisions of [Chapter 21](#). (GMA Only)
25. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation. (SMA Only)

E. Uses Permitted Conditionally

The following uses and activities may be allowed with conditions on a legal parcel designated Large Scale Agriculture subject to Subsection G - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FARM/FOREST USE

1. Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm or in the local region. (GMA Only)
2. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery. (GMA Only)
3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within. (GMA Only)
4. Fruits and produce stands, upon a showing that: (GMA & SMA)
 - a.
 - a. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
5. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation. "Primarily" means a clear majority of the product as measured by volume, weight, or value. (GMA & SMA)
6. Fish hatcheries and aquaculture. (GMA & SMA)
7. Silvicultural nurseries. (SMA Only)

COMMERCIAL USE

8. Commercial Events, subject to [Commercial Events standards prescribed in Chapter 20](#). (GMA Only)
9. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#). (GMA & SMA)

The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses. (SMA Only)

10. Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#) and provided that the residence (GMA & SMA):

a. Is included in the National Register of Historic Places, or

b. Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.

11. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#) (GMA Only).

PUBLIC & QUASI-PUBLIC USE

12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facility. (GMA Only)
13. Expansion of existing nonprofit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited. (SMA Only)
14. Expansion of existing school or place of worship. (GMA Only)
15. Community facilities and nonprofit facilities related to agricultural or forest resource management. (SMA Only)
16. Recreation Development, subject to [Section 14.700](#). (GMA Only)
17. Public recreation, commercial recreation, interpretive, and educational developments and uses, consistent with [Section 14.710](#). (SMA Only)

MISCELLANEOUS USE

18. Road and railroad construction and reconstruction. (SMA Only)

19. Construction, reconstruction, or modification of roads, utility facilities and railroads necessary for public service upon a showing that: (GMA & SMA)
 - a. There is no practicable alternative location with less adverse effect on the scenic, cultural, natural, recreational, agricultural or forest lands; and
 - b. The size is the minimum necessary to provide the service.
21. Personal-use airstrips including associated accessory structures such as a hangar. (GMA Only)
 - a. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
 - b. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.
22. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed [Chapter 10](#). (GMA Only)
23. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months. (GMA & SMA)
24. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to [Disposal standards prescribed in Chapter 10](#). (GMA & SMA)

F. Prohibited Uses

1. Subdivisions, Cluster Developments, Industrial Uses.
2. All other uses not listed.

G. Property Development Standards

1. Property Size

- a. The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
A-1(40)	Forty (40) Acres	500'
A-1(60)	Sixty (60) Acres	500'
A-1(80)	Eighty (80) Acres	1,000'
A-1(160)	One Hundred Sixty (160) Acres	1,000'

- b. In the SMA no land divisions will be allowed unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable. **2. General Setbacks** - All structures, other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

3. **Agricultural Setbacks** - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.
- b. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- c. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- d. The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.

- e. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - f. A variance to the setback requirements may be made in accordance with Chapter 6, Variances.
- 4. Irrigation Ditch Setbacks: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs. If the irrigation ditch meets the definition of a “stream”, the natural resource provisions of [Chapter 14](#) shall apply.
 - 5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
 - 6. Height - Maximum height for all structures shall be thirty-five (35) feet unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
 - 7. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 - 8. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).
- H. Special Management Area
In addition to the standards and conditions listed in this section, and the applicable provisions of [Chapter 14 - Scenic Area Review](#), the following standards apply to the agricultural lands in the Special Management Area:
- 1. If a standard or condition of this subsection is more restrictive than other subsections of this section, this subsection is controlling;
 - 2. No new dwellings or other related major structures shall be permitted on parcels of land less than 40 contiguous acres;
 - 3. The Forest Service shall, in collaboration with county and/or state regulatory agencies, review site plans for forest practices for compliance with SMA forest practice guidelines. The Forest Service review of the site plans shall include the following analysis:
 - a. Protection of the scenic resources: analysis of potential impacts, including cumulative effects, to scenic values as viewed from the key viewing areas.
 - b. Protection of the cultural resources: analysis of potential impacts to the cultural resources,

- including cumulative effects.
- c. Protection of natural resources: analysis of potential impacts, including cumulative effects, to the natural resources.
 - d. Protection of the recreational resources: analysis of potential impacts to the recreational resources, including cumulative effects.
4. New commercial uses and developments other than commercial recreation, pursuant to recreational objectives and guidelines set forth in Chapter 4 Recreation Resources in the Columbia River Gorge National Scenic Area Management Plan, are not permitted in the Special Management Areas.
5. Clearing trees for new agricultural use is subject to the following additional standards:
- a. A Stewardship Plan subject to criterion d below shall be submitted and deemed complete by the county and submitted to the Forest Service for review.
 - b. Clearing trees for new agricultural use shall be limited to 15 acres.
 - c. If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application in (d)(1-4) below and subject to criterion (i).
 - d. After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:
 - (1) Scenic Resource guidelines in Review Uses 6(d)(1) and (5) below.
 - (2) The applicable criteria in [Section 14.510 Cultural Resources](#), [Section 14.610 Natural Resources](#), and [Section 14.710 Recreational Resources](#).
 - (3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.
 - (4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.
 - e. The Forest Service shall send the review statement to the appropriate county planning office. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

- (5)** Road and structure construction and/or reconstruction design.
 - (6)** Existing and proposed rock pit development plans.
 - (7)** A discussion of slash disposal methods.
 - (8)** A reforestation plan as reviewed by the Oregon Department of Forestry.
- b.** As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.
- c.** Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements shall be provided:
- (1)** Outline the long term goals, proposed operations, and future sustainability of the subject parcel.
 - (2)** Describe the time frame and steps planned to reach the long term goals.
 - (3)** For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:
 - (a)** Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.
 - (b)** Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.
 - (c)** Give a clear explanation how a deviation from the applicable guidelines may better achieve forest health objectives.
 - (d)** Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.
 - (4)** For clearing trees for new agricultural use, the following shall be addressed in addition to (c)(1) & (2) above:
 - (a)** Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

- (b) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in 5(d)(1) through (4) above.
 - (c) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.
 - (d) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.
- d. For forest practices, the following scenic resource guidelines shall apply:
 - (1) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone.
 - (2) Created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in (e) below.
 - (3) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in (e) below.
 - (4) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table below.
 - (a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.
 - (b) If the Stewardship Plan proves that the above criterion is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.
 - (5) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.
- e. Forest practices shall maintain the following in addition to applicable natural resources criteria in [Section 14.610](#):
 - (1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

