Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

04/20/2012

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Wasco County Plan Amendment
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 04, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Gary Nychyk, Wasco County
Jon Jinings, DLCD Community Services Specialist
Karen Swirsky, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA/email

FORM 2 DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

APR 16 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Wasco County**

Local file number: **PLALEG-09-06-0003**

Date of Adoption: April 10, 2012

Date Mailed: April 13, 2012

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 1/20/11

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Wasco County Land Use and Development Ordinance (LUDO): 1) Amend language related to where and how commercial and non-commercial energy development is allowed; 2) Modernize language that is not compliant with state law, incorrect, or out of date; 3) Reformat all zones and add similar uses to create as much consistency between the zones as possible; and 4) Other amendments appropriate for Wasco County.

Does the Adoption differ from proposal? Yes, Please explain below:

The amendments were part of concurrent changes to both the Wasco County Comprehensive Plan and LUDO. However, the changes to the Comprehensive Plan were adopted by the County Commissioners on January 4, 2012, but have not yet been approved. The information contained herein or attached addresses adopted and approved amendments to ONLY the LUDO.

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES **X** ☐ NO

Did DLCD receive a Notice of Proposed Amendment.

45-days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption? ☐ **Yes** ☐ **No**

DLCD file No. 001-11 (18691) [17009]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Water Resources Department, Oregon Department of Transportation, Oregon Department of Aviation, Local Utilities, Local Fire Agencies, Mid-Columbia Building Codes, Soil and Water Conservation District, and County Departments.

Local Contact: **John Roberts, Planning Director** Phone: **(541) 506-2563** Extension:

Address: **2705 E. 2nd St.** Fax Number: **541-506-2561**

City: **The Dalles** Zip: **97058-** E-mail Address: **johnr@co.wasco.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
Phone: (541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

BOARD OF COMMISSIONERS
NOTICE OF LEGISLATIVE DECISION

FILE #: PLALEG-09-06-0003

HEARING DATES

PLANNING COMMISSION	BOARD OF COMMISSIONERS
May 3, 2011	February 15, 2012
June 7, 2011	March 20, 2012
	April 4, 2012

DECISION DATE: April 4, 2012
EFFECITVE DATE: April 10, 2012

DESCRIPTION OF AMENDMENTS: Wasco County Land Use and Development Ordinance (LUDO): (1) Amend language related to energy production, consumption and where and how commercial and non-commercial energy development is allowed in the Land Use and Development Ordinance; (2) Modernize language that is not compliant with state law, incorrect, or out of date; (3) Reformat all zones and add similar uses to create as much consistency between the zones as possible; and (4) Make other amendments appropriate for Wasco County.

DECISION: On a vote of 3 – 0 the Board of Commissioners unanimously voted to approve the recommendation by the Wasco County Planning Commission with additional amendments.

AFFECTED PROPERTIES: All unincorporated properties within Wasco County but outside of the National Scenic Area and outside of Urban Growth Areas.

FINDINGS OF FACT:

A. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County LUDO and Comprehensive Plan.

B. Three members of the Board of Commissioners were present and qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by the Commission.

C. In making its recommendation, the Board of Commissioners recognizes the procedural and legal requirements of the Wasco County LUDO and Comprehensive Plan and weighed fully each requirement prior to arriving at its decision.

AVAILABLE INFORMATION: Documentation, evidence, findings and other information relied upon by Wasco County in this matter is available online at: www.co.wasco.or.us/planning. Click on Long Range Actions and navigate to Energy Ordinance Updates.

APPEAL PROCESS: Appeals of a legislative amendment to the Land Use Board of Appeals are governed by ORS 197.620.

SIGNATURE

SIGNED THIS 12th day of April, 2012, at The Dalles, Oregon

John Roberts, Planning Director
Wasco County Planning Department

State of Oregon
County of Wasco

Signed or attested before me on April 12th, 2012, by John Roberts

Notary Public – State of Oregon

OFFICIAL SEAL
BRENDA L. JENKINS
NOTARY PUBLIC-OREGON
COMMISSION NO. 464550
MY COMMISSION EXPIRES FEBRUARY 24, 2016

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

FILED
WASCO COUNTY
2012 APR 10 P 3:39
LINDA BROWN
COUNTY CLERK

IN THE MATTER OF THE WASCO COUNTY PLANNING DEPARTMENT'S REQUEST TO APPROVE THE PROPOSED POST-ACKNOWLEDGEMENT LEGISLATIVE AMENDMENTS TO UPDATE THE LAND USE AND DEVELOPMENT ORDINANCE RELATED TO ENERGY PRODUCTION, CONSUMPTION AND CONSERVATION AND TO MAKE OTHER AMENDMENTS APPROPRIATE FOR WASCO COUNTY. (FILE NUMBER PLALEG-09-06-0003)	ORDINANCE 12-00[illegible]

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and all of the Wasco County Board of Commissioners being present; and

WHEREAS, the following areas have been identified to be amended in the Wasco County Land Use & Development Ordinance: (1) Language related to energy production, consumption and where and how commercial and non-commercial energy development is allowed in the Land Use and Development Ordinance; (2) Reformat all Land Use and Development Ordinance zones for consistency; (3) Modernize language in Land Use and Development Ordinance that is not compliant with state law, incorrect or out of date; and (4) Make other amendments appropriate for Wasco County.

WHEREAS, the Wasco County Planning Department was directed by the Wasco County Court (now Wasco County Board of Commissioners) on 1 July 2009 pursuant to Chapter 11 Section B of the Wasco County Comprehensive Plan and Section 9.050(A) of the Wasco County Land Use & Development Ordinance to initiate a Post-Acknowledgement Plan Amendment process for a legislative text amendments to both the Wasco County Comprehensive Plan and the Land Use and Development Ordinance

related to energy and to make other amendments appropriate for Wasco County (Note: the amendments to the Wasco County Comprehensive Plan were approved separately on 4 January 2012) ; and

WHEREAS, the Wasco County Court (now Board of County Commissioners) appointed a Commercial Energy Advisory Group which met 12 times and a Non-Commercial Energy Advisory Group which met 8 times to work with staff to generate recommended amendments; and

WHEREAS, the Wasco County Planning Department sent notification to Department of Land Conservation and Development (DLCD) pursuant to ORS 197.610 on 19 January 2011 and all affected property owners pursuant to ORS 215.503 (M56) on 28 March 2011; and

WHEREAS, that on 3 May 2011, at the hour of 3:00 PM at the Gorge Discovery Center downstairs classroom the Wasco County Planning Commission held the first legally notified public hearing to review recommendations by staff and the advisory groups, background information, and receive public testimony for the purpose of identifying preferred options and the need for any additional information prior to the second planning commission hearing; and

WHEREAS, that on 7 June 2011, at the hour of 3:00 PM at the Gorge Discover Center downstairs classroom, the Wasco County Planning Commission held the second public hearing on the above matter. The planning commission again reviewed the recommendations by staff and the advisory groups, background information, and received public testimony. The planning commission then closed the public hearing, deliberated and, on a vote of 7 to 0 elevated the request for a Post-Acknowledgement

Plan Amendment with a recommendation of approval to the Wasco County Board of Commissioners with additional amendments; and

WHEREAS, that on 15 February 2012 at the hour of 4:30 PM at the Northern Wasco County PUD, Conference Room located at 2345 River Road, The Dalles, Oregon, the Wasco County Board of Commissioners met to conduct a legally notified public hearing on the above matter. The Wasco County Board of Commissioners reviewed recommendations by the Wasco County Planning Commission, staff and received testimony from the public; and

WHEREAS, that on 20 March 2012 at the hour of 8:00 AM at the Wasco County Court House, located at 511 Washington St, The Dalles, Oregon, the planning department hosted an open house to provide the public the opportunity to learn more about the amendments, how the amendments would affect property owners, and made themselves available to answer any related questions; and

WHEREAS, that on 20 March 2012 at the hour of 9:00 AM at the Wasco County Circuit Courtroom #301, located at 511 Washington St, The Dalles, Oregon, the Wasco County Board of Commissioners held a second hearing to review all background information, additional proposed changes and receive public testimony. The commissioners then closed the hearing to oral public testimony and postponed deliberation until 4 April 2012; and

WHEREAS, that on 4 April 2012 at the hour of 9:30 AM at the Wasco County Courtroom #202 located at 511 Washington St, The Dalles, Oregon, the Board of Commissioners deliberated, and on a vote of 3 – 0, approved the recommendation by the Wasco County Planning Commission on the above matter and as contained in the

attachment titled "Land Use and Development Ordinance Amendments", Final Draft, dated April 4, 2012, with the following additional amendments: (1) the planning department retain discretion to make non-substantive changes to the amendments to create and ensure consistency with: title page, table of contents, formatting, page numbering, headers, spacing, indentation, underlining, grammar, incomplete sentences, and cross referencing between chapters; and (2) incorporate the amendments submitted by planning staff and identified in "Exhibit A" at the 4 April 2012 hearing.

NOW THEREFORE IT IS HEREBY ORDERED, that the request by the Wasco County Planning Department for a Post-Acknowledgement Plan Amendment for legislative amendments to the following areas in the Wasco County Land Use and Development Ordinance are hereby approved: (1) Language related to energy production, consumption and where and how commercial and non-commercial energy development is allowed in the Land Use and Development Ordinance; (2) Reformat all Land Use and Development Ordinance zones for consistency; (3) Modernize language in Land Use and Development Ordinance that is not compliant with state law, incorrect or out of date; and (4) Make other amendments appropriate for Wasco County.

THE WASCO COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

SECTION ONE: The amendments to chapters 1, 2, 3, 4, 15 and 19 of the Wasco County Land Use and Development Ordinance are approved in light of the applicable

criteria and findings presented in the staff report to the Board of Commissioners dated February 15, 2012.

SECTION TWO: The amendments contained in the attachment titled "Wasco County Land Use and Development Ordinance Amendments", Final Draft, Dated April 4, 2012, including the additional changes submitted and identified by planning staff in "Exhibit A" on 4 April 2012, are ADOPTED and by reference made part of this Ordinance.

SECTION THREE: The amendments are necessary and appropriate and shall become effective on April 4, 2012.

SECTION FOUR: **Severability:** If any provision of this ordinance is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other provision of the Ordinance. The Ordinance shall be construed as if such invalid provision had never been included.

SIGNED this 4th day of April, 2012

BOARD OF COUNTY COMMISSIONERS

Approved as to Form:

Rod Runyon, Chair

Eric J. Nisley
Wasco County District Attorney

Scott Hege, Commissioner

Sherry Holliday, Commissioner

WASCO COUNTY
LAND USE
&
DEVELOPMENT ORDINANCE
AMENDMENTS

FINAL DRAFT

APRIL 4, 2012

PLANNING COMMISSION

May 3, 2011

June 7, 2011

BOARD OF COMMISSIONERS

February 15, 201

March 20, 2012

April 4, 2012

Land Use & Development Ordinance Amendments

Final Draft – April 4, 2012

Local amendments to the Wasco County Land Use and Development Ordinance (LUDO) to:

- Amend language related to where and how commercial and non-commercial energy development is allowed.
- Modernize language that is not compliant with state law, incorrect, or out of date.
- Reformat all zones and add similar uses to create as much consistency between the zones as possible.
- Make other amendments appropriate for Wasco County to improve the use and effectiveness of the LDUO.

Key to Amendments:

- Highlighted & Underlined = Language proposed to be included.
- ~~Highlighted & Strikethrough~~ = Language proposed to be deleted.
- Clarity provided in (*italics and parentheses*) after some changes to provide details or clarity.
- **Pages 78- 101 (Chapter 19 – Standards for Energy Facilities): Because the bulk of the substantive changes related the amendments are located in Chapter 19, the text of the entire amended Chapter is included.**

CHAPTER 1 AMENDMENTS

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

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

Biomass Energy Facility - A facility producing energy from biomass and its related or supporting facilities.

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

BOC - Wasco County Board of County Commissioners.

Building Mounted Wind Turbine - A Wind Turbine mounted or attached to a building.

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

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

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

b. Is intended to provide energy for sale.

See "Net Metering Power Facility", "Non-Commercial/Stand Alone Power Generating Facility" and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

Commercial Utility Facility - ~~Any energy facility or commercial energy facility.~~ See Commercial Power Generating Facility.

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

Downwind - On the opposite side from the prevailing direction from which the wind blows.

Downwind Properties - Properties downwind of the project boundary that have been developed as part of a Commercial Power Generating Facility.

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

Electrical Transmission Facilities - The conductors, lines, structures, towers, substations, switching

stations, buildings, corridor, and construction staging and assembly areas associated with the transmission of electricity from power sources to the regional power grid and from the regional power grid to the local power distribution system, but not including "Associated Transmission Lines".

Energy - The amount of work that can be performed by a force.

Energy Facility - ~~A hydroelectric, wind energy, , biomass, geothermal, or transmission, facility with a nominal electric generating capacity of 25 MW or less or carrying 230 kV or less.~~ A solar, wind, fuel cell, hydroelectric, thermal, geothermal, cogeneration, landfill gas, digester gas, waste, dedicated low emission renewable crop, nontoxic biomass based on solid organic fuels from wood, forest or field residues, electrical transmission, natural gas pipeline, or petroleum product pipeline facility.

Energy Facility Project Area - The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project lease boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion. ~~any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures proposed to be built in connection with the energy facility, and the area affected by the facility.~~

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

Grid - The utility distribution system. The network that connects electricity generators to electricity users.

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

Inverter - A device that converts direct current (DC) to alternating current (AC).

Joule - Amount of work done by a force of one newton moving an object through a distance of one meter.

Kilowatt (kW) - A measure of power for electrical current (1,000 watts).

Kilowatt-hour (kWh) - A measure of energy equal to the use of one kilowatt in one hour.