- (2)** Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under d(5) above.
- (3)** Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.
- (4)** If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN								
<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<u>Vegetation Type[#]</u>	<u>Forest Structure</u> (Average % total canopy closure (cc)) [*]	<u>Typical Forest Opening s Size</u> <u>Disturbance caused</u> <u>Historic (Natural)</u> <u>Desired</u>		<u>Percent Openings at One Time</u> <u>Historic (Natural)</u> <u>Desired</u>		<u>Leave Trees</u> <u>Includes all available remnant old forest</u>	<u>Average Down Wood</u> <u>Pieces 30 ft long per acre (scattered)</u>	<u>Average Snags</u> (Conifers) <u>No. per acre</u> <u>Snags are 20-40 ft in height</u>
<u>West Conifer</u>	60-80% canopy closure. Understory layer variable (0-60% of total cc).	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100acres Catastrophic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10%(mosaic fire) up to 55% (catastrophic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.	Leave 15% of existing trees per acre throughout opening and in clumps. Include 3 trees per acre of the largest size trees available	18-25 pieces greater than 20" dbh	10 snags at 10" - 20" dbh, and 7 snags greater than 20" dbh
<u>East Conifer</u> (Ponderosa Pine/Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Openings due to low intensity fires. ¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20" dbh	5 snags at 10"- 20" dbh and 3 snags greater than 20" dbh

<u>Ponderosa Pine/ Oregon Oak</u>	25-60% canopy closure Understory layer greater than 25% of total cc.	Most natural openings due to poor soil. Disturbance openings few	Openings less than 1 acre Openings have 0 - 25% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	1 - 3 pieces greater than 20" dbh	5 snags at 10" - 20" dbh and 3 snags greater than 20" dbh Oak snags can be counted if already dead or partially dead
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Map available at the Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

SECTION 3.130 "A-2" Small Scale Agriculture Zone (GMA Only)

A. Purpose

The purpose of the Small Scale Agriculture Zone is to protect and enhance small scale agricultural land for agricultural uses. Small Scale Agricultural lands generally:

1. Have little potential for consolidation with large-scale agricultural lands and are currently devoted to agriculture of a scale too small to support workers or provide a significant volume of products for markets or processors; and
2. Have a combination of soil capability and size that provides an opportunity for direct marketing or part-time/second income agriculture.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Small-Scale Agriculture.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Small-Scale Agriculture subject to Expedited Review and Subsection G - Property Development Standards and [Chapter 11 - Fire Safety Standards](#) as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Small Scale Agriculture subject to the Subsection G - Property Development Standards, [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

FARM USE

1. New cultivation: Any operation that would cultivate land that has not been cultivated upon demonstration that the landowner has sufficient water to support the use.
2. Agricultural structures in conjunction with agricultural use, including new cultivation. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
3. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

RESIDENTIAL USE

4. One single-family dwelling on any legally created and existing parcel.
5. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 6 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
6. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:
 - a. Less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
7. The temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in Chapter 8, Temporary Use Permits.
8. Agricultural labor housing subject to the following standards:
 - a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;

Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for
Production of Commodity/Units = Annual Income

- b. Upon termination of the Life Estate, the original or second dwelling shall be removed.

MISCELLANEOUS USE

10. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
11. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
12. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
13. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject Resource Enhancement standards prescribed in [Chapter 10](#).
14. Uninhabitable structures associated with hunting and fishing operations.
15. Towers and fire stations for forest fire protection when necessary for public service
16. Docks and boathouses, subject to the standards below:
 - a. New private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
 - b. New private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use maybe allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
17. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#).
18. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#).

E. Uses Permitted Conditionally

The following uses and activities may be allowed with conditions on a legal parcel designated Small Scale Agriculture subject to [Subsection G - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FARM/FOREST USE

1. Wineries and cideries, in conjunction with an on-site vineyard or orchard upon a showing that processing of wine or cider is from fruits harvested on the subject farm and the local region.
2. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.
3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.
4. Fruits and produce stands, upon a showing that:
 - b. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
5. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
6. Fish hatcheries and Aquaculture.

COMMERCIAL USE

7. Commercial events, subject to the [Commercial Events standards prescribed in Chapter 20](#).
8. Home occupations in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#).
9. Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
10. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20 \(GMA Only\)](#).
11. **Commercial events in conjunction with an on-site wine or cider sales and tasting room, commercial use, or dwelling listed in the National Register of Historic Places.**

PUBLIC & QUASI-PUBLIC USE

12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facility.
13. Recreation Development subject to [Section 14.700](#).
14. Expansion of existing school or place of worship.

MISCELLANEOUS USE

15. Utility facilities and railroads necessary for public service upon a showing that:
 - a. There is no practicable alternative location with less adverse effect on agricultural or forest lands; and
 - b. the size is the minimum necessary to provide the service.
16. Personal-use airstrips including associated accessory structures such as a hangar.
 - a. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
 - b. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.
17. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).
18. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.
19. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to the Disposal standards prescribed in [Chapter 10](#).
20. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.

F. Prohibited Uses

1. Industrial Uses.
2. All other uses not listed.

G. Property Development Standards

1. Property Size - The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
A-2(20)	Twenty (20) Acres	500'
A-2(40)	Forty (40) Acres	500'
A-2(60)	Sixty (60) Acres	500'
A-2(80)	Eighty (80) Acres	1,000'

2. General Setbacks - All structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. **New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.**
- b. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a

- finished height of fifteen (15) feet.
- c. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - d. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
 - e. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - f. A variance to the setback requirements may be made in accordance with Chapter 6.
- 4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
 - 5. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
 - 6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 - 7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.140 "F-1" Industrial Forest Zone (GMA Only)

A. Purpose

The purpose of the Industrial-Forest Zone is to protect and enhance Industrial forest land for forest uses. Industrial forest land is land that:

1. Contains land in the industrial and public ownership classes which occur in large tracts, have few residences and are generally bounded by other lands in the same ownership classes or by lands in the large woodland class.
2. Contains land in the non-industrial ownership class which have few residences, no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species and are generally bounded by lands in the large non-industrial, public or industrial ownership classes.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Industrial Forest.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Industrial Forest subject to Expedited Review and Subsection G - Property Development Standards and Chapter 11 - Fire Safety Standards, as well as all other listed or referenced standards

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Industrial Forest subject to Subsection G - Property Development Standards, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.