Meteorological Tower - The tower and any of the following: base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

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

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

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

b. Is intended to offset part of the customer-generator's requirements for energy;

c. Will operate in parallel with a utility's existing transmission and distribution facilities;

d. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

e. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

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

Non-Commercial/Stand Alone Power Generating Facility:

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

b. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;

c. Operates as a standalone power generator not connected to a utility grid; and

d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Net Metering Power Facility", "Commercial Power Generating Facility", and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

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

OWRD - Oregon Water Resources Department.

Planning Commission - Wasco County Planning Commission.

Planning Department - Wasco County Planning and Development Department.

Power - The rate at which work is performed or energy is converted.

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

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

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

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

Road Department – Wasco County Public Works Department.

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

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

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

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

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

See "Commercial Power Generating Facility", "Net Metering Power Facility" and "Non-Commercial/Stand Alone Power Generating Facility" for additional definitions related to energy production.

Solar Access - The right of a property owner to have sunlight shine onto the property owner's land.

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

Sound Power is the acoustical energy emitted by the sound source, and is an absolute value. It is **not** affected by the environment.

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

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

Tower - monopole, freestanding, or guyed structure.

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

Upwind - On the same side as the direction from which the prevailing wind is blowing – windward.

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

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

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

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

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

Watt - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second.
Wind Access Rights – The right of a property owner to have unobstructed commercially viable wind available to the property owner's land.

Wind Energy Facility - A facility producing energy from wind and its related or supporting facilities. ~~A WECS or group of WECS including all parts of the system except transmission lines. Such a facility has a nominal electric generating capacity of 25 MW or less.~~

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

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

Wind Turbine – Equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteris or other component used in the system except transmission lines.

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

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

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

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

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

CHAPTER 2 AMENDMENTS

SECTION 2.050 Pre-application Conference

A pre-application conference shall be required for all applications the director determines to be complex enough to require it. This shall include but not be limited to large scale commercial energy projects, subdivisions, planned unit developments, and reviews that involve numerous departments and agencies.

~~An applicant shall request a pre-application conference prior to submitting a request for a subdivision, planned unit development, conditional use, farm dwelling or site plan review for a home occupation.~~ The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. ~~(Revised 5-93)~~

SECTION 2.060 Application/Completeness

~~Application for development approval shall be made pursuant to applicable sections of this Ordinance on forms provided by the Planning Director.~~

~~An application shall be considered complete when it contains the information required by these regulations, and addresses the appropriate criteria for review and approval of the request and is accompanied by the required fee, unless waived by the County Governing Body.~~

C. Complete Application - An application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. A complete application is one which contains the information required to address the relevant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan as specified by this ordinance.

D. Incomplete Application - If an application is incomplete, the Director shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection C, Complete Application, upon receipt by the Director of:

1. All of the missing information;

2. Some of the missing information and written notice from the applicant that no other information will be provided; or

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

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

SECTION 2.080 Notice

~~B. Notice of Administrative Action for the use listed in Sections 2.060(A) (1) and (9), shall be given as prescribed by subsection (A) (1) – (6) of this Section, with the exception that notice be given at least ten (10) days prior to a decision. (Revised 1-92, 5-93, 9-99)~~

CHAPTER 3 AMENDMENTS

SECTION 3.110 "F-1" FOREST ZONE

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

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

RESOURCE USES

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.

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

3. Farm use, as defined in Oregon Revised Statutes (ORS) 215.203(2).

4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

5. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. *(Allowed but not previously listed)*

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

NATURAL RESOURCE USES

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

UTILITIES & TRANSPORTATION

9. ~~Additional~~ Local distribution lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ~~ORS 215.213 (l), (m) through (p) and~~ ORS 215.283 (l), (k) through (n).

COMMERCIAL USES

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.

12. Minor Home occupation that:

Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

Does not serve clients or customers on-site;

Does not produce odor, dust, glare, flashing lights or noise;

Does not occupy more than 25 percent of the floor area of the dwelling; and

Does not include the on-premises display or sale of stock in trade.

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

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

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

1. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

2. Towers and communication facilities, ~~and fire stations~~ for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

3. Alteration, restoration ~~Maintenance, repair~~ or replacement of a lawfully established ~~existing legally implemented~~ dwelling and/or accessory residential or non-residential building or structure (non-discretionary) subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure ~~which meets the requirements listed below~~ need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.~~and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards in the for dwellings Forest zone and fire protection standards in Chapter 10.~~

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

5. Uninhabitable structures accessory to fish and wildlife enhancement that does not include

development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(5) below.

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

1. Fire stations for forest fire protection. *(This was split from D(4) above because Towers and Communication facilities can be reviewed ministerial but fire stations are subject to site plan review)*

RESIDENTIAL USES

2. Alteration, restoration ~~Maintenance, repair~~ or replacement of a ~~existing legally implemented~~ lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(2) - Siting Requirements for Compatibility.

3. A building or structure accessory to a legally established residential use subject to Section K(2) Siting Requirements for Compatibility.. ~~applicable Development Standards, and Siting Requirements~~.This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

NATURAL RESOURCE USES

4. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). *(This and the use below were added to ensure if development is placed in the floodplain they must be reviewed appropriately)*

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

~~The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds~~.*(This is not a listed use in either OAR or ORS)*

ENERGY FACILITIES

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

~~Disposal site for solid waste ordered by DEQ per ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.~~*(This is only applicable to Metro counties.)*

MISCELLANEOUS USES

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

F. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses~~ may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to ~~when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance~~ Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

RESIDENTIAL USES

1. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as defined in 215.283. *(Allowed but not previously listed. There are two residences in the F-1 Zone so this use could occur)*

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

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

3. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.

4. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

TRANSPORTATION

5. Public road and highway projects as described in ORS 215~~.213 (2)(q) through (s) and~~ ORS 215.283 (2)(p) through (r).

COMMERCIAL USES

6. Major Home occupations subject to ~~Section 20.060~~ Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

G. Conditional Use Approval Standards

~~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 and Section (H) and (I) of this zone,~~ The following review

criteria shall apply to conditional uses applied for in subsection (FD) of this zone:

H. Prohibited Uses - All other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

I. General Development Standards

1. Setbacks

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

b. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above.

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

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

c. Waterways

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

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

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

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

(d) If the proposal does not meet these standards it shall be subject to subection b

above - Additions or Modifications to Existing Structures, above.

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

(i) Fences;

(ii) Streets, roads, and paths;

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

(iv) Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

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

~~Stream or Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.~~

3. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

a. Signs shall not be illuminated or capable of movement.

b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.

J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

K. Additional Standards

~~**(3)** Replacement of a legally established dwelling in a new location will be allowed and the~~

~~applicant will be required to meet all applicable~~

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

~~Chapter 13, Non conforming uses, buildings and lots, is not applicable to replacement of a dwelling described in this section. A temporary use permit need not be sought in order to live in the existing dwelling while the replacement dwelling is being constructed as long as removal, demolition, or conversion of the original dwelling is completed in accordance with time limits set above.~~ *(This has been relocated to setback section)*

2. Siting Requirements for Compatibility of New Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: ~~The following siting criteria shall apply to all replacement dwellings in a new location, and structures in forest and agriculture/forest zones.~~ These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

SECTION 3.120 "F-2" FOREST ZONE

C. Uses Permitted Without Review: The following uses are permitted on lands designated "F-2" Forest Zone without review:
~~Permitted Uses~~
~~In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses are permitted on a legal parcel subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

RESOURCE USES

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.

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

3. Farm use as defined in Oregon Revised Statutes (ORS) 215.203(2).

4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

5. Exploration for mineral and aggregate resources as defined in ORS 517.

6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. *(Allowed but not previously listed)*

NATURAL RESOURCE USES

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

UTILITIES & TRANSPORTATION

8. ~~Additional~~ Local Distribution Lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

9. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ~~ORS 215.28 (l), (m) through (p) and~~ ORS 215.283 (1), (k) through (n).

COMMERCIAL USES

10. Private hunting and fishing operations without any lodging accommodations or any other physical development.

11. Minor Home occupation that:

a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

b. Does not serve clients or customers on-site;

c. Does not produce odor, dust, glare, flashing lights or noise;

d. Does not occupy more than 25 percent of the floor area of the dwelling; and

e. Does not include the on-premises display or sale of stock in trade.

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

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

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

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

6. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

7. Towers and communication facilities ~~and fire stations~~ for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

8. Alteration, restoration ~~Maintenance, repair~~ or replacement of a lawfully established ~~existing legally implemented~~ dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure ~~which meets the requirements listed below~~ need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.~~and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards in the for dwellings Forest zone and fire protection standards in Chapter 10.~~

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

10. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(7) below.

11. Dwelling for Caretaker in a Public Park or Fish Hatchery. A single family dwelling may be authorized within the Forest Zones for a caretaker's residence when the residence will be located on land dedicated and developed as a public park, and the residence is to be occupied by a caretaker and caretaker's family only.

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

RESOURCE USES

8. Fire stations for forest fire protection. *(This was split from D(4) above because Towers and Communication facilities can be reviewed ministerial but fire stations are subject to site plan review)*

RESIDENTIAL USES

9. Alteration, restoration ~~Maintenance, repair~~ or replacement of a ~~existing legally implemented~~ lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(4) - Siting Requirements for Compatibility.

10. Lot of Record Dwelling subject to Section K(2) - Lot of Record Test & K(4) - Siting Requirements for Compatibility.

11. Large Tract Dwelling subject to Section K(3) - Large Tract Test& K(4) - Siting Requirements for Compatibility.

12. A building or structure accessory to a legally established residential use subject to Section K(4) Siting Requirements for Compatibility.. ~~applicable Development Standards, and Siting Requirements~~.This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

NATURAL RESOURCE USES

13. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). *(This and the use below were added to ensure if development is placed in the floodplain they must be reviewed appropriately)*

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

~~The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds.~~*(This is not a listed use in either OAR or ORS)*

ENERGY FACILITIES

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

~~Disposal site for solid waste ordered by DEQ per ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.~~*(This is only applicable to Metro counties.)*

MISCELLANEOUS USES

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

F. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses~~ may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to ~~when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance~~

Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

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

Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.

New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

TRANSPORTATION

Public road and highway projects as described in ~~ORS 215.213 (2)(q) through (s) and~~ ORS 215.283 (2)(p) through (r).

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

Parks and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Campgrounds authorized under this section are to be located at a site or contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the Section K(5) – Additional Standards below.

Public parks ~~and campgrounds~~ subject to OAR 660-034-0035 or 660-034-0040, whichever is applicable.

COMMERCIAL USES

Major Home occupations subject to ~~Section 20.060~~ Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

G. Conditional Use Approval Standards

~~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 review criteria shall apply to a conditional use applied for in subsection (~~D~~F) of this Section:

H. Prohibited Uses - All other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

I. ~~General~~ Property Development Standards

2. Setbacks

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

b. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above.

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

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

c. Waterways

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

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

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

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

(d) If the proposal does not meet these standards it shall be subject to subection b

above - Additions or Modifications to Existing Structures, above.

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

(i) Fences;

(ii) Streets, roads, and paths;

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

(iv) Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

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

~~Stream and Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.~~

3. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

2. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

a. Signs shall not be illuminated or capable of movement.

b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

3. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.

J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

K. Additional Standards

1. Replacement Dwelling standards

   b. A replacement dwelling shall be subject to the following siting ~~and fire protection~~ standards:

      ~~(3) Replacement of a legally established dwelling in a new location will be allowed and the applicant will be required to meet all applicable~~

      ~~(a) General Development Standards,~~
      ~~(b) Siting Requirements for Compatibility,~~

   ~~Chapter 13, Non conforming uses, buildings and lots, is not applicable to replacement of a dwelling described in this section. A temporary use permit need not be sought in order to live in the existing dwelling while the replacement dwelling is being constructed as long as removal, demolition, or conversion of the original dwelling is completed in accordance with time limits set above.~~ *(This has been relocated to setback section)*

4. Siting Requirements for Compatibility of New Dwellings and Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: ~~The following siting criteria shall apply to all new dwellings and structures in forest and agriculture/forest zones~~. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

   a. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.

      (1) Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.

      (2) Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.

      (3) Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.

SECTION 3.210 EXCLUSIVE FARM USE ZONE

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

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

Uses Permitted Without Review: The following uses ~~may be allowed~~ are permitted on lands designated "A-1" Exclusive Farm Use Zone without review.

NATURAL RESOURCE USES

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

UTILITY/DISPOSAL FACILITIES

10. Utility facility service lines under 200' in height: Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

COMMERCIAL USES

14. Minor Home occupation that:

    Any Home Occupation that exceeds these standards is Major and subject to Section E(~~27~~28) below.

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

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

1. Agricultural Structure: Buildings and structures other than dwellings customarily provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

2. Accessory Structure: Buildings and structures accessory to a legally established dwelling not provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a Farm Management Plan documenting how the replacement dwelling will be used in conjunction with a farm use.

4. Alteration, restoration relocation, or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel, subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).

5. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power

generating facilities may be allowed under this provision if allowed by Section 19.030.

C. Uses Permitted Subject to Standards/Type II Review: The following uses ~~and activities~~ may be permitted ~~allowed subject to a Type II Review~~ on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to the subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

COMMERCIAL USES RELATED TO FARM USE

3. A winery subject to Section J(6) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~:

4. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 subject to the ~~applicable provisions of Chapter 20, Site Plan Review~~ following:

5. Farm stands subject to Section J(12) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~:

RESIDENTIAL USES

10. Alteration, restoration relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).

NATURAL RESOURCE USES

11. Creation, restoration or enhancement of wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

UTILITY/ENERGY FACILITIES

Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, ~~General Exceptions to Building Height Requirements,~~ these uses do not require a variance if they exceed 35 feet in height.

12. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities ~~transmission towers~~ over 200 feet in height, subject to Section J(8), Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

~~A Transmission Facility under 200 feet in height subject to J(8)(a)(1) – (6) below and the applicable Subject to Standards criteria of Chapter 19.~~ *(Electrical Transmission is divided into three categories. (1) Distribution/Utility Facility Service Lines under 200' in height which are allowed without review; (2) Related and accessory transmission which are allowed accessory to a new energy generation facility if owned by the developer and are not a separate use; and (3) New transmission facilities. ORS 215.283 only allows Electrical Transmission Facilities over 200' to be reviewed as a CUP. So, while other zones require all Electrical Transmission Facilities to be*

reviewed as a CUP, this zone must be consistent with ORS.

13. ~~A Wind Facility, Wind Energy Conversion System (WECS) or Wind Measurement Device pursuant to the applicable Subject to Standards criteria of Chapter 19.~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

~~A Hydroelectric Facility pursuant to the applicable Subject to Standards criteria of Chapter 19.~~ *(Hydro is now included in new definition of "Utility Facility Necessary for a Public Use. Chapter 19 states it is not subject to the standards in that chapter.)*

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

14. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary and the following: ~~subject to the following standards and the applicable standards of Chapter 20, Site Plan Review~~:

15. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland. Existing facilities wholly within a farm zone may be maintained, enhanced or expanded on the same tract. ~~This use is subject to the applicable standards of Chapter 20, Site Plan Review.~~

MISCELLANEOUS USES

16. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 – Land Divisions.

17. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section J(15) - Additional Standards below. On-site filming in excess of 45 days is a conditional use.

E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted ~~allowed subject to a Type II or Type III Review~~ on a legal parcel designated "A-1" Exclusive Farm Use subject to subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

RESOURCE USES

4. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

5. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt production is filed, and subject to

WCLUDO Section 3.800, Mineral and Aggregate Overlay ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

6. Processing of other mineral resources and other subsurface resources.

7. Mining and processing of geothermal resources as defined in ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in Section B(5) above ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

COMMERCIAL USES RELATED TO FARM USE

8. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use or by Section D(4) above, subject to Section J(16) - Additional Standards below ~~and the applicable standards of Chapter 20, Site Plan Review~~.

9. Farm ranch recreation including but not limited to hunting preserves, fishing, fly fishing and tying clinics, trap and skeet range, archery range, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, and outdoor schools in conjunction with a commercial farming operation subject to Section J(7) - Additional Standards below ~~and Sections 20.010 – 20.090 of Chapter 20 - Site Plan Review~~.

RESIDENTIAL USES

10. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below.

11. A temporary medical hardship dwelling for the term of hardship suffered by the existing resident or relative subject to Chapter 8 Temporary Use Permit - Section 8.070, ~~Temporary Use of a Mobile Home (Family Hardship)~~:

12. Residential home which means a residential treatment or training or adult foster home in an existing dwelling licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related (or as further defined in ORS 197.660) ~~subject to the applicable standards of Chapter 20, Site Plan Review~~.

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

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

14. ~~Commercial utility facilities (Wind, Hydroelectric or Other) for the purpose of generating power for public use by sale. This use is subject to the applicable provisions of Chapter 19, Standards for Energy Facilities and Commercial Energy Facilities and Chapter 20, Site Plan Review.~~ Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.

A wind power generation facility shall also be subject to Section J(17), Additional Standards below.

Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4, or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4 and ORS 197.732.

15. ~~Transmission towers greater than 200 feet in height and transmission facilities pursuant to the applicable provisions of Chapter 19, Standards for Energy Facilities and Commercial Energy Facilities~~. Electrical Transmission Facilities and Utility Facility Lines greater than 200' in height, and Natural Gas or Petroleum Product Pipelines subject to Section J(8) - Additional Standards below and Chapter 19 - Standards for Energy Facilities - Section 19.030.

16. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

17. Composting facilities (excluding non-green feedstocks) for which a permit has been granted by DEQ under ORS 459.245 and OAR 340-96-020 subject to Section J(10) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

18. Fire service facilities providing rural fire protection services ~~subject to the applicable standards of Chapter 20, Site Plan Review~~.

19. Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community ~~subject to the applicable standards of Chapter 20, Site Plan Review~~.

20. Parks and playgrounds A public park includes only the uses specified under OAR 660-034-0035 or 660-034-0040 whichever is applicable and may only be established subject to ~~the applicable provisions of Chapter 20, Site Plan Review and~~ ORS 195.120,

21. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210 ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

22. Any gathering subject to review by a county planning commission under the provisions of ORS 433.76. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

23. Public or private schools for kindergarten through grade 12, including all building essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to ~~Chapter 20, Site Plan Review and~~ the following:

COMMERCIAL USES

24. Major Home occupation subject to ~~the applicable provisions of~~ Chapter 20 - Site Plan Review -

Section 20.090. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

25. Home Occupation with Room and Board or (Bed and Breakfast) arrangements in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary subject to ~~the applicable provisions of Chapter 20, Site Plan Review and~~ the following.

26. Home Occupation to Host Commercial Events subject to Chapter 20 – Site Plan Review - Section 20.100: The commercial events are associated with a farm use, lawfully approved winery, bed and breakfast or farm ranch recreation and includes weddings, receptions, parties, bicycle races confined to the subject parcel(s) and other small-scale gatherings hosted for a fee that are incidental and subordinate to the primary use of the parcel. ~~The use is subject to the applicable provisions of Chapter 20, Site Plan Review.~~ Construction of a structure that would not otherwise be allowed in the zone is not permitted.

27. Dog Kennels, except that such uses are prohibited on high value farmland, ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

28. Private parks, playgrounds, and campgrounds, as defined in Section 1.090, Definitions, except that such uses are prohibited on high value farmland, subject to Section J(14) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

29. Golf courses: A 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course except that such uses are prohibited on high value farmland, as defined in ORS 195.300, subject to Section J(13) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

30. Operations for the extraction and bottling of water ~~subject to applicable provisions of Chapter 20, Site Plan Review~~.

31. On-site filming if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. This use is also subject to Section J(15) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

F. Property Development Standards

(3) Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:

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

b. Waterways

(2) Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

f. In the case of deferred replacement:

a. The existing dwelling is removed or demolished within 90 days after the deferred replacement permit is issued. If the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void;

b. Construction of the replacement dwelling may occur at any time but may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant; and

c. The replacement dwelling must comply with all applicable siting requirements, building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

5. Farm Dwelling:

b. Income Test (for Parcels Less than 160 acres) subject to the following and Subsection 3 below:

(6) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Chair of the Board of County Commissioners ~~Wasco County Judge~~;

SECTION 3.220 "F-F" FOREST-FARM(NON-RESOURCE)

A. Purpose: The purpose of the "F-F (10)" Forest-Farm (Non-Resource) zone is to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space. ~~those lands which have not been in commercial agriculture or timber production to be used for small scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.~~

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-F (10)" Forest-Farm (Non-Resource) zone shall comply with the following regulations.

(This zone was given non-resource determination by the Department of Land Conservation and Development Department in 1995. While it was not given a Goal 4 exception it was determined the area was committed to non-resource use. A more detailed description of this is located in the Comp Plan.)

B. Uses Permitted Without Review ~~Permitted Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "F-F (10)" Forest-Farm(Non-Resource) zone without review ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards~~

1. Farm use, as defined in ORS 215.203(2).

2. Forest use, including the propagation or harvesting of forest products.

~~The breeding, boarding and training of horses for profit~~. *(This is now included in the definition of "Farm Use")*

1. Utility Facilities (Minor)

2. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. ~~(added 2-89)~~

3. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. ~~(added 2-89)~~

4. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. ~~(added 2-89)~~

7. Minor Home occupation that:

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

   Any Home Occupation that exceeds these standards is Major and subject to Section E(10) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm (Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

2. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Additions to, and replacement of, a lawfully established building or structure.

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

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

6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.

7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous publicy-owned property utilized to support the operation and maintenance of public roads and highways. ~~(added 2-89)~~

~~Utility facilities necessary for public service.~~ *(Replaced by Utility Facility (Minor) and Utility Facility (Major))*

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

1. One single-family dwelling ~~and other buildings and accessory uses~~ provided in conjunction with a forest or farm use, including mobile home subject to Chapter 4 - Supplemental Provisions - Section 4.12~~6~~0 provided the following are met: ~~(Revised 1-92)~~

   a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record. ~~(Added 1-92)~~

   b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor. ~~(Added 1-92)~~

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

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

4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.

5. Agricultural Produce Stand subject to ~~Chapter 20~~ the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. ~~(Revised 1-92)~~

E. Uses Permitted Subject to Conditional~~ly~~ Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm(Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
~~and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in, Chapter 5,~~

~~Chapter 10 – Fire Safety Standards, and this Section:~~

RESIDENTIAL USES

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

2. Additional single-family dwellings, including mobile homes, in conjunction with a commercial farm or forest use subject to income requirements in Section 3.210 - Exclusive Farm Use Zone. ~~D.2. or D.3. (amended 6-98).~~

ENERGY/UTILITY FACILITIES

3. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.

5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

6. Utility Facilities (Major).

~~Solid waste disposal site as provided in ORS 215.283(2)(j).~~ *(Included in Utility Facility Major)*

~~Sanitary landfill.~~ *(Included in Utility Facility Major)*

COMMERICAL/AGRICULTURAL /INDUSTRIAL USES

10. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090.

11. Kennels.

12. Commercial activities that are in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone.

13. Facilities to manufacture alcohol from farm or timber waste.

14. The propagation, cultivation, maintenance and harvest of aquatic species. ~~(added 2-89)~~

15. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

TRANSPORTATION

16. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.

17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. ~~(added 2-89)~~

18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. ~~(added 2-89)~~

19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. ~~(added 2-89)~~

F. Property Development Standards

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.

2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section. ~~(added 2-89)~~

3. Setbacks - ~~In the "F-F (10)" zone~~ No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.

7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. ~~(Added 5-93)~~

SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE

A. Purpose: The purpose of the "A-R" Agricultural-Recreational zone is to provide areas for outdoor recreation and to allow controlled growth to continue in existing rural communities and rural exception areas. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-R" Agricultural-Recreational zone shall comply with the following regulations:

B. Uses Permitted Without Review ~~Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "A-R" Agricultural-Recreational zone without review. ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm use, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

2. Forest uses, including the propagation and harvesting of forest products.
3. Utility Facilities (Minor)
4. Minor Home occupation that:

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

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "A-R" Agricultural-Recreation zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

   This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

   1. One single-family dwelling ~~on any legally created parcel,~~ including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.1260, ~~provided proper sanitation approval is obtained~~. *(This is not needed because it is part of the review process)*

      ~~Recreational vehicles provided such vehicles are not attached to the land and proper sanitation is maintained.~~ *(Recreational Vehicles can meet the standard of a dwelling above if they choose to be reviewed as such. The definition of Recreational Vehicle provides* specifics of how their placement is allowed and limited if they are not approved as a dwelling.)

   2. ~~Accessory structures customarily provided in conjunction with the primary use.~~ Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   4. Additions to, and replacement of, a lawfully established building or structure.

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

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

1. Guest house subject to ~~standards in~~ Chapter 4 - Supplemental Provisions -Section 4.13~~7~~0.
2. Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.
3. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions
4. Mobile home parks subject to ~~in accordance with~~ Chapter 16 – Mobile Home Parks ~~with a density that meets or exceeds the minimum lot size for the zone~~*(this deleted language is included in the Chapter 16),* and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
5. Recreational vehicle parks subject to ~~in accordance with~~ Chapter 17 – Recreational Vehicle Parks, ~~with a density that meets or exceeds the minimum lot size for the zone,~~ (*Chapter 17 references Chapter 16 which includes the deleted language)* and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
6. Dude ranches and hunting and fishing lodges, including overnight facilities in ~~accordance with Chapter 20 - Site Plan Review~~ and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
7. Youth/family camp demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community ~~(Added 9/97).~~
8. Parks, recreation areas, and facilities preserves and community or neighborhood centers ~~in accordance with Chapter 20 - Site Plan Review~~.
9. Any new commercial service, or retail use, permissible in this zone that will be located entirely within an existing, lawfully erected commercial building or structure. ~~(Consistent with Chapter 4)~~
10. Agricultural Produce Stand subject to ~~Chapter 20~~ the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. ~~(Revised 1-92)~~
    ~~Water supply and treatment facility.~~*(This is now a Utility Facility (Major)*

    ~~Sewage disposal and treatment facility.~~ *(This is now a Utility Facility (Major)*

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated "A-R" Agricultural Recreation zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

~~In the "A-R" Agricultural-Recreational zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this section:~~

1. Major Home Occupations, subject to chapter 20 - Site Plan Review - Section 20.090. ~~(added 2-89)~~

2. Small scale low impact retail commercial uses provided the following conditions are met:

3. Bed and breakfast inns. ~~(added 2-89)~~

4. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~ Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating

facilities may be allowed under this provision if allowed by Section 19.030.

5. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030,

6. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

7. ~~Utility facilities necessary for public service.~~ Utility Facilities (Major).

8. Auditoriums, outdoor stages and entertainment areas.

9. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).

10. Airports.

11. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

Stream or Lake Setbacks -

a. Pine Hollow and Rock Creek Reservoirs are both subject to Section 3.900 - Reservoir Overlay Zone ~~the Environmental Protection District (EPD) provisions of~~ (EPD-6).

b. All structures, or similar permanent fixtures (except hydroelectric facilities and docks), proposed in areas not mapped in the EPD-6, shall be set back from the high water line or mark along any streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

2. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

3. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

4. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.240 "R-R (5)" RURAL RESIDENTIAL

A. Purpose: To provide for low density residential and agricultural uses in a rural atmosphere which will not conflict with commercial agricultural operations.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RR" Rural Residential zone shall comply with the following provisions:

B. Uses Permitted Without Review ~~Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "R-R (5)" Rural Residential zone without review. ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety~~

~~Standards:~~

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

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

D. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling ~~on any legally created parcel,~~ including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.1260, ~~provided proper sanitation approval is obtained~~. *(This is not needed because it is part of the review process)*

2. ~~Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.~~ Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

E. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other

listed, referenced or applicable standards.

1. Guest house subject to ~~standards in~~ Chapter 4 - Supplemental Provisions -Section 4.13~~70~~.

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

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

4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.

5. Agricultural Produce Stand subject to Chapter 20 - Site Plan Review, and the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. ~~(Revised 1-92)~~

6. Cemetery.

~~F.~~ Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards. ~~In the "RR" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this section:~~

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090.

2. Bed and breakfast inns. ~~(added 2-89)~~

3. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

6. Utility Facilities (Major).

7. Mobile home parks subject to Chapter 16 - Mobile Home Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

8. Recreational vehicle parks subject to Chapter 17 - Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

9. Dude ranches subject to Chapter 20 - Site Plan Review. ~~(added 2-89)~~

10. (17) Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

G. Property Development Standards

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.

10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

SECTION 3.250 "R-R(10)" RURAL RESIDENTIAL

A. Purpose: The purpose of the "R-R (10)" Rural Residential ~~(10)~~ zone is to provide for low density residential and small scale, part time agricultural and forest uses in a rural atmosphere which will not conflict with commercial agricultural operations, while preserving open space and other forest uses.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (10)" Rural Residential zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "R-R (10)" Rural Residential zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm use, as defined in ORS 215.203(2).
~~The breeding, boarding and training of horses for profit~~. *(This is now included in the definition of "Farm Use")*

2. Forest Uses, including the propagation or harvesting of forest products.

5. Utility Facilities (Minor)

4. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

5. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

6. Temporary public road and highway detours that will be abandoned and restored to original condition

or use at such time as no longer needed.

7. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(8) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection G - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

   This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

   1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   2. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   3. Additions to, and replacement of, a lawfully established building or structure.

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

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

   6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.

   7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous

public-owned property utilized to support the operation and maintenance of public roads and highways.

~~Utility facilities necessary for public service.~~ *(Replaced by Utility Facility (Minor) and Utility Facility (Major))*

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

1. One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to subsections (F~~D~~) and (G~~E~~) of this section.

2. Guest house subject to Chapter 4 - Supplemental Provisions - Section 4.13~~7~~0.

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

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

5. Agricultural Produce Stand subject to ~~Chapter 20~~ the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone.

E. Uses Permitted Subject to Conditional~~ly~~ Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards. ~~and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this Section:~~

ENERGY/UTILITY FACILITIES

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

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards of Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility Facilities (Major).

COMMERICAL/AGRICULTURAL /INDUSTRIAL USES

5. Major Home occupations, subject to Chapter 20 - Site Plan Review - Section 20.090.

10. Kennels.

11. Commercial activities that are in conjunction with farm use as defined in ORS 215.203(2) including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone.

12. Facilities to manufacture alcohol from farm or timber waste.

13. The propagation, cultivation, maintenance and harvest of aquatic species.

14. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

G. Property Development Standards

3. Setbacks - ~~In the "R-R (10)" zone~~ No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.

7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.310 "R-R (2)" RURAL RESIDENTIAL ~~2 ACRE~~ ZONE

A. Purpose: The purpose of the "R-R (2)" Rural Residential ~~2 acre~~ zone is to provide for single-family residential use plus related compatible uses such as schools and parks. This zone is designed for those areas outside an Urban Growth Boundary or acknowledged Unincorporated Community Boundary, subject to a resource land goal exception prior to November 4, 2000, and not necessarily served by a public water or public sewer system. Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (2)" Rural Residential ~~2 acre~~ zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "R-R (2)" Rural Residential zone without review.~~, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

2. Forest uses, including the propagation and harvesting of forest products.

3. Utility Facilities (Minor)

4. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling on any legally created parcel including mobile homes at least eighteen (18) feet wide subject to Chapter 4 - Supplemental Provisions - Section 4.1260, ~~provided proper sanitation approval is obtained.~~ *(This is not needed because it is part of the review process)*

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.
   ~~accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.~~

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property

Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Guest house subject to Chapter 4 - Supplemental Provisions - Section 4.13~~7~~0 - Development Standards for Guest Houses.

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

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

4. Agricultural Produce Stands ~~in accordance with Chapter 20 - Site Plan Review~~.

5. Cemetery.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, as well as any other listed, referenced or applicable standards. ~~and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this Section:~~

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090.

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

3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030,

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

5. Utility Facilities (Major).

6. Bed and breakfast inns.

7. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries ~~subject to chapter 20~~.

8. Private schools or day nursery centers.

9. Parks, playgrounds and recreation areas and community or neighborhood centers ~~subject to chapter 20~~.

10. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club ~~subject to chapter 20~~.

11. Dude ranches and hunting and fishing lodges, including overnight facilities ~~in accordance with Chapter 20, Site Plan Review~~ and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

12. Temporary tract office for the sale of lots in subdivision in which the office is located.

F. Property Development Standards

1. Height - Maximum height for all dwellings shall be thirty-five (35) feet. Height is measured from average grade. Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. ~~(Added 1-92)~~

2. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

3. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

4. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.410 "RC" Rural Commercial

A. Purpose: The "RC" Rural Commercial Zone is intended to provide for a wide variety of commercial housing and related activities. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC" Rural Commercial Zone shall make application for a site plan review, and comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "RC" Rural Commercial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-C" Rural Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.
~~Permitted Uses: In the "RC" Rural Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. Any new commercial service, or retail use, listed in section ~~C~~ D of this zone that will be located

entirely within an existing, lawfully erected commercial building or structure, demonstrating compliance with off-street ~~and public~~ parking, off-street loading and bicycle parking requirements ~~area~~ requirements in Chapter ~~4~~ 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 3,500 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

~~D.~~ Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RC" Rural Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft:

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RC" Rural Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030,

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~, except landfill.

~~Water supply or treatment facility.~~ *(This is covered by Utility Facility (Major)*

5. Recreational Vehicle Park subject to Chapter 17 – Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

6. Medical center.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft:

F. Property Development Standards

2. Setbacks:

Side Yard - Where the side of a lot or parcel in a "C-~~1~~" zone abuts the side of an "A-1" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

Parking - Off-street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.510 "RI" RURAL INDUSTRIAL ZONE

A. Purpose: The "RI" Rural Industrial Zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RI" Rural Industrial Zone shall make application for a site plan review and comply with the following regulations.

B. Uses Permitted Without Review: The following uses are permitted on lands designated "RI" Rural Industrial zone without review.

1. Utility Facilities (Minor)

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-I" Rural Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.
~~Permitted Uses: In the "RI" Rural Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:~~

1. Any new industrial use listed in ~~C~~ D of this zone, that will be located entirely within an existing, lawfully erected commercial or industrial building or structure demonstrating compliance with off-

street ~~and public~~ parking, off-street loading and bicycle parking requirements ~~area~~ requirements in Chapter ~~4~~ 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 3,500 or 35,000 sq. ft respectively.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~industrial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RI" Rural Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 35,000 sq. ft. and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 35,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 – Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards ~~Chapter 20 - Site Plan Review and this Chapter:~~

1. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 35,000 sq ft:

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~rural commercial and industrial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RI" Rural Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. for commercial and 35,000 sq. ft. for industrial when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. for commercial and 35,000 sq. ft. for industrial:

5. Any use permitted subject to standards ~~site plan review~~ or conditionally in the Rural Commercial zone.

6. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

a. Side Yards - Where the side or rear of a lot or parcel in an "M-~~1~~" zone abuts a residential zone, there shall be a side or rear yard of not less than fifty (50) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of at least ten (10) feet from exterior side property lines for corner building sites. Where the side of a lot or parcel in the "RI" zone abuts the side of an "A-1" zone, there shall be a side or rear lot setback of 100 feet from the common property line. In other cases, a side yard shall not be required.

2. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

3. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.601 "~~RC-~~TV-R" TYGH VALLEY RESIDENTIAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-R" Tygh Valley Residential zone is to provide for single family residential use where single family dwellings, including manufactured homes, may be located on single-family lots/parcels, where manufactured home parks may be established conditionally if designed in accordance with zoning density standards and where single-family residential uses plus related compatible uses can be sited. This zone is designed for parcels not necessarily served by a public water or public sewer system.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-R" Tygh Valley Residential zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "TV-R" Tygh Valley Residential zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Minor Home occupation that:

If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.

2. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "TV-R" Tygh Valley Residential zone subject to subsection F - Property

Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 – Supplemental Provisions - Section 4.1260. Pre-existing sub standard lots/parcels must provide proof of adequate sewer and water subject to DEQ standards. New lots/parcels which have tested to a higher density (see property development standards) shall adhere to the well and/or sub-surface septic system location requirements approved in conjunction with a partition and concurrent binding site plan.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Additions to, and replacement of, a lawfully established building or structure.

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

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

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

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

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ may be permitted on a legal parcel on lands designated "~~RC~~-TV-R" Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090.

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

3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

5. Utility facilities (Major), ~~necessary for public service~~ except landfills.

6. Public parks, recreation areas and community or neighborhood centers.

7. Public and semi-public buildings and uses not otherwise specified in this section.

8. Golf courses.

9. Mobile home parks subject to the density of the "~~RC~~-TV-R" zone and the provisions of Chapter 16 - Mobile Home Parks.

10. Bed and breakfast inns.

11. Multi-family dwelling complex.

11. Planned Unit Developments subject to ~~section~~ Chapter 18 – Planned Unit Development.

F. Property Development Standards

a. New lots or parcels served by an approved community, municipal or public water system shall have a minimum average width of 250 feet and a minimum area of 2 acres.

Lot/parcel owners can elect to test to a higher density, up to .5 acres, with a minimum average lot width of 100', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of ~~Section~~ Chapter 21 – Land Divisions. This site plan shall indicate an approved location for sub-surface septic system(s) which shall not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic facilities from adjoining properties to ensure the full well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Watermaster prior to acceptance by the Planning Department.

b. New lots or parcels not served by an approved community, municipal or public water system, evaluated in accordance with state laws governing review of public facilities plans in rural communities, shall a have a minimum average width of 250 feet and a minimum area of 4 acres.

Lot or parcel owners can elect to test to a higher density, up to 1.5 acres with a minimum average lot width of 150', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of ~~Section~~ Chapter 21 – Land Divisions. This site plan shall indicate an approved location for well(s) and sub-surface septic system(s) which will not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic and well facilities from adjoining properties to ensure the full septic and well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Watermaster prior to acceptance by the Planning Department.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.602 "~~RC-~~TV-C" TYGH VALLEY COMMERCIAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-C" Tygh Valley Commercial zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance a wide range of retail sales and service establishments serving both the long and short term needs of Tygh Valley and its surrounding area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-C" Tygh Valley Commercial zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses are permitted on lands designated "TV-C" Tygh Valley Commercial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "TV-C" Tygh Valley Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-C" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance~~:

1. Any new commercial service, or retail use, listed in Section D ~~C~~ of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "TV-C" Tygh Valley Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review, as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

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

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

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "TV-C" Tygh Valley Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of~~ 4,000 ~~sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~, except landfill.

   ~~Water supply or treatment facility~~. *(Replaced by Utility Facility (Major)*

5. Church.

6. Public or semi public buildings.

7. Public or private school.

8. Medical center.

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

10. Automobile service stations.

11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.

F. Property Development Standards

   a. Side Yard - Where the side of a lot or parcel in a "C-~~2~~" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.603 ~~"RC-~~TV-M1" TYGH VALLEY LIGHT INDUSTRIAL/COMMERCIAL ZONE

A. Purpose: The "~~RC-~~TV-M1" Tygh Valley Light Industrial/Commercial zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and commercial uses with limited external impact.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-M1" Tygh Valley Light Industrial/Commercial zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses are permitted on lands designated TV-M1" Tygh Valley Light Industrial/Commercial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "TV-M1" Tygh Valley Light Industrial/Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-M1" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new industrial use listed in D ~~C~~ of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 4,000 or 10,000 sq. ft respectively.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~industrial~~ uses ~~and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~TV-M1" Tygh Valley Light Industrial/Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

1. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~industrial and commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "TV-M1" Tygh Valley Light Industrial/Commercial Zone ~~are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance~~ as required in subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Utility facilities (Major) ~~necessary for public service~~, except landfill.

   ~~Water supply or treatment facility~~. *(Replaced by Utility Facility (Major)*

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

5. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

6. Church.

7. Public or semi public buildings.

8. Public or private school.

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

10. Medical center.

11. Junk yard or automotive wrecking yard.

12. Recreation areas and facilities, including but not limited to: golf courses.

13. Bulk storage of petroleum or gas.

14. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 4,000 sq ft:

~~A building or buildings not exceeding 4,000 square feet of floor space to be used~~

~~by any combination of the following uses~~:

15. Retail or service business.

16. Eating or drinking establishment.

17. Offices.

18. Veterinary clinic and kennel entirely within an enclosed building.

19. Studio.

20. Public garage, including usual automobile repairs and servicing enclosed within the building that when within fifty (50) feet of an "A" or an "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.

21. Residential use in the same building as an allowed use in 14 ~~a.~~ through 19 ~~f.~~ above.

22. Automobile service station ~~in a building or buildings not exceeding 4,000 square feet of floor space~~.

23. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.

24. Place of public assembly, stadium, auditorium, recreation building or natatorium ~~in a building or buildings not exceeding 4,000 square feet of floor space~~.