FOREST/FARM USE

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. The structure shall be subject to the standards in [Chapter 8, Temporary Use Permit](#). An "auxiliary" use or structure shall meet the following standards:
 - a. The use or alteration of a structure or land provides help to or is directly associated with the conduct of a particular forest practice.
 - b. The auxiliary structure is located on-site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting.
 - c. The auxiliary use is removed when a particular forest practice has concluded.

3. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation.
4. Agricultural structures, except buildings, in conjunction with agricultural use, including new cultivation, subject to the “Approval Criteria for Fire Protection”. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
5. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years and subject to the following:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200 with](#) their land use application:

6. A temporary mobile home in conjunction with a timber operation subject to a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and must be removed upon completion of the subject harvest operation or the end of the fire season.

RESIDENTIAL USE

7. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 9 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
8. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel:
 - a. Less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.

natural resources, subject to the [Resource Enhancement standards prescribed in Chapter 10.](#)

15. Uninhabitable structures accessory to hunting and fishing operations.
16. Towers and fire stations for forest fire protection.
17. Recreation Development, subject to [Section 14.700.](#)
18. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
19. Docks and boathouses, subject to the standards below:
 - a. New private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
 - b. New private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use maybe allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
20. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21.](#)
21. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [subject to 21.200](#) and all other applicable provisions of [Chapter 21.](#)

E. Uses Permitted Conditionally

The following uses and activities may be allowed with conditions on a legal parcel designated Industrial Forest subject to [Subsection G - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. Wineries and cideries, in conjunction with on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm or in the local region.
2. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.

3. Fruits and produce stands upon a showing that:
 - a. The stand complies with licensing requirements of the Food and Dairy Division of the [Oregon Department of Agriculture](#).
4. Agricultural product processing and packaging upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
5. Fish hatcheries and Aquaculture.
6. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

COMMERCIAL USE

7. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#).
8. Bed and breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
9. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#).

PUBLIC & QUASI-PUBLIC USE

10. Expansion of existing nonprofit group camps, retreats or conference or education centers.
11. Nonprofit, environmental learning or research facilities.

MISCELLANEOUS USE

12. Utility facilities and railroads necessary for public service upon a showing that:
 - a. There is no practicable alternative location with less adverse effect on the scenic, cultural, natural, recreational, agricultural or forest lands values; and
 - b. the size is the minimum necessary to provide the service.
13. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).

14. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.
15. Disposal sites managed and operated by the Oregon Department of Transportation or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to the Disposal Standards prescribed in [Chapter 10](#).
16. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order. (GMA Only)

F. Prohibited Uses

1. Subdivisions, Cluster Developments, Industrial Uses.
2. All other uses not listed.

G. Property Development Standards

1. Property Size – The creation or alteration of a parcel shall not result in a parcel less than eighty (80) acres and having less than a 1,000' minimum lot width.
2. Structure Siting Standards
The approval of new dwellings and accessory structures on Industrial Forest shall comply with the following standards:
 - a. The dwelling and structures shall be sited on the lot/parcel so that they shall have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least two hundred (200) feet from adjacent properties unless they meet the requirements of criterion b below.
 - b. Clustering or locating proposed development closer to existing development, including roads, on adjacent lands may minimize the impact on nearby or adjacent forest operations and may be considered as an alternative to the two hundred (200) foot setback required in (a) above.

Dwellings and accessory buildings shall be setback at least fifty (50) feet from the right of way of the road unless the road is a Scenic Travel Corridor, in which case the provisions of [Section 14.300](#) shall apply.

- c. The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thus minimizing the length of access roads and utility corridors; or locating the dwelling, access road and service corridors on portions of the

lot/parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings and lastly, land productivity.

- d. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on level slopes when practical, and in any case not on slopes which exceed forty (40) percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- e. A variance to the Structure Siting Standards may be made in accordance with [Chapter 6](#).
- f. Agricultural Setbacks - All new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- (1) Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - (2) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - (3) The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
 - (4) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - (5) A variance to the setback requirements may be made in accordance with [Chapter 6](#).
3. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).

4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.150 "F-3" Small Woodland Forest Zone (GMA Only)**A. Purpose**

The purpose of the Small Woodland-Forest Zone is to protect and enhance Small Woodland forest land for forest uses. Small woodland forest land is land that contains land in the nonindustrial ownership class which occur in smaller tracts, have organized structural fire protection services, are capable of growing fifty (50) cubic feet per acre per year or more of merchantable tree species and are generally bounded by other lands in the same ownership class or lands devoted to nonforest use.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Small Woodland Forest.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Small Woodland Forest subject to Expedited Review and Subsection G -Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Small Woodland Forest subject to Subsection G - Property Development Standards, [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. The structure shall be subject to the standards in [Chapter 8, Temporary Use Permit](#). An "auxiliary" use or structure shall meet the following standards:
 - a. The use or alteration of a structure or land provides help to or is directly associated with the conduct of a particular forest practice.
 - b. The auxiliary structure is located on-site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting.
 - c. The auxiliary use is removed when a particular forest practice has concluded.
3. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation.
4. Agricultural structures, except buildings, in conjunction with agricultural use, including new

cultivation, subject to the “Approval Criteria for Fire Protection”. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).

5. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years and meet the following:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

RESIDENTIAL USE

6. One (1) single family dwelling on a legally created and existing lot/parcel upon enrollment in the forest deferral taxation by the County Assessor's Office, or subject to findings that the lot/parcel cannot qualify for forest deferral taxation, a lot/parcel is entitled to one (1) single family dwelling. In either case, a declaration shall be signed by the land owner and recorded into County deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Forest or Agriculture.
7. One single family dwelling on lands designated Small Woodland customarily provided in conjunction with agricultural use, as defined, subject to the following standards:
 - a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
 - b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and
 - c. The operation is a commercial agricultural enterprise as determined by an evaluation of the following factors:
 - (1) Size of the entire unit, including all land in the same ownership;
 - (2) Type(s) of operation (crops, livestock) and acreage;
 - (3) Operational requirements for the particular agricultural activity common to area

agricultural operations; and

- (4) The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for
Production of Commodity/Units = Annual Income

8. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 9 below. Noncommercial wind energy conversions systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
9. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:
 - a. Less than or equal to 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - b. Larger than 10 acres in size are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
10. The temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#).
11. A second single family dwelling for an agricultural operator's relative subject to the following standards:

- a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;
- b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
- c. Criteria 7(c)(1) – (4) above.

12. Agricultural labor housing subject to the following standards:

- a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- c. The housing will be located to minimize the conversion of lands capable of production of farm crops, livestock, or forest products and will not force a significant change in or significantly increase the cost of accepted agricultural or forest practices employed on nearby lands devoted to agricultural or forest use.

13. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling unit in a Forest Land designation may be allowed subject to the following standards.

- a. The proposed dwelling is in conjunction with agricultural use using the standards prescribed in Subsection D(7); or
- b. One (1) single family dwelling on a legally created lot/parcel upon enrollment in the forest deferral taxation by the County Assessor's Office, or subject to findings that the lot/parcel cannot qualify for forest deferral taxation, a lot/parcel is entitled to one (1) single family dwelling. In either case, a declaration shall be signed by the land owner and recorded into County deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Forest or Agriculture.
- c. Upon termination of the Life Estate, the original or second dwelling shall be removed.

14. Driveways, easement roads, and private roads serving a residence.

MISCELLANEOUS USE

15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
 16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 17. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the Resource Enhancement standards prescribed in Chapter 10.
 18. Uninhabitable structures accessory to hunting and fishing operations.
 19. Towers and fire stations for forest fire protection.
 20. Recreation development, subject to [Section 14.700](#) and the Recreation Development Plan.
 21. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
 22. Docks and boathouses, subject to the standards below:
 - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use maybe allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
 23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#).
 24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#).
- E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Small Woodland subject to Subsection G - Property Development Standards, [Chapter 5 – Conditional Use](#)

[Review, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FOREST/FARM USE

1. Wineries and cideries, in conjunction with on-site viticulture upon a showing that processing of wine is from grapes grown on the subject farm or in the location region.
2. Wine or cider sales/tasting rooms, in conjunction with an on-site winery.
3. Fruits and produce stands, upon a showing that:
 - a. The stand complies with licensing requirements of the Food and Dairy Division of the [Oregon Department of Agriculture](#).
4. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
5. Fish hatcheries and Aquaculture.
6. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

COMMERCIAL USE

7. Commercial Events, subject to [Commercial Events standards prescribed in Chapter 20](#).
8. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#).
9. Bed and breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
10. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#).

PUBLIC & QUASI-PUBLIC USE

11. Expansion of existing nonprofit group camps, retreats, or conference centers.
12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facilities.

MISCELLANEOUS USE

13. Utility facilities and railroads necessary for public service upon a showing that:

- a. There is no practicable alternative location with less adverse effect on scenic, cultural, natural or recreation resources, agricultural lands, or forest lands; and
- b. the size is the minimum necessary to provide the service.

14. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).

15. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.

16. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to Disposal standards prescribed in [Chapter 10](#).

17. Construction, reconstruction, or modifications of roads not in conjunction with forest use or practices if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order . (GMA Only)

F. Prohibited Uses

- 1. All other uses not listed.

G. Property Development Standards

1. Property Size - The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
F-3(20)	Twenty (20) Acres	500'
F-3(40)	Forty (40) Acres	500'
F-3(80)	Eighty (80) Acres	1,000'

2. Structure Siting Standards

The approval of new dwellings and accessory structures on Small Woodland lands shall comply with the following standards:

- a. The dwelling and structures shall be sited on the lot/parcel so that they shall have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least two hundred (200) feet from adjacent properties unless they meet the requirements of criterion

b below.

- b. Clustering or locating proposed development closer to existing development, including roads, on adjacent lands may minimize the impact on nearby or adjacent forest operations and may be considered as an alternative to the two hundred (200) foot setback required in criterion a above.

Dwellings and accessory buildings shall be setback at least fifty (50) feet from the right of way of the road unless the road is a Scenic Travel Corridor, in which case the provisions of [Section 14.300](#) shall apply.

- c. The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thus minimizing the length of access roads and utility corridors; or locating the dwelling, access road and service corridors on portions of the lot/parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings and lastly, land productivity.
- d. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on level slopes when practical, and in any case not on slopes which exceed forty (40) percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- e. A variance to the Structure Siting Standards may be made in accordance with [Chapter 6](#).
- f. Agricultural Setbacks - All new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- (1) Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.

- (2) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - (3) The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
 - (4) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - (5) A variance to the setback requirements may be made in accordance with [Chapter 6, Variances](#).
3. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.160 "R-R" Rural Residential Zone (GMA & SMA)**A. Purpose**

Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Residential. (GMA & SMA)

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Residential subject to Expedited Review and subsection G - Property Development Standards and Chapter 11 - Fire Safety Standards, as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application. (GMA & SMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, [Chapter 11 – Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

RESIDENTIAL USE

1. One (1) single family dwelling per legally created lot/parcel. (GMA Only)
2. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA)
3. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)
 - a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - b. The height of any individual accessory building shall not exceed 24 feet.
4. The temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (GMA & SMA)

Parcel must be 40 acres or greater. (SMA only)

FARM USE

5. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to [3.120\(D\)\(1\)](#) of the Large Scale Agriculture zone. (SMA Only).

6. Agricultural structures in conjunction with agricultural use, including new cultivation. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA Only)
7. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a Farm Management Plan defined in Section 1.200 with their land use application. (GMA Only)

MISCELLANEOUS USE

8. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
9. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
10. Construction, reconstruction or modification of roads if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order (GMA & SMA) and railroads (SMA Only).
11. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, Resource Enhancement standards prescribed in [Chapter 10](#). (GMA & SMA)
12. Docks and boathouses, subject to the standards below: (GMA & SMA)
 - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;

- b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use maybe allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
- 13. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#). (GMA & SMA)
- 14. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.100](#) and all applicable provisions of [Chapter 21](#). (GMA Only)
- 15. Forest Practices subject to [3.120](#)(D)(2) of the Large Scale Agriculture zone. (SMA Only)
- E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Residential subject to Subsection G - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - Scenic Area Review](#), as well as any other listed or referenced standards.

FARM USE

- 1. Wineries and cideries, in conjunction with onsite vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm or in the local region. (GMA Only)
- 2. Wine or cider sales and tasting rooms in conjunction with an on-site winery or cidery, under the following conditions: (GMA Only)
 - a. The use shall comply with the criteria in Chapter 20 for Home Occupations as well as the following:
 - (1) The use may employ an unlimited number of outside employees.
 - (2) The wine or cider sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.
 - (3) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.

- (4) The exterior space may be a veranda, patio, or other similar type of structure.