25. Commercial amusement establishments (stadium, theatre, bowling alley, theatre). Limited in size only when enclosed ~~in a building or buildings not exceeding 4,000 square feet of floor space~~.

E. Property Development Standards

5. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.604 "~~RC-~~TV-M2" TYGH VALLEY MEDIUM INDUSTRIAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-M2" Tygh Valley Medium Industrial zone is to provide for the location of needed industrial uses which are not dependent upon urban services. The "RC-TV-M2" zone encourages orderly and compatible development of industrial uses while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-M2" Tygh Valley Medium Industrial zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "TV-M2" Tygh Valley Medium Industrial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are

permitted on a legal parcel on lands designated "TV-M2" Tygh Valley Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-M2" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new industrial use listed in D ~~C~~ of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to an industrial use the combined footprint of all industrial buildings and all accessory buildings shall not exceed 10,000 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact uses ~~and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~TV-M2" Tygh Valley Medium Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

1. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

   ~~Utility facilities necessary for public service, except landfill.~~*(Replaced by Utility Facility Major in CUP Section)*

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact uses may be permitted on a legal parcel on lands designated ~~In the~~ "TV-M2" Tygh Valley Medium Industrial Zone ~~in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

2. Utility facilities (Major) except landfill.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft.

12. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

E. Property Development Standards

5. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.605 "~~RC-~~TV-RR" TYGH VALLEY RURAL RESERVE ZONE

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

B. Uses Permitted Without Review: The following uses are permitted on lands designated TV-RR" Tygh Rural Reserve zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "TV-RR" Tygh Valley Rural Reserve zone subject to subsection E - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-RR" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

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

D. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~TV-RR" Tygh Valley Rural Reserve Zone ~~are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance~~ as required in subject to subsection E - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Suitable community facilities to accommodate community gatherings and/or appropriate levels of recreational activities such as, community buildings, trails, waterfront access, cemeteries, athletic fields and parks.

2. Utility facilities (Major), except landfill.

3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

E. Property Development Standards

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.606 "~~RC~~-TV-AG" TYGH VALLEY AGRICULTURAL ZONE

A. Purpose: The purpose of the "~~RC~~-TV-AG" Tygh Valley Agriculture zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.

B. Uses Permitted Without Review ~~Permitted Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "TV-AG" Tygh Valley Agriculture zone without review ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards~~

1. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Section 1.080 (Definitions).

2. Forest uses, including the propagation and harvesting of forest products.

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

4. Minor Home occupation that:

   a. Is carried on within a dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display of sale of stock in trade.

   f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.

5. Utility Facilities (Minor)

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal

parcel on lands designated "TV-AG" Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 - Supplemental Provisions - Section 4.120

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

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

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

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

3. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers ~~in accordance with Chapter 20 (Site Plan Review).~~

4. Dude ranches and hunting and fishing lodges ~~in accordance with Chapter 20 (Site Plan Review).~~

5. Creation, restoration or enhancement of wilflife habitat or wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "TV-AG" Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Major Home Occupations, subject to Chapter 20 - Site Plan Review - Section 20.090.

2. Bed and breakfast Inn in an existing residence, ~~subject to Chapter 20 (Site Plan Review).~~

3. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone.

4. Dog kennels, except that such uses are prohibited on high value farmland.

5. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.

6. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).

7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and ~~WCLUDO~~ Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

8. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

9. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

10. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.

11. Utility facilities ~~"necessary" for public service~~(Major).

~~Water supply and treatment facility.~~ *(Replaced by Utility Facility (Major))*

~~Sewage disposal and treatment facility.~~ *(Replaced by Utility Facility (Major))*

F. Property Development Standards

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 3.740 - Flood Hazard Overlay (EPD 1).

5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.611 ~~"RC-~~Wam-R-2" WAMIC RESIDENTIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-R-2" Wamic Residential 2 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-R-2" Wamic Residential 2 zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "Wam-R-2" Wamic Residential 2 zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards.~~

1. Utility Facilities (Minor).

2. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "Wam-R-2" Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

   This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

   1. One single-family dwelling, including mobile homes except single-wides on each legal lot/parcel provided that the minimum average density is maintained ~~and proper sanitation approvals are obtained~~. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.

   2. Buildings accessory to ~~a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.~~ a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   3. Additions to, and replacement of, a lawfully established building or structure.

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

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

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

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

3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ may be permitted on a legal parcel on lands designated "Wam-R-2" Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090.

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

3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

4. Public parks, recreation areas and community or neighborhood centers.

5. Public and semi-public buildings and uses not otherwise specified in this section.

6. Golf courses.

7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

9. Utility facilities (Major) ~~necessary for public service~~ except landfill.

F. Property Development Standards

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD).

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.612 ~~"RC-~~Wam-R-5" WAMIC RESIDENTIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-R-5" Wamic Residential 5 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-R-5" Wamic Residential 5 zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "Wam-R-5" Wamic Residential 5 zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Utility Facilities (Minor).

2. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "Wam-R-5" Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

   This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

   1. One single-family dwelling, including mobile homes except single-wides, on each legal lot/parcel including mobile homes with a minimum of eight hundred (800) square feet of floor area subject to Chapter 4 - Supplemental Provisions - Section 4.160 provided that the minimum average density is maintained ~~and proper sanitation approvals are obtained~~. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.

   2. Buildings accessory to ~~a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.~~ a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "Wam-R-5" Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

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

3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ may be permitted on a legal parcel on lands designated "~~RC~~-Wam-R-5" Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090.

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

3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

4. Public parks, recreation areas and community or neighborhood centers.

5. Public and semi-public buildings and uses not otherwise specified in this section.

6. Golf courses.

7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

9. Utility facilities (Major) ~~necessary for public service~~ except landfill.

F. Property Development Standards

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.613 "~~RC~~-Wam C-2" WAMIC COMMERCIAL ZONE

A. Purpose: The purpose of the "~~RC~~-Wam-C-2" Wamic Commercial Zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC~~-Wam-C-2" Wamic Commercial Zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "Wam-C-2" Commercial Zone zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-Wam-M-2" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new commercial service, or retail use that will be located within an existing building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~commercial uses or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "Wam-C-2" Wamic Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance~~ as required ~~in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

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

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

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. ~~square feet of floor space to be used by~~

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~commercial uses or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "Wam-C-2" Wamic Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance~~ ~~as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~.

   ~~Water supply or treatment facility~~.*(Replaced by Utility Facility (Major))*

5. Church.

6. Public or semi public buildings.

7. Public or private school.

8. Medical center ~~in a building or buildings not exceeding 4,000 square feet of floor space.~~

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

10. Automobile service stations.

11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.

12. Place of public assembly (stadium, auditorium, recreation building or natatorium).

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

14. Child care center.

15. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization. ~~(Goal 3).~~

F. Property Development Standards

   b. Side Yard - Where the side of a lot or parcel in a "~~RC-~~Wam-C-2" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

8. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.614 ~~"RC-Wam-M-2"~~ WAMIC MEDIUM INDUSTRIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-M-2" Medium Industrial Zone is to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-M-2" Medium Industrial Zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "Wam-M2" Wamic Medium Industrial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-M-2" Wamic Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to an industrial use the combined footprint of all buildings and all accessory buildings shall not exceed 10,000 sq. ft.

2. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact uses ~~and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~Wam-M-2" Wamic Medium Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

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

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

E. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following small scale low impact uses may be permitted on a legal parcel on lands designated ~~In the~~ "Wam-M-2" Wamic Medium Industrial Zone ~~in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to

Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) except landfill.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

5. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.

6. Concrete batching plants and the manufacture and sale of concrete products.

7. Automobile Service Stations.

8. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.

9. Recreation areas and facilities, including but not limited to golf courses.

10. Bulk storage of petroleum or gas.

11. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

b. Side Yard - Where the side of a lot in the "~~RC~~-Wam-M-2" Medium Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

8. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

9. Signs - No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.

10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

SECTION 3.910 DIVISION 7 - NATURAL AREAS OVERLAY

A. Purpose: This overlay district is intended to pre-empt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. This overlay applies to all natural areas identified in the Wasco County Comprehensive Plan and to the Wasco County portions of the Deschutes, ~~and~~ John Day, and White Rivers designated as Wild & Scenic Rivers ~~Areas~~ as defined and protected in ORS 390.805 & 390.825 or USFC & CFR.

CHAPTER 4 AMENDMENTS

SECTION 4.070 General Exceptions to Building Height Requirements

Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, ~~energy facilities and commercial energy facilities~~ uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand alone power generating facilities) , communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. ~~Transmission towers~~ All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

CHAPTER 15 AMENDMENTS

SECTION 15.020 ~~Building Permits~~ Zoning Approval

~~No permit shall be issued by the Building Official or any government agency for the construction, erection, location, maintenance, repair, alteration or enlargement, or the change of use of a structure or property that does not conform to the requirements of this Ordinance.~~

A. The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.

B. Zoning approval may be authorized if:

1. It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

2. It is necessary to protect public safety; or

3. It is for work related to and within a valid easement over, on or under an affected property.

SECTION 15.030 Authority

Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue ~~warning notices and citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.~~ compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

SECTION 15.070 Wasco County Code Compliance and Nuisance Abatement Ordinance

The Wasco County Code Compliance and Nuisance Ordinance is a separate Board of County Commissioner adopted ordinance that implements land use, nuisance and health violations. Please refer to that ordinance for further details related to enforcement of the provisions of the Wasco County Land Use and Development Ordinance.

SECTION 15.070 Penalties

Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance shall be guilty of a violation and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100.00) for each day of violation where the offense is a continuing offense, but such fine may not exceed one thousand dollars ($1,000.00) for each occurrence of the continuing offense or a fine of five hundred dollars ($500.00) where the offense is not a continuing offense. (amended 2-89)

SECTION 15.080 Jurisdiction

The Circuit Court for the State of Oregon for the County of Wasco has jurisdiction over any and all violations of this Ordinance.

SECTION 15.090 Issuance of Warning Notice

No citation shall be issued pursuant to this Ordinance unless, at least fifteen (15) days prior to service of such citation, a warning notice delivered by certified mail giving a brief description of the violation alleged to exist is first served upon the person accused of the offense or posted on the property where the violation is alleged to exist. The warning notice shall further contain the name of the County department to contact regarding the violation, the name of the person issuing the warning notice, the date the warning was issued and a statement that failure to correct the alleged violation or to contact the appropriate County department may result in issuance of a formal citation to the Wasco County Circuit Court.

SECTION 15.100 Requirements of Citation; Form and Content

A. A citation conforming to the requirements of this Ordinance may be used for all Land Use Development and Solid Waste Ordinance violations committed in the presence of the complainant and which occur in the unincorporated areas of Wasco County, Oregon.

B. The citation shall consist of at least three (3) parts. Additional parts may be inserted for administrative use. The required parts are:

1. Complaint;

2. Planning Department's or Health Department's record of violation;

3. Summons.

C. Each of the parts shall contain the following information or blanks in which such information shall be entered:

1. Name of the Court and the Court's docket or file number;

2. Name of the person cited;

3. Section of the Ordinance violated;

4. Brief description of the violation of which the person is charged in such manner as can be readily understood by a person making a reasonable effort to do so, the date and place at which the violation occurred, the date on which the citation was issued, and the name of the complainant;

5. The time and place where the person cited is to appear in Court;

6. The bail, if any, fixed for the violation;

7. The designation of the method of service and certification that such service has been made;

a. The certification, if made by a Planning Department employee or Health Department employee,

need not be made before a magistrate or any other person. A private person shall certify before a Circuit Court Judge, Clerk or Deputy Clerk of the Circuit Court of Wasco County, and this action will be entered in the Court record.

b. When such service is by certified mail, return receipt requested as described in Section 15.120 (A) of this Chapter, such shall be stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after filing of the complaint. The complaint shall contain a form of certificate by the complainant to the effect that he certifies that he has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to the Land Use and Development or Solid Waste ordinance made and provided by Wasco County, Oregon.

The reverse side of the complaint shall contain the Court record and contain the substance of the matter appearing on the reverse side of all uniform complaints used in the Circuit Court of Oregon in Wasco County or otherwise directed by the Circuit Court.

A certificate conforming to this section shall be deemed equivalent to a sworn statement. In addition, the summons shall contain a notice to the person that the complaint will be filed with the Circuit Court of the State of Oregon in and for the County of Wasco. The reverse side of the summons shall contain the following in a form substantially as follows:

READ CAREFULLY

You have been charged with a violation of the Wasco County (Land Use Development, Solid Waste) Ordinance. You MUST do ONE of the following:

A. Appear in Court at the time mentioned in this summons and request a hearing. The Court will then set a time for a hearing; or,

B. Mail to the Court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the Court you request a hearing. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. If you do not want a hearing, but wish to explain your side, send your explanation with the summons and bail. The Court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the complainant tells the Court; or,

C. Sign the plea of guilty below and send this summons to the Court, together with check or money order in the amount of bail indicated on the other side of this summons. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of Court. I do, hereby PLEAD GUILTY to said violation as charged, WAIVE my right to a HEARING by the Court, and agree to pay the penalty prescribed for my violation.

_____

(Defendant's Name)

_____

(Defendant's Address)

MAIL YOUR REMITTANCE TO:

Wasco County Circuit Court
511 Washington Street
The Dalles, Oregon 97058

NOTICE

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST.

IF YOU FAIL TO DO ONE OF THE THREE FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR TRIAL AT THE TIME SET BY THE COURT YOU MAY BE CHARGED WITH THE ADDITIONAL AND SEPARATE VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

8. Any error in transcribing information into the blanks provided in the citation form when determined by the Court to be non-prejudicial to the Defendant's defense, may be corrected at the time of trial or prior to time of trial with notice being given to the Defendant.

9. Except as provided in Section 15.100(8) above, the complaint shall be set aside by the Court only upon the motion of the Defendant before plea, if it does not conform to the requirements of this Section.