COMMERCIAL USE

3. Commercial events, subject to the [Commercial Events standards prescribed in Chapter 20](#). (GMA Only)
4. Home occupations in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#). (GMA & SMA)
5. Bed and Breakfast Inns may be permitted in a lawfully established single-family dwelling located on lands designated 5 acre or 10 acre residential subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#). (GMA & SMA)
6. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#) (GMA Only).
7. Accredited child care center within a RR-1 or RR-2 designation. A child care center may be permitted in other Residential designations within an existing church or community building. (GMA Only)
8. Boarding of horses on lands designated 10-acre Residential. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

PUBLIC & QUASI-PUBLIC USE

9. School within an existing church or community building. (GMA Only)
10. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991. (GMA Only)
11. Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities. (GMA & SMA)
12. Recreation development, subject to [Section 14.300](#). (GMA Only)
13. Fire stations. (GMA & SMA)

MISCELLANEOUS USE

14. Construction and reconstruction of roads, utility facilities and railroads. (GMA & SMA)

15. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order. (GMA Only)

F. Prohibited Uses

All other uses not listed.

G. Property Development Standards

1. Property Size

- a. The creation or alteration of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
R-R(1)	One (1) Acre	125'
R-R(2)	Two (2) Acres	125'
R-R(5)	Five (5) Acres	300'
R-R(10)	Ten (10) Acres	330'

- b. In the SMA no land divisions are permitted unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable.

2. General Setbacks - all structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. All new structures to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'

Other	100'	50'	30'
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- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
 - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
 5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
 6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.170 "PR" Public Recreation Zone (GMA & SMA)

A. Purpose

To protect and enhance opportunities for publicly-owned, moderate and high intensity resource-based recreation uses on lands most suitable for such uses.

B. Uses Permitted Without Review

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Public Recreation. (GMA & SMA)

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Public Recreation subject to Expedited Review and Subsections H - Property Development Standards and Chapter 11 - Fire Safety Standards, as well as all other listed or referenced standards. (GMA & SMA)

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Public Recreation, subject to Subsection H - Property Development Standards, Chapter 11 - Fire Protection Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards. (GMA & SMA)

1. Publicly-owned, resource based recreation uses, as defined, subject to [Section 14.700](#) (GMA Only).
2. Commercial uses and non-resource based recreation uses which are part of an existing or approved resource-based public recreation use consistent with the criteria for such uses contained in this section. (GMA Only)
3. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to the [3.120\(I\)\(5\)](#), Large Scale Agriculture Zone. (SMA Only)

E. Uses Permitted Conditionally

The following uses and activities may be allowed with conditions on a legal parcel designated Public Recreation subject to Subsection G – Conditional Use Approval Standards, Subsection H - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.

RESIDENTIAL USE

1. Single Family Dwelling

- a. GMA: The parcel must have been legally created prior to 15 October 1991. Exceptions may be considered to the limitation of one dwelling only upon demonstration that more than one residence is necessary for management of a public park.

- b.** SMA: The parcel must be 40 contiguous acres or larger and meet the standards required for a dwelling customarily provided in conjunction with an agricultural use in [3.120\(D\)\(5\)](#), or a dwelling customarily provided in conjunction with a forest use in [3.120\(D\)\(14\)](#), or show that it is necessary for public recreation site management purposes.
- 2.** Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. (GMA & SMA)
- 3.** Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)
 - a.** The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - b.** The height of any individual accessory building shall not exceed 24 feet.
- 4.** On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (SMA Only)
- 5.** Agricultural labor housing subject to the following standards (SMA Only):
 - a.** The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
 - b.** The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
 - c.** The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
 - d.** The operation is a commercial enterprise as determined by an evaluation of the following:
 - (1)** Size of the entire unit, including all land in the same ownership;
 - (2)** Type(s) of operation (crops, livestock) and acreage;
 - (3)** Operational requirements for the particular agricultural activity common to area agricultural operations; and

- (4) The farm or ranch, and all its constituent parcels, is capable of producing at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year.

This determination can be made using the following formula: Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for Production of Commodity/Units = Annual Income

- e. There is an existing dwelling on the parcel and the parcel is at least 40 acres. (SMA only)

FARM/FOREST USE

6. SMA Agricultural review uses only, as allowed for in [Section 3.120](#), Large Scale Agricultural Zone, except D(7) - (Accessory Buildings), E(17) - (Public Recreation), and E(24) - (ODOT Disposal Sites). (SMA Only)
7. Agricultural structures in conjunction with agricultural use, including new cultivation. (GMA & SMA)
8. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings". (GMA & SMA)

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

9. Fruits and produce stands, upon a showing that: (SMA Only)
- a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
 - b. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
10. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation. "Primarily" means a clear majority of the product as measured by volume, weight, or value. (SMA Only)

11. Silvicultural nurseries. (SMA Only)
12. Fish hatcheries and aquaculture. (SMA Only)
13. Forest uses and practices as allowed on lands designated SMA Forest in the [Management Plan](#) (Part II, Chapter 2, SMA Guidelines), except SMA Forest Land review uses 1.I (public and commercial recreation), 1. L (accessory buildings), 1.M (accessory buildings), and 1.V (disposal sites). (SMA Only)

COMMERCIAL USE

14. Commercial Events, subject to the [Commercial Events standards as prescribed in Chapter 20](#). (GMA Only)
15. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#). (SMA Only)
16. Bed and Breakfast Inns, may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20 \(SMA Only\)](#).
17. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20 \(GMA Only\)](#).

PUBLIC & QUASI-PUBLIC USE

18. Public nonprofit group camps, retreats, conference or educational centers, and interpretive facilities. (SMA Only)
19. Community facilities and nonprofit facilities related to agricultural or forest resource management. (SMA Only)
20. Public recreation facilities, consistent with the provisions of [Section 14.710](#). (SMA Only)
21. Public Trails subject to [Section 14.700](#) and [14.710](#). (GMA & SMA)

MISCELLANEOUS USE

22. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
23. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
24. Towers and fire stations for forest fire protection. (SMA Only)