SECTION 15.110 Commencement of Action for Ordinance Violations

A. The Planning Director, Sanitarian, or their designee, may issue a citation for violation of the Wasco County (Land Use Development, or Solid Waste) Ordinances committed in his presence and when committed at any location within the unincorporated area of Wasco County, Oregon, after consulting with the office of the District Attorney.

B. A private person may only commence an action for an Ordinance violation as provided in Section 15.100 of this Chapter and under the same conditions as provided in subsection (A) of this Section. The commencement of all actions by private persons for violations committed in their presence shall be upon the Ordinance citation form and shall be at the discretion and in the judgment of the office of the District Attorney, and conform to the procedures for certification and service as required in Sections 15.100 and 15.120 of this chapter, respectively.

SECTION 15.120 Service of Citation

A. If a citation is commenced as described in Section 15.110 (A), or (B), the Planning Director, Sanitarian, or their designee or peace officer, respectively, shall serve or cause to be served, the summons portion of such citation in one of the following manners:

1. To personally serve the summons portion of the citation on the Defendant. If the Defendant cannot be found personally at his usual abode, then service may be made to a member of his family over fourteen (14) years of age who resides at that abode.

2. If the Defendant is unknown or unavailable for personal service by the citing officer, then the summons portion of the citation, prepared by the Planning Director, Sanitarian, or their designee may be personally served upon the Defendant by any peace officer authorized to serve such citations.

3. If, after reasonable and due diligence, the Defendant cannot be served in the manner prescribed in subsections (1) and (2) hereinabove, service of the summons portion of said citation may be made

by registered mail, return receipt requested, mailed to such person at his last known address with postage prepaid thereon. For the purposes of this Ordinance, service by mail shall be deemed perfected upon filing with the Court the return receipt endorsed by said Defendant. As soon as reasonably possible, provided, however, in no event later that the appearance date, the complainant shall file the complaint portion of the citation with the Clerk of the District Court. When service is not made at the time of commencement of the complaint, proof of service shall be filed immediately after service has been made.

SECTION 15.130 Minimum Requirements for Summons

A summons for an Ordinance violation is sufficient if it contains the following:

A. The name of the Court, name of the person cited, date on which the citation was issued, name of the complainant and the time and place at which the person cited is to appear in Court.

B. A brief description or designation of the offense in such a manner that can be readily understood by a person making a reasonable effort to do so and the date and place in which the violation is alleged to have occurred.

C. A copy of the complaint as set forth in Section 15.100.

SECTION 15.140 Appearance by Defendant

The Defendant shall either appear in Court at the time indicated in the summons, or prior to such time shall deliver to the Court the summons, together with check or money order in the amount of the bail set forth on the summons, together with:

A. A request for a hearing; or

B. A statement of matters and explanation of mitigation of the offense charged; or

C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons.

SECTION 15.150 Effect of Statement and Explanation in Mitigation

If a Defendant has submitted to the Court a written statement as provided in Section 15.140(A)(2), it constitutes a waiver of hearing and consent to judgment by the Court declaring a forfeiture of all or any part of the bail as determined by the Court on the basis of such statement or complainant or other witness who may be presented to the Court.

SECTION 15.160 Fixing Hearing Dates; Notice to Defendant; Failure to Appear; the Separate Offense of Failing to Appear in Court Pursuant to Citation, Summons, Court Order or at the Time Set for Trial of Case

A. If the Defendant requests a hearing, or pursuant to this Section, the Court directs that a hearing be held, the Court shall fix a date and time for hearing and, unless notice is waived, shall be at least (5) days in advance of hearing, mail to Defendant a notice of the date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing, the Defendant may be charged with a separate and additional offense of failure to appear in Court pursuant to Court order, citation or summons, or at time set for trial of the case.

B. Notice to the Defendant required pursuant to Section 15.160 (A) shall be made in the form of a Court "Notice to Appear" and be placed in the United States mail addressed to the Defendant at his last known address with postage prepaid thereon.

C. Failure of the Defendant to make appearance as set forth in subsection (A) of this Section, will constitute a failure to appear for hearing. If the Defendant fails to appear when notified by the Court to appear pursuant to subsection (B) of this Section, he may be charged with a separate and additional offense of failing to appear in Court pursuant to a Court order, or a citation or summons or at time set for trial of the

case. Upon a finding by the Court that Defendant did not make appearance as required pursuant to this Ordinance without due and good cause, the Defendant shall be guilty of failure to appear.

SECTION 15.170 Hearing Discretionary with Court; Exception

A. For any Ordinance violation for which citation has been issued, the Court may direct that a hearing be held. Otherwise, the Court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the Defendant and return any amount by which the bail exceeds the fine.

B. No fine may be imposed in excess of the amount of bail deposited by Defendant unless a hearing is held.

SECTION 15.180 Warrant for Arrest

A. If a person cited fails to comply with the provisions of Section 15.130, or if he fails to appear at any time fixed by the Court, a warrant for his arrest may be issued by a judge of the Wasco County Circuit Court pursuant to O.R.S. 133.060.

B. No warrant of arrest may be issued pursuant to this section after a period of sixty days from the date of entry of an order declaring a forfeiture of bail or other security given by the arrested person, unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

SECTION 15.190 Penalty for Failure to Appear

Upon conviction of any person under Section 15.160(C) of failure to appear without due and good cause, he shall be punished by a fine in addition to the fine and Court costs of the violation for which he failed to appear and such additional fine shall not be more than two hundred and fifty dollars ($250.00).

SECTION 15.200 Planning Commission Membership

The Commission shall consist of seven (7) County residents appointed by the County Court to serve as members for a term of four (4) years or for the unexpired portion of the term of a member whom the appointee succeeds, provided that members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses, and members of the Commission shall be residents of the various geographic areas of the County. No more than two (2) voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

SECTION 15.220 Disqualification

Each appointed member shall serve until his successor is appointed and qualified except that no member of the Commission shall participate in any consideration of matter in which he is directly or indirectly interested in a personal or financial sense.

SECTION 15.230 Officers

The Commission shall:

A. At the first meeting of each calendar year elect from among their appointed members, to serve for no longer than twelve (12) months, a Chairman for their body. He shall preside at all meetings, shall appoint and serve ex officio upon all committees, shall compel the attendance of members and witnesses, shall administer oaths, and sign the minutes of meetings after the same be approved by the body.

B. At said meeting, select from among their appointed members, to serve no longer than twelve (12) months, as Vice-Chairman for their body. He shall perform the duties of Chairman whenever that officer is absent, ill, disqualified or otherwise unable to act.

SECTION 15.240 Legal Advisor

~~The District Attorney or his deputy shall act as legal advisor to the Commission and represent them in all litigation, provided that when he determines a conflict of interest prevents such service, he may authorize either body to retain other counsel.~~

~~SECTION 15.250 Meetings~~

~~The Commission shall meet upon call of the Chairman pursuant to such rules as they may from time to time adopt. Meetings of the Commission shall normally be held monthly or as required, in which case the Commission shall decide upon the day to meet at its previous meeting. All meetings shall be public. All meetings of the Commission shall be publicized by giving notice thereof in a newspaper of general circulation not less than fifteen (15) days before the meeting.~~

AMENDMENTS CHAPTER 19

Because the bulk of the substantive changes related the amendments are located in Chapter 19, the text of the entire amended Chapter is included.

CHAPTER 19 STANDARDS FOR NON COMMIERCIAL ENERGY FACILITIES, COMMERCIAL ENERGY FACILITIES & RELATED USES

SECTION 19.010 Purposes

This chapter describes the requirements for establishing non-commercial energy facilities, commercial energy facilities and related uses (as included) in Wasco County. The goals of this chapter are to:

- Encourage renewable energy production;
- Utilize clear and objective standards;
- Establish a clear, consistent and accountable application process;
- Collaborate and coordinate with agencies and other stakeholders;
- Minimize conflict with other permitted uses through compatibility review;
- Protect resources identified in the Wasco County Comprehensive Plan; and
- Protect the public health, safety and general welfare of the citizens of Wasco County.

The uses described in this chapter are only allowed if listed in the zoning section in Chapter 3 applicable to the subject property.

SECTION 19.020 Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review Processes & Approval Standards

A. Review Processes - Non-commercial/Stand Alone Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Towers - This shall include free standing (Wind Turbine & Meteorological) or roof mounted towers/turbines.

Tower Height	Property Size

	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	> = 10 Acres
Non-Resource Zones				
< = 35'	*Type I	*Type I	Type I	Type I
> 35' - < 50'	Type II - STS	Type II - STS	Type I	Type I
50' - < 100'	Type II - CUP	Type II - STS	Type II - STS	Type II - STS
100' - 150'	Type II - CUP	Type II - CUP	Type II - CUP	Type II - STS
Resource Zones				
< 35'	*Type I	*Type I	Type I	Type I
35' - < 50'	Type II - STS	Type II - STS	Type I	Type I
50' - < 100'	Type II - CUP	Type II - STS	Type II - STS	Type II - STS
100' - < 200'	Type II - CUP	Type II - CUP	Type II - STS	Type II - STS
> = 200'	Type II - CUP	Type II - CUP	Type II - CUP	Type II - CUP

*The 4th tower sited on the property shall elevate the review from a Type I to an STS.

Wind turbines that are attached to other lawful uses (excluding roof mounted turbines) including but not limited to street lamps and telephone poles are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are attached as outlined in the applicable zone.

2. Solar Systems

System Size	**Property Size**				
	<2 Acres	**2 - < 5 Acres**	**5 - < 10 Acres**	**10 - < 40 Acres**	**> = 40 Acres**
Roof Mounted **< = 35' in height**	Type I	Type I	Type I	Type I	Type I

***Roof Mounted > 35' in height**	STS	STS	STS	Ministerial	Ministerial
****Ground Array < 500 sq. ft.**	Type I	Type I	Type I	Type I	Type I
****Ground Array 500 - < 1,500 sq. ft.**	Type II – STS	Type II - STS	Type II - STS	Type II - STS	Type I
****Ground Array > = 1,500 sq. ft.**	Type II – CUP	Type II - CUP	Type II - CUP	Type II - CUP	Type II – STS

*Roof mounted systems exceeding 35' in height shall be allowed without a variance pursuant to either Chapter 6 or 7.

**Ground Arrays are limited to 35' in height. Ground Arrays exceeding 35' in height will be required to apply for a variance pursuant to either Chapter 6 or 7.

Small solar systems (less than 10 square feet) that are accessory to other lawful uses including but not limited to gates, electric fences & lights are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are accessory as outlined in the applicable zone.

Multiple panels, multiple arrays and supporting equipment providing energy to the same structure or use shall be considered one (1) system in determining the applicable review process. If a portion of the system is already installed and the permit holder is creating an addition to the system, the applicable review process shall be based on the total size of the system.

3. OWRD -Hydroelectric Facilities:

   a. Not Located within an Area of Special Flood Hazard - Hydroelectric energy projects not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the Planning Department as long as they are being reviewed by the OWRD. If located in a resource zone they are required to be reviewed as a "utility facilities necessary for a public use", "reservoir", or water impoundment".
   b. Located within an Area of Special Flood Hazard – In addition to a. above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the Planning Department even if they are being reviewed by the OWRD.

4. Additional Non-Commercial/Stand Alone Power Generating Facilities - The review process for energy facilities other than those previously described will be decided by the Planning Department based on an evaluation of the primary purpose of the zone, the size of the subject property and surrounding properties, the proposed location of the use

and its potential impact to adjacent properties. Impacts include but are not limited to noise, vibration, smell, emissions, visibility, or physical footprint.

B. Type I Review Standards - The following are applicable to energy facilities in addition to meeting the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities:

a. Lawful Use - Power will be for a lawfully established use or use that is in the process of being reviewed by the Planning Department.

b. Interconnect Agreement (Net Metering Only) - The applicant shall provide an interconnect agreement with a local utility or copy of a submitted application requesting an interconnect agreement with a local utility.

c. Closed System (Non-Commercial Stand Alone Only) - The applicant shall provide a plan or diagram that proves the proposal is a closed system and will not tie into a utility.

d. Setback/Buffers - Unless otherwise specified in this chapter, all energy facilities shall meet the property line setbacks of the zone in which they are located, natural resource buffers, as well as any additional setbacks required below.

e. Height - Unless otherwise specified in this Chapter, Pursuant to Section 4.070, General Exceptions to Building Height Requirements, energy facilities shall be exempt from the height limits of the zone in which they are located.

f. Color/Visibility - Energy facilities and their accessory electrical control equipment shall be a non-reflective, unobtrusive color that blends in with the surrounding environment unless otherwise required by the Federal Aviation Administration or Oregon Department of Aviation.

g. Noise – Manufacturer's sound power level shall not exceed 60 db(A).

h. Air Quality - Manufacturer's emissions estimate shall be in compliance with Oregon Department of Environmental Quality in OAR Chapter 340, Division 200.

i. Vibration - Vibrations shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

j. Odor – To the extent practicable, odors shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

k. Health & Safety:

(1) All uses or structures shall be designed and constructed to limit access.

(2) Warning and safety signs, up to three square feet in area, are allowed.

(3) All ground mounted electrical and control equipment shall be labeled or secured

to prevent unauthorized access.

(4) The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

(5) Utility facility service lines, electrical lines and other wires associated with the energy facility that are not underground shall be kept clear along the route and have a single point of access to the building to the maximum extent practicable while still complying with local, state, and federal electrical codes.

(6) Uses and structures shall be designed and constructed to not impair emergency response. Contact local emergency responder for specific requirements and guidance.