- 25. Docks and boathouses**, subject to the standards below: (GMA & SMA)
- a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
 - b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
 - c. Public docks open and available for public use maybe allowed.
 - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
- 26. Exploration, development, and production of sand, gravel, or crushed rock** subject to that material being used only for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA (SMA Only)
- 27. Road and railroad construction and reconstruction**. (SMA Only)
- 28. Temporary portable asphalt/batch plants** related to public road projects, not to exceed six (6) months. (SMA Only)
- 29. Utility transmission, transportation, communications, and public works facilities** for public service provided that: (GMA & SMA)
- a. There is no alternative location with less adverse effect on Public Recreation land; and
 - b. The size is the minimum necessary to provide the service.
- 30. Temporary portable facility for the primary processing of forest products** grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation. (SMA Only)
- 31. Resource enhancement projects** for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject subject to the [Resource Enhancement standards prescribed in Chapter 10](#). (GMA & SMA)
- 32. Land Divisions and Replats** subject to the property development standards listed in H below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)
- 33. Property line adjustments and Replats** subject to the property development standards listed in H below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)

F. Prohibited Uses

1. All other uses not listed.

G. Conditional Use Approval Standards (GMA Only)

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by [Chapter 5](#) of this Ordinance, the following limitations shall apply to a conditional use permitted in subsection D of this Section:

1. The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigative measures utilized to comply with this criterion may include provision of on-site buffers and seasonal or temporary closures during peak recreation use periods.
2. The proposed use will not permanently commit the majority of the site to a non-recreational use and will not remove all potential future resource-based public recreation uses. Careful siting and design of structures and other improvements may be utilized to comply with this criterion.

H. Property Development Standards**1. Property Size:**

- a. GMA: Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.
- b. SMA: No land divisions are allowed unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of [Chapter 14](#) are not applicable.

2. General Setbacks - all structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'

Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
 - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
 - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
 - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
 - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
 5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
 6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.180 “OS” Open Space Zone (GMA & SMA)

A. Purpose

Protect those most significant, sensitive and representative, scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses and enhance them where appropriate.

B. Uses Permitted Without Review

The following uses and activities may be allowed without review on lands designated Open Space subject to the applicable property development standards. (GMA & SMA)

1. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.
2. The following transportation facilities:
 - a. Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, as well as existing traffic detection devices, vehicle weighing devices, and signal boxes provided the replacement structures are:
 - (1) The same location and size as the existing structures and
 - (2) The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or the scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) title “Scenic Travel Corridors
 - b. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
 - c. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
 - (1) The signs comply with the Manual for Uniform Traffic Control Devices and
 - (2) The support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

- d. Extensions of existing guardrails less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are
 - (1) Located inside rights-of-way that have been disturbed in the past; and
 - (2) Constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) titled “Scenic Travel Corridors.”
 - e. New guardrails and guardrail ends, provided the structures are
 - (1) Located inside rights-of-way that have been disturbed in the past and
 - (2) Constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) titled “Scenic Travel Corridors.” This category does not include jersey barriers.
 - f. Replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality, fish, and wildlife habitat before construction. (GMA Only)
 - g. Replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. (SMA Only)
 - h. Resurface or overlay existing paved roads, or grade and gravel existing road shoulders provided the activity does not:
 - (1) Increase the width of a road,
 - (2) Disturb the toe of adjacent embankments, slopes or cut banks, or
 - (3) Change existing structures or add new structures.
 - i. Apply dust abatement products to non-paved road surfaces.
 - j. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails or the substructure of bridges (e.g., foundations, abutments).
3. The following underground utility facilities:

- a. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.
 - b. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:
 - (1) No excavation would extend more than 12 inches beyond the depth and extent of the original excavation;
 - (2) No ditch for linear facilities would be more than 24 inches wide;
 - (3) No excavation for non-linear facilities would exceed 10 cubic yards, and;
 - (4) No recorded archaeological site is located within 500 feet of the development. To comply with (4), the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.
4. The following aboveground and overhead utility facilities:
- a. Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:
 - (1) The same location and size as the existing facilities and;
 - (2) The same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or the scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) title "Scenic Travel Corridors."
 - b. Replace existing utility poles, provided the replacement poles are
 - (1) Located within 5 feet of the original poles;
 - (2) No more than 5 feet taller and 6 inches wider than the original poles,

and;

(3) Constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

c. New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

5. The following signs:

a. Election signs. Removal must be accomplished within 30 days of election day.

b. "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.

c. Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the [Manual on Uniform Traffic Control Devices](#). Removal must be accomplished within 30 days of project completion.

d. Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square feet in the SMA.

e. Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.

f. Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.

g. Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees). (GMA Only)

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Open Space subject to Expedited Review and Subsection G - Property Development Standards, as well as all other listed or referenced standards

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Open Space subject to [Chapter 14 - Scenic Area Review](#), Subsection G - Property Development Standards, as well as any

other listed or referenced standards.

1. Low-intensity recreation uses and developments (GMA & SMA), including educational and interpretive facilities (SMA Only) subject to [Section 14.700](#) in the GMA and [Section 14.710](#) in the SMA.
2. Repair, maintenance, operation, and improvement and expansion of existing serviceable structures, including roads, railroads, hydro facilities and utilities that provide sewer, transportation, electric, gas, water, telephone, telegraph, telecommunications. (GMA Only)
3. Changes in existing use, including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices. (SMA Only)
4. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to subject to the Resource Enhancement standards prescribed in [Chapter 10](#). (GMA & SMA)
5. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
6. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#). In the GMA land division will only be allowed to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (GMA & SMA)
7. Property line adjustments and Replats subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)
8. Utility facilities for public service, upon a showing that: (SMA Only)
 - a. There is no alternative location with less adverse effect on Open Space land.
 - b. The size is the minimum necessary to provide the service.
9. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met: (SMA Only)
 - a. Noxious weed infestation is new and eradication is still viable.
 - b. Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:
 - (1) Displacement of native and traditionally gathered plants;
 - (2) Degradation of wildlife habitat and forage;

- c. Except as limited by Criterion 12(a), all those uses allowed in Section D, Uses Permitted Subject to Review above.

13. For those areas designated State Park Recreation Areas - The following uses may be authorized on those portions of state park ownerships not suitable for major recreation facilities: In addition to those above. (GMA Only)

- a. Fish and wildlife management activities conducted by federal, tribal or state resource agencies;
- b. Soil, water or vegetation activities performed in accordance with a conservation plan approved by a local conservation district;
- c. Harvesting of wild crops;
- d. Educational or scientific research.

E. Special Management Area - Open Space

- 1. The primary managing agency for open space areas for the SMA shall prepare an open space management plan. The management plan shall be completed prior to any new land uses or development, and shall be reviewed by the Forest Service.
- 2. The open space management plan shall include the following:
 - a. Direction for resource protection, enhancement, and management.
 - b. Review of existing uses to determine compatibility with open space values.
 - c. Consultation with members of the public, and agency and resource specialists.
- 3. Upon request, the Forest Service will help located mapped boundaries of Open Space areas in cases of new land uses or developments.