(7) Energy facilities shall be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

l. Advertising - No commercial or advertising markings shall be allowed except those of the manufacturer & installer.

m. Interference with Communication - Energy facilities shall not create any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the property owner must develop and implement a mitigation plan in consultation with the Planning Department.

n. Decommissioning/Removal - Any facility that is inoperable for more than 12 months shall be deemed discontinued. Removal of the equipment and facilities shall occur within six (6) months of the discontinuance time frame or other time frame approved by the Planning Department unless all or a portion of the equipment and facilities are converted to an approved use within this same time frame.

o. Other Authority - All necessary local, state and federal authorizations/permits shall be obtained prior to constructing the use.

2. Specific Standards:

a. Tower Standards

(1) Setbacks

(a) The base of the tower shall be set back from all property lines, public-rights-of-ways, and above ground public utility lines a distance equal to the height of the tower (i.e., fall height). The setback shall be measured to the center of the tower's base.

(b) Notwithstanding receiving permission from an affected property owner(s), road authority or utility, towers shall still be required to meet the property lines setbacks of the zone in which they are located and all natural resource buffer requirements unless a variance is granted pursuant to either Chapter 6 or 7.

(c) Any guy wires associated with a tower shall be required to meet the property and buffer setbacks of the zone in which they are located unless a variance is granted pursuant to either Chapter 6 or 7.

(2) Safety:

(a) Blade Reach - The lowest extension of any exposed blade or other exposed moving component shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies, that are located directly below the blade.

The minimum height may be reduced if a safety fence is installed around the area of the exposed blade or other moving component that would prevent access and direct contact with the exposed blade or other moving component. The minimum height may also be reduced through the Type II /STS review process in subsection C below.

(b) Wind turbines shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

(c) Towers shall be equipped with lightning protection.

(d) Towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

(e) "Danger" signs shall be posted at the height of five feet on the tower if it has a climbing apparatus.

(f) Permit holders are encouraged to sheath guy wires in a covering that would increase their visibility from a height of three feet above ground to eight feet above ground.

(3) Avian Protections - Perch deterrents shall be placed on all surfaces that would attract birds to a location where they could be struck by a moving component on the tower such as the sweep of a wind turbine blade.

(4) Lighting - Lighting of towers subject to only a Type I review is not allowed.

b. Solar System Standards:

(1) Safety

(a) Roof mounted solar panels shall be installed in a manner that maintains adequate fire department access to the roof, with an unobstructed path from the structures eaves to structure components located on the roof (i.e., chimney, stove pipe, other roof mounted appliances). Contact local fire official for specific requirements and guidance.

(b) Ground arrays shall maintain a ten feet (10') perimeter of fire fuel break. Refer to Section 10.120 of the Fire Safety Standards for a description of a fire fuel break.

(2) Solar Access Rights - The establishment of a solar system consistent with the requirements of this ordinance **shall not** constitute solar access rights that are protected by this ordinance.

C. Type II Review Standards - The following are applicable to energy facilities in addition to meeting the Type I Review Standards in subsection B above, the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities

a. General Compatibility - The proposed use is compatible with adjacent surrounding properties taking into consideration the following:

(1) Scale
(2) Odors
(3) Vibration

b. Noise - If the manufacturer's sound power level exceeds 60 db(A) or there is no manufacturer's stated sound power level, the applicant shall submit an analysis from a qualified consultant or individual and written report to prove operation of the energy facility shall be in compliance with sound pressure noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35 with regard to any existing dwellings on non-participating landowners property. These regulations shall govern notwithstanding the energy facility is neither a commercial or industrial use.

2. Specific Standards:

a. Tower Standards:

(1) Aviation Notification - Planning staff shall notify the following groups or agencies as to the location of the proposed tower(s). Comments received regarding safety may be included as safety features required in subsection (2) below.

(a) Aerial Sprayers and operators who have requested to be notified - All towers over 50' in height.
(b) Oregon Department of Aviation (ODA) & Federal Aviation Administration (FAA) - All towers over 200 feet in height or as prescribed by OAR 738-070-0110.

(2) Aircraft Safety Plan - A safety plan shall be submitted that will ensure aircraft safety is maintained for all towers 50' in height or greater. Unless a determination of no hazard is made, safety features will be required as necessary to ensure aircraft safety based on the location, height, and type of tower. Any safety features required as part of an approval shall be completed at the time the tower is installed. Safety features, if required, could include but are not limited to the following:

(a) Placing an aviation device, or equivalent visible marker at each of the outermost guy wire anchors.
(b) Painting the top 30 feet of each tower with 5 foot bands of alternating colors of Aviation Orange and Aviation White.
(c) Lighting - Lighting of towers shall be evaluated on a case by case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek approval of radar triggered lighting or use of the least polluting light source practicable under the law.

(3) Minimum Height - The lowest extension of any exposed blade or other exposed moving component may be allowed less than (15) feet above the ground as required by subsection B(2)(a)(2) if based on the proposed location and site specific circumstances, the tower will not represent a safety hazard.

(4) Shadow Flicker – Upon the non-participating owner's request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if written permission from the property owner and an adjustment is granted under Section 19.030(D)(1)(c). Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Solar Standards:

(1) Ground Leveling - The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

(2) Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public.

(3) Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways.

(4) Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

D. CUP/Type II Review Standards - Energy facilities subject to conditional use review shall meet the standards of Chapter 5, Conditional Use Review, the Type I Review Standards in subsection B above, the Type II Review Standards in subsection C above, the property development standards of the zone, unless otherwise specified and any other listed or referenced standards.

SECTION 19.030 Commercial Power Generating Facilities Review Processes & Approval Standards

A. Review Processes - Commercial Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Review Authority:

a. Planning Commission Review – Notwithstanding applications reviewed by EFSC and unless otherwise specified all energy facilities reviewed pursuant to this section shall be initially heard and decided upon by the Planning Commission in a public hearing.

b. Planning Department Review:

(1) Small Scale Commercial Power Generating Facilities - A commercial power generating facility shall be considered small scale if it falls within either the tower or solar matrix listed in Section 19.020, Non-Commercial Power Generating Facilities and shall be reviewed by the Planning Department pursuant to the standards of Section 19.020 and not this section.

For non-resource zones, solar arrays shall be limited to ¼ acre and towers to no more than 150' in height and no more than 4 towers per property. For resource zones solar arrays shall be limited to ½ acre and towers to under 200' in height and no more than 4 towers per property shall be reviewed by the Planning Department. Beyond these limits the energy facility will not be considered small scale and will only be allowed pursuant to the standards in this section.

(2) Community Projects - Renewable projects of 10MW or less which include a partnership between a local land owner and a community (public) organization such as Wasco County, Mid-Columbia Council of Governments, a city, or a school district, shall be reviewed by the Planning Department.

(3) Post EFSC Review - Pursuant to ORS 469.401, after issuance of a site certificate by EFSC pursuant to subsection c. below, and subject to receiving the proper fees, Wasco County will issue in an expedited manner any permits, licenses and

certificates addressed in the site certificate subject only to conditions set forth in the site certificate but without hearings or other proceeding (i.e., Type I review).

(4) Hydroelectric Energy Facilities - See subsection d. below.

c. EFSC Review:

(1) EFSC has regulatory authority over all energy facilities designated by ORS 469.300. However, pursuant to ORS 469.480 EFSC shall designate the BOC as a Special Advisory Group. As such and at their discretion the BOC may participate in the siting process pursuant to the role established in ORS 469 and OAR 345, which includes recommending substantive criteria applicable to the proposed energy facility.

(2) Pursuant to ORS 469.320(8), notwithstanding the threshold limits in ORS 469.300, an applicant can elect to have EFSC review an energy facility that may otherwise be subject to Wasco County's jurisdiction.

(3) If for any reason the BOC desires, they may defer regulatory authority of energy facility to EFSC notwithstanding it is less than the threshold designated by ORS 469.300.

d. OWRD Review - Hydroelectric Energy Facilities:

(1) Not Located within an Area of Special Flood Hazard - Hydroelectric energy facilities not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the Planning Department as long as they are being reviewed by OWRD or FERC. If located in a resource zone they are required to be reviewed as a "utility facilities necessary for a public use".

(2) Located within an Area of Special Flood Hazard - In addition to d.(1). above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the Planning Department even if they are being reviewed by the OWRD or FERC.

e. FERC Review - FERC has regulatory authority over all energy or related projects of a size, scale or interest to the federal government pursuant to Title 18, Conservation of Power and Water Resources, of the Code of Federal Regulations.

2. County Decision Options - As part of the application materials the applicant shall indicate if they are requesting tentative or final approval. For facilities sited through EFSC, this section does not apply.

a. Tentative Approval - A tentative approval may be issued when the applicant has submitted most of the required application materials but defers completion of one or more required discretionary elements such as the wildlife plan and all of its required baseline studies. Any deferred discretionary elements will be the only elements reviewed and decided upon during the final approval process.

A tentative approval shall specify a time limit or expiration date within which all deferred discretionary review elements or plans shall be reviewed for final approval. Pursuant to Section 2.125, Time Limits for Permits and Extensions of Time, the combined time for both the tentative and final approval shall be limited to 2 years with the opportunity for a onetime 2 year extension. This time frame shall start on the date of the tentative approval.

b. Final Approval - Final approval occurs when the applicant has submitted all of the required application materials, Wasco County has issued a decision which includes conditions of approval that can be submitted for staff review and verification, and the appeal period has concluded.

3. Modifications - An amendment to the conditional use permit shall be required if the proposed facility changes would:

a. Require an expansion of the established facility boundaries where the original facility was sited or constructed;
b. Increase the number of towers; or
c. Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

B. Non-Resource Zone Standards:

1. Small Scale Commercial Power Generating Facilities - Pursuant to Subsection A(1)(b)(1) above, commercial power generating facilities that are considered small scale will be allowed in non-resource zones subject to the standards of Section 19.020.

2. Large Scale Commercial Power Generating Facilities - Except for related or supporting facilities, large scale commercial power generating facilities shall not be allowed in non-resource zones.

3. Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility may be allowed in non-resource zones subject to Conditional Use Review upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. To the extent practicable, any related or supporting facilities must be consistent in size, scale, and impact as other existing or allowed uses in the non-resource zone. Related or Supporting Facilities shall be reviewed as part of the Commercial Power Generating Facility and not subject to a separate Conditional Use Review. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:

a. Technical and engineering feasibility of siting the energy facility as a whole;
b. Availability of existing rights-of-ways and public roads and proximity to transmission lines and interconnections;
c. Environmental impacts associated with avoiding non-resource zoned land; and

d. Protection of farm and forest resources.

C. General Standards - The following standards apply to energy facilities as outlined in Section A above, in addition to meeting the Conditional Use Standards listed in Chapter 5:

1. Air Safety - All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR Chapter 738, Division 70, shall comply with the air hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the Planning Department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

2. Interference with Communications - The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the Planning Department.

3. Noise - The energy facility shall comply with the noise regulations in OAR Chapter 340, Division 35. The applicant may be required to submit a qualified expert's analysis and written report.

4. Visual Impact

a. Scenic Resources – To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.

b. Protected Areas: Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the areas listed below:

(1) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;

(2) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(3) State parks and waysides as listed by the Oregon Department of Parks and Recreation;

(4) State wildlife areas and management areas identified in OAR chapter 635, division 8.

(5) National and state fish hatcheries or national and state wildlife refuges;

(6) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(7) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and

a. **Exceptions to Protected Areas** - Except where the following uses are regulated by federal, state or local laws, including but not limited to the Columbia River Gorge National Scenic Area Act and implement land use ordinances, the following may be approve in a protected area identified in subsection (b) above if other alternative routes or sites have been studied and been determined to have greater impacts:

- An electrical transmission line;
- A natural gas pipeline; or
- An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.

b. **Transmission Line & Pipeline Exception** - The provisions of subsection (b) above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.

c. **Additional Visual Mitigation Impacts for all Facilities** - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection (b) above. Methods to mitigate adverse visual impacts could include but are not limited to:

(1) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;
(2) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and
(3) Retaining or planting vegetation to obscure views of the energy facility.

5. Natural Resource/Wildlife Protection - Taking into account mitigation, siting, design, construction and operation the energy facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife agency resource management plan adopted and in effect on the date the application is submitted. As appropriate, the permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, or other jurisdictional

wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:

a. Providing information pertaining to the energy facility's potential impacts and measures to avoid impacts on:

(1) Wildlife (all potential species of reasonable concern);
(2) Wildlife Habitat;
(3) Endangered Plants; and
(4) Wetlands & Other Water Resources.

b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.

c. Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.

d. Utilizing turbine towers that are smooth steel structures that lack features that would allow avian perching. Where horizontal surfaces cannot be avoided, anti-perching devices shall be installed where it is determined necessary to reduce bird mortality.

e. Designing and installing all aboveground transmission line support structures following the current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

f. Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.

g. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.

h. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.

i. Locating transmission lines or associated transmission lines with the energy facility to minimize potential impacts (e.g., 50 feet from the edge of the nearest wetland or water body except where the line is required to cross the wetland or water body; or separating transmission lines or associated transmission lines with the energy facility from the nearest wetland or water body by topography or substantial vegetation to the extent practical, except where the line is required to cross the wetland or water body).

j. Locating transmission towers or associated transmission towers outside of Class I or II streams unless:

(1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in-stream tower; and

(2) The lines cannot be safely and economically placed under the water or streambed.

(3) Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.

6. Protection of Historical and Cultural Resources - The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources included in the Wasco County Comprehensive Plan shall be flagged and avoided in areas of potential temporary or permanent disturbance, and construction activities monitored to ensure all cultural resources in such areas are avoided, unless appropriate permits are obtained from the Oregon State Historic Preservation Office. Prior to construction an Inadvertent Discovery Plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS 358.905-358.955 and any other applicable local, state and federal law.

7. Fire Protection & Emergency Response - A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things, the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.