F. Prohibited Uses

All other uses not listed.

G. Property Development Standards

- 1. Property Size:
 - a. In the GMA there is no minimum property size.
 - c. In the SMA land divisions are prohibited unless the creation of a new parcel will facilitate

land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable and there is no minimum parcel size.

2. General Setbacks - all structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).

4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - Scenic Area Review](#).
5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

SECTION 3.190 “AS” Agriculture Special Zone (GMA Only)

A. Purpose:

1. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources.
2. Encourage landowners to enhance those portions of natural areas that are in fair or poor condition.

B. Uses Permitted Without Review

The following activities and uses may be allowed on lands designated Agriculture-Special without review:

1. Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
2. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
3. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, bird watching, photography, horseback riding and hiking. Development associated with these low-intensity recreation uses is subject to review and is not allowed outright.
4. Temporary livestock facilities, such as portable livestock pens and corrals.
5. New fences that exclude livestock from lands that are not part of an existing livestock operation.

C. Uses Permitted Subject To Expedited Review

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Agriculture Special subject to Expedited Review and Subsections H - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards.

D. Uses Permitted Conditionally

The following uses and activities may be allowed on a legal parcel designated Agricultural-Special subject to [Chapter 5 - Conditional Use Review](#), [Chapter 14 - Scenic Area Review](#), and [Subsection D, Conditional Use Approval Standards](#), as well as any other listed or referenced standards.

1. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has lain idle, for more than 5 years shall be considered new livestock grazing.
2. New fences, livestock watering facilities, and corrals.
3. Soil, water, and vegetation conservation uses.

4. Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.
5. Fish and wildlife management uses, educational activities, and scientific research.
6. Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural or recreation resources.
7. Single family dwellings that are not in conjunction with agricultural use, if a land owner demonstrates that:
 - a. The dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and
 - b. The dwelling is sited and designed in a manner that minimizes adverse effects to the natural area.
 - c. All dwellings shall meet the following standards:
 - (1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
 - (2) The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
 - (3) The dwelling shall be setback from any abutting parcel designated as Agriculture as required in the setback standards listed in [3.120\(G\)](#), Large Scale Agriculture Zone. The dwelling shall be setback from any abutting parcel designated Forest as required setback standards in [3.140\(G\)](#) Property Development Standards for the Industrial Forest zone.
 - (4) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;
 - (5) All owners of land in areas designated Agriculture or Forest within five hundred (500) feet of the perimeter of the subject lot/parcel on which the dwelling is proposed to be located have been notified and given at least ten (10) days to comment prior to a decision;
 - (6) The County Assessor has been notified that the parcel is no longer being used as farmland; and

whether the proposed use is consistent with the Agriculture-Special standards. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

E. Prohibited Uses:

Except for permitted and conditional uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:

1. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.
2. Removal or clearing of native grasses, shrubs, and trees.
3. Single family dwellings and accessory structures, other than non-agricultural dwellings allowed as a conditional use.
4. Barns, silos, and other agricultural buildings.
5. Irrigation systems.
6. Exploration, development, and production of mineral resources.
7. Utility facilities, public use facilities, and roads.

F. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).

G. Range Conservation Plans

If a range conservation plan is required as per subsection D of this section, before a use is allowed, the range conservation plan shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon Biodiversity Information Center should be consulted while the plan is being prepared.

1. Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
 - a. Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.
 - b. Preserve native trees and shrubs.
 - c. Re-establish native grasses in degraded areas that have been invaded by non-native plants and weeds.

2. Range conservation plans shall include the following elements:

- a. Range Inventory.** Existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.
- b. Rehabilitation Plan.** Actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
- c. Livestock Management Plan.** Grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans should project livestock movements for at least three years.
- d. Monitoring Program.** Track annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

SECTION 3.200 Environmental Protection Districts

The purpose of the Environmental Protection District is to permit the regulation of environmental hazards, the qualification of lands for floodplain insurance programs and preferential taxation assessment, and the protection of the health, safety and welfare of residents of Wasco County. The specific intent of this district is:

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

SECTION 3.210 Divisions

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

- A. Division 1 - Flood hazard overlay
- B. Division 2 - Geologic hazards overlay

SECTION 3.230 Non-Liability Clause

The granting of approval of any structure or use shall not constitute a representation, guarantee or

warranty of any kind or nature by Wasco County, or the County Board of Commissioners, the Planning Commission, or by any officer or employee thereof, of the practicability or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

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SECTION 3.240 FLOOD HAZARD OVERLAY

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SECTION 3.240 Division 1 – Flood Hazard Overlay

A. Background

1. Findings of Fact

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

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

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

- 3. Methods of Reducing Flood Losses:** In order to accomplish its purposes, this chapter includes methods and provisions for:
- a.** Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - b.** Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - c.** Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - d.** Controlling filling, grading, dredging, and other development which may increase flood damage; and,
 - e.** Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

B. Applicability

1. Lands to which this Chapter Applies:

- a.** This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.
- b.** Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by [Section 3.242\(B\)](#) – Duties and Responsibilities of the Planning Director. In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.

- 2. Basis for Establishing the Areas of Special Flood Hazard:** The Areas of Special Flood Hazards identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.

3. Abrogation and Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- C. Interpretation: In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including state building codes.
- D. Warning and Disclaimer of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

SECTION 3.241 Special Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The words or phrases found below only apply to this Chapter of the Land Use and Development Ordinance.

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

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

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

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

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

Basement – Any area of the building having its floor sub-grade (below ground level) on all sides.

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

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard. Development does not include low impact practices using hand based tools to perform habitat restoration activities, which **do not** result in:

- the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means;
- alteration of the topography of the designated ASFH;
- the accumulation of woody vegetative debris within the ASFH;
- a violation of any prior condition of approval associated with a review on the subject property;
- a violation of any Wasco County or other agency natural resource regulations; or
- the siting of any structure.

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

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

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

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

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

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

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

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

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

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at [Section 3.243\(D\) – Specific Standards](#).

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

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

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

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

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

- a. Built on a single chassis; and
- b. 400 square feet or less when measured at the largest horizontal projection; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and

- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Start of Construction – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

The term does not, however, include either:

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

- b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance – A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.”

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

SECTION 3.242 Planning Director

A. Designation of the Planning Director

The Planning Director is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties and Responsibilities of the Planning Director

Duties of the Planning Director shall include, but not be limited to:

1. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source ([Section 3.242\(B\)\(4\)](#)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

2. Interpretation of ASFH Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

3. Development Permit Review

- a. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (added 4-87)
- c. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the Special Flood Hazard Area. For the purposes of this

chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

- i. If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
- ii. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

4. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.240.B.2 – Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall require, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer [Section 3.243\(D\)](#) – Specific Standards.

5. Alteration of Watercourses

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

6. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in [Section 3.242\(B\)\(4\)](#), obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).
- b. Maintain for public inspection all records pertaining base flood elevations and flood-proofing certificates required in [Section 3.242\(B\)\(6\)](#).
- c. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.
- d. Submit any new or revised map information that could affect the ASFH to FEMA when it becomes available.
- e. For all new or substantially improved flood proofed structures:

- i. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed, and
- ii. Maintain the flood proofing certifications required in [Section 3.243\(B\)](#) – Application Requirements. (Added 4-87)
- f. Maintain for public inspection all records and data pertaining to this chapter.

SECTION 3.243 Development Permit

A. Establishment of Development Permit

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [Section 3.240\(B\)](#) – Applicability. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".
2. If the director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, then Establishment of the Development Permit shall be based on the following:
 - a. Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director's designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.
 - b. If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWWM, QUICK-2, or other FEMA approved hydraulic or hydrologic modeling programs.
 - c. If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.

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

Specifically, the following information is required:

1. General elevation to mean sea level of building site using best information available.
 2. Elevation of the lowest floor (including basement) of all structures.
 3. Distance between ground elevation and level to which a structure is to be flood-proofed.
 4. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in [Section 3.243\(D\)\(6\)](#) – Specific Standards.
 5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 6. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.
- C. General Standards: In all areas of special flood hazards the following standards are required:
1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, according to requirements set forth in the [Oregon Manufactured Dwelling Specialty Code](#). (See FEMA's [Protecting Manufactured Homes from Flood and Other Hazards](#) guidebook for additional information).
 2. Construction Materials and Methods
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 ([Protecting Building Utilities from Flood Damage](#)) for details.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air- conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 3. Utilities
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.
- D. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in [Section 3.242\(B\)\(4\) Use of Other Base Flood Data](#), the following standards are required:
- 1. Residential Construction
 - a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above base flood elevation.
 - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - 2. Partition and Property Line Adjustment Proposals
 - a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;
 - b. Parcels created through these processes shall wherever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.
 - c. Parcels created through these processes shall wherever practical be designed so that access to the proposed parcel does not traverse the ASFH.

3. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

4. Manufactured Homes

- a. All manufactured homes to be placed or substantially improved within the ASFH shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam is elevated a minimum of eighteen inches (18") above the base flood elevation and be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement, and shall be in accordance with the provisions of subsection [3.243\(C\)\(1\)](#) – General Standards.
- b. Fully enclosed areas below the lowest floor that are subject to flooding shall comply with Sections A(2)(a – c) above. Non-structural metal or vinyl skirting does not constitute a “fully enclosed area”.

5. Recreational Vehicles

Recreational Vehicles placed on sites with an “A” zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of [Section 3.243\(D\)](#) – Specific Standards above.

6. Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in [Section 3.242\(B\)\(6\)\(e\)](#).
- d. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in [Section 3.243\(D\)\(1\)](#) – Specific Standards.
- e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level). (added 4-87)

7. Storage of Hazardous or Toxic Materials

The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the property. This may require alterations to a structure or development to ensure that the potential storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.

8. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area Special Flood Hazard (ASFH) (100-year floodplain). Construction of new critical facilities shall be permissible subject to an Administrative Variance within the ASFH if no feasible alternative site is available. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

9. Development Within Riparian Areas

The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the

community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for “No-Rise” Certification for Proposed Development s in the Regulatory Floodway.

10. Fish Habitat Structures

Projects for stream habitat restoration may be allowed provided:

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

SECTION 3.244 Variances

- A. Variances to any Flood Hazard Overlay regulations shall be reviewed administratively unless the Planning Director elects the matter to be heard before the Planning Commission.
- B. In considering a variance to floodplain standards, the Planning Director or his designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Upon consideration of the factors in B., and the purposes of this ordinance, conditions may be attached to the granting of the variance as is deemed necessary to further the purposes of this ordinance.
- D. Records of all appeal actions shall be maintained by Wasco County and any variances shall be reported to the Federal Insurance Administration upon request.
- E. Conditions for Variances:
1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 3744.A have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
 2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;

- b.** A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c.** A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 6.** Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- 7.** Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except [3.244\(E\)\(1\)](#), and otherwise complies with [Sections 3.243\(C\)\(1\)](#) and [3.243\(C\)\(2\)](#) of the General Standards.
- 8.** Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 3.245 Appeals

Appeals shall be processed as described in [Chapter 2](#) of this Ordinance.

SECTION 3.246 Compliance Required

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

SECTION 3.247 Revising FIRM Maps

- A.** Reasons to Revise FIRMs

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

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

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

1. Restudy

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

2. Limited Map Maintenance Project (LMMP)

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

3. Revision

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

4. Amendment

- a. An amendment is only used to remove an area that was inadvertently included in the ASFH. Often the ground is higher than depicted on the base map used for the FIRM.

- b. FEMA will review map amendments based on information submitted by the applicant. An amendment does not challenge the Flood Insurance Study or FIRM; it simply removes certain portions of a property from the ASFH because they are higher than the Base Flood Elevation

C. Requesting Map Changes

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

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

1. Letters of Map Revision (LOMRs) address revisions to the FIRM as described in Section B.3 above. A LOMR may be requested of FEMA by the applicant. A copy of the final LOMR must be provided to the County. FEMA typically charges a processing fee for all LOMRs.
2. Letters of Map Amendment (LOMAs) address revisions to the FIRM as described in Section B.4 above. A LOMA may be requested of FEMA by the applicant. A copy of the final LOMA must be provided to the County. FEMA may not charge a processing fee for a LOMA.

SECTION 3.248 Notes on Insurance

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

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

reduce the cost of a Flood Insurance Policy.

SECTION 3.250 Division 2 - Geologic Hazards Overlay

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

A. Basis for Establishing the Geologic Hazards Overlay District

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

B. Approval Standards

Prior to development, the following measures shall be utilized:

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

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