8. Public Safety - A public safety plan shall be developed and implemented to exclude members of the public from hazardous areas within the Energy Facility Project Area.

9. Transportation Plan - A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and shall also provide or address:

   a. The size, number, and location of vehicle access points off of public roads.

   b. Use of existing roads to the extent practical to minimize new access roads.

   c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

   d. A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.

10. Road Use Agreement - Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).

    - General design standards for roads shall, in general, conform to policies set forth in Chapter 21.
    - As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.

11. Onsite Access Roads and Staging Areas - The impact of onsite access roads and staging areas within the Energy Facility Project Area shall be limited by:

    a. Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;
    b. Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and
    c. Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

12. Dust Control - All approved non-paved temporary or permanent roads and staging areas within the Energy Facility Project Area shall be constructed and maintained to minimize dust, which may be addressed through the Road Use Agreement. If roads and staging areas are not construct with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.

13. Erosion and Sediment Control - All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

14. Weed Control - A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.

15. Signs - Outdoor displays, signs or billboards within the energy facility project boundary shall not be erected, except:

a. Signs required for public or employee safety or otherwise required by law; (e.g., OSHA or compliance with the Manual of Uniform Traffic Control Devices (MUTCD) administered through the County Road Department); and
b. No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.

16. Underground Systems - Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.

17. Operation & Maintenance Buildings - Permanent maintenance/operations buildings shall be located in the same zone as the principal energy facility, except that such buildings may be constructed in a separate zone if:

    a. The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and
    b. The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.

18. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.

19. Termination and Decommissioning. For an energy facility sited through EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with these requirements.

    a. The applicant shall prepare a decommissioning plan that describes the actions to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

    b. The applicant shall provide a detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a financial assurance (bond, letter of credit, insurance policy other such form of guarantee acceptable to Wasco County), and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate and financial assurance may take into account salvage value associated with the project, and can be requested for review and update by Wasco County at their discretion (e.g., every 5 years).

c. The following shall be required as conditions of the Wasco County approval:

(1) If operation of the energy facility ceases or begins construction of the project, but does not complete it, the permit holder shall restore the site according to a plan approved by Wasco County. A plan shall be submitted that ensures the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

a. Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. Restoration of the surface grade and soil after removal of aboveground structures and equipment.
b. Removal of graveled areas and access roads and restoration of surface grade and soil.
c. Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with Wasco County's weed control plan.
d. For any part of the energy facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.
e. The underground power collector and communication lines need not be removed if at a depth of three feet or greater. These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.
f. The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
g. The plan must include a schedule for completion of site restoration work.

(2) Before beginning construction of the energy facility, the permit holder must submit in a form and amount satisfactory to Wasco County, assuring the availability of adequate irrevocably committed funds to restore the site to a useful, non-hazardous condition naming Wasco County as beneficiary or payee. The form may include posting a bond, issuing an irrevocable letter of credit, purchasing a paid up insurance policy or by other means acceptable by Wasco County and shall ensure continuity between owners.

(3) The amount of the financial assurance (bond or other such form of guarantee) shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder (including possible successor if sold or transferred) shall increase the amount of the financial assurance annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the

amount. The amount of the financial assurance shall be prorated within the year to the date of decommissioning.

(4) Per the request of Wasco County, the permit holder (including possible successor if sold or transferred) shall describe the status of the financial assurance in a report (e.g., annual update report submitted to Wasco County).

(5) The financial assurance shall not be subject to revocation or reduction before retirement of the energy facility site.

20. Final Location - The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.

21. Power Production Reporting - The County may require a report of nonproprietary power production for any time frame after the energy facility first begins production if permitted through the County. If requested, the permit holder shall have 180 days to produce said report.

D. Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.

1. Wind Energy Facilities:

a. Visual Impact - To the extent practical, the proposed wind energy facility has been designed to minimize visual impact upon open space and natural landscape by:

1. Using underground communication and power collector lines (transmission lines that connect each turbine to a substation);

2. Using turbine towers of uniform design, color and height;

3. Lighting - Lighting of towers shall be evaluated on a case-by-case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek approval of radar triggered lighting or use of the least polluting light source practicable under the law.

4. Using existing roads within the Energy Facility Project Area to provide access to the site, or if new roads within the Energy Facility Project Area are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact;

5. Using existing substations, or if new substations are needed, minimizing the number of new substations; and

6. Shadow Flicker – Upon the non-participating owern's request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

   Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if written permission from the property owner and an adjustment is granted under Section 19.030(D)(1)(c). Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Public Safety - The wind energy facility shall be designed, constructed, and operated to protect the public by measures that may include, but are not limited to, the following:

(1) Installing the tower so at the closest point, the sweep of any exposed blade or other exposed moving component is at least 20 feet above the tallest existing or foreseeable obstruction to blade movement unless based on the proposed location and site specific circumstances, the tower will not represent a safety hazard; and

(2) Designing, constructing and operating the energy facility to exclude members of the public from close proximity to turbine blades and electrical equipment, including installing locks on turbine tower access doors; and

(3) Designing, constructing and operating the energy facility to protect against structural failure of the turbine tower or blades that could endanger members of the public's safety, including having adequate safety devices and testing procedures designed to warn members of the public of impending failure and to minimize the consequences of such failure.

c. Setbacks:

(1) Project Boundaries - If the wind energy project encompasses more than one parcel neither the wind turbine setback to non-project boundaries nor the property line setbacks of the underlying zone in which the project is located are applicable to any internal property lines within the project area.

(2) Non Project Boundaries - Wind turbines shall be set back from the property line of any abutting property not part of the project (non-project boundaries), the right-of-way of any dedicated road, and any above ground major utility facility line a minimum of 1.5 times the height of the wind turbine tower (i.e., fall-height). Wind turbines shall be set back from any above ground minor utility facility line a minimum of 1.1 times the height of the wind turbine tower.

An applicant may request an adjustment to non-project boundaries described in (3)(C) below. Wind turbines shall to meet the underlying zone setback requirement unless a variance is granted pursuant to either Chapter 6 or 7.

(3) Resource Zone Dwellings

a. **Participating Landowners**: For owners of legal resource dwellings who are also landowners in the Energy Facility Project Area, wind turbine setbacks shall be 1,320 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance necessary to comply with the DEQ noise standard (OAR 345-035-0035). Applicant must provide evidence into the permit record demonstrating with reasonable assurance that the DEQ noise standard will be met and, prior to construction, provide evidence of any recorded noise easement obtained under OAR 345-035-0035.

b. **Non-Participating Landowners**: For owners of legal resource dwellings who are not landowners in the Energy Facility Project Area, wind turbine setbacks shall be 3,520 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance required to comply with the DEQ noise standard (OAR 345-035-0035), whichever is greater, unless a noise easement is obtained under OAR 340-035-0035.

c. **Adjustment Provision** - An administrative adjustment from regulations addressing turbine setbacks from dwellings in resource zones may be authorized pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee. As part of the permitting process in judging whether or not an administrative adjustment shall be approved or denied, the administrative authority shall weigh the appropriateness of the proposal against any adverse conditions that would result from authorizing the proposed adjustment. An administrative adjustment to wind turbine setbacks from dwellings in resource zones may be authorized upon findings that the following criteria are met:

1. Written consent of all property owners directly impacted by the proposed adjustment or if applicable road authority or utility.
2. The proposed adjustment does not establish a setback in conflict with the DEQ noise standard.
3. The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.
4. The proposed adjustment will not unduly burden existing infrastructure.
5. The proposed adjustment will not unduly impair safety in the area.
6. The proposed adjustment will minimize impacts to environmental resources.

(4) Non-Resource Boundaries - Wind turbines shall be setback:

(a) A minimum of 1 mile (5,280 feet) from all non-resource zoned property boundaries located outside of urban growth boundaries and urban reserves (as measured from the centerline of the turbine to the edge of the property

boundary zoned for non-resource purposes, e.g., rural residential). Adjustment provisions do not apply to these properties. .

(b) 3/4 mile (3,960 feet) from the established city limit or urban growth boundary or urban reserve boundary of an incorporated city (whichever is the more restrictive applies) unless a lesser setback is granted through the adjustment process under this provision

(c) The distance required to meet the DEQ noise standard (OAR 340-035-0035) unless a noise easement is obtained under OAR 340-035-0035.

(d) Adjustment Provision - An administrative adjustment from regulations addressing turbine setbacks from non-resources zoned boundaries in subsection (b) (c) above may be authorized pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee. As part of the permitting process in judging whether or not an administrative adjustment shall be approved or denied, the administrative authority shall weigh the appropriateness of the proposal against any adverse conditions that would result from authorizing the proposed adjustment. An administrative adjustment to wind turbine setbacks from dwellings in resource zones may be authorized by upon findings that the following criteria are met:

1. Written Consent:

   i Proposal for administrative adjustment relating to incorporated cities shall include written authorization from the appropriate city authority.
   ii. Proposal for administrative adjustment related to an urban growth boundary or urban reserve boundary (different than city limits) shall include written consent from all owners directly impacted by the proposed adjustment.

2. The proposed adjustment does not establish a setback in conflict with the DEQ noise standard.
3. The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.
4. The proposed adjustment will not unduly burden existing infrastructure.
5. The proposed adjustment will not unduly impair safety in the area.
6. The proposed adjustment will minimize impacts to environmental resources.

(5) Downwind Properties - The establishment of a commercial wind energy facility consistent with the requirements of this ordinance **shall not** constitute wind access rights that are protected by this ordinance beyond the following setback requirement.

If a wind turbine 200' in height or taller has been previously placed on a downwind property that is not part of the project, the closest tower on the upwind property shall

be set back a minimum of fifteen rotor diameters from the downwind tower location or any lesser distance agreed to by the downwind and upwind property owners or those authorized to act on their behalf.

2. Solar Energy Facilities:

a. Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

b. Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public, or mitigated accordingly.

c. Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways, or mitigated accordingly.

d. Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

e. Wildlife - Measures to reduce wildlife impact may include using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.

3. Cogeneration Facilities:

a. The cogeneration facility would supply thermal energy to an existing or approved industrial or commercial use.

b. Except as allowed in this section, an electric transmission line or natural gas or petroleum pipeline necessary for the cogeneration facility must be an upgrade to an existing transmission line or pipeline or must otherwise be constructed in an existing right-of-way or utility easement. If the proposed electric transmission line or natural gas or petroleum product pipeline necessary for the proposed cogeneration project is not an upgrade to an existing transmission line or pipeline, the transmission line or pipeline must comply with the standards in subsection 4 or 5 below.

4. Electrical Transmission Facilities:

a. Use of Existing Routes/Co-Locating - The development uses available developed or approved road and utility rights-of-way, easements or transmission facilities that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.

b. Adjacent to Existing Routes - To the extent practical, any part of the proposed transmission or distribution line outside an existing route would be adjacent to an existing public road or utility right-of way or easement.

c. New Routes - If all or part of the proposed transmission line is outside an existing route or not adjacent to an existing route:

(1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or

(2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.

d. Setbacks to dwellings - Unless sited within a public road right-of-way, new electrical transmission lines shall not be constructed closer than 500 feet to an existing dwelling without prior written approval of the owner. Said written approval shall be made part of the deed records to that property.

5. Natural Gas or Petroleum Product Pipelines:

a. Use of Existing Routes - To the extent practical, the proposed pipeline would use developed or approved road and utility rights-of way or easements that can safely accommodate the proposed line.

b. Adjacent to Existing Routes - To the extent practical, any part of the proposed pipeline outside an existing route would be adjacent to an existing public road or utility right-of-way or easement.

c. New Routes - If all of part of the proposed pipeline is outside an existing route or not adjacent to an existing route:

(1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or

(2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.

d. Stream crossings: If the proposed pipeline would cross a stream or river that is important habitat for a state or federally-listed threatened or endangered species, the permit holder must use a crossing technique or method approved by the Oregon Department of Fish and Wildlife.

Exhibit A - Additional Suggested Changes to the Update to the Wasco County Land Use and Development Ordinance ("LUDO")

Prepared for: April 4, 2012 Public Hearing
Prepared by: John Roberts, Wasco County Planning Director

In light of written public testimony submitted since Thursday, March 26, 2012, the following changes are suggested to be made to the proposed regulations. Suggested changes are identified through **Track Changes**: ~~strikethrough~~ and underline.

The proposed changes are intended to:

- Provide exemptions for participating landowners from the setback requirements.
- Specify who is a participating landowner.
- Ensure that an administrative adjustment cannot be forced on a resource dwelling owner.
- Offer straightforward criteria to be applied to findings as part of the administrative adjustment process.
- Prevent administrative adjustments in non-resource zones.
- Clarify the distinction between non-resource lands and city limits/urban areas.

WASCO COUNTY LAND USE & DEVELOPMENT CODE

CHAPTER 19 AMENDMENTS

STANDARDS FOR NON COMMIERCIAL ENERGY FACILITIES, COMMERCIAL ENERGY FACILITIES & RELATED USES

SECTION 19.020 Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review Processes & Approval Standards

C(2)(a)(2)(c)

- Lighting - Lighting of towers shall be evaluated on a case by case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall ~~seek approval of radar triggered lighting or~~ minimize the amount of lighting to the extent ~~use of the least polluting light source~~ feasible ~~practicable~~ under the law, which may include consideration of radar triggered lighting.

SECTION 19.030 Commercial Power Generating Facilities Review Processes & Approval Standards

D. Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.

- **D(1)(a)(3):** Lighting - Lighting of towers shall be evaluated on a case-by-case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek ~~approval of radar triggered lighting or~~ minimize the amount of light to the extent feasible~~use of the least polluting light source practicable~~ under the law, which may include consideration of radar triggered lighting.

c. Setbacks:

(1) Project Boundaries - If the wind energy project encompasses more than one parcel neither the wind turbine setback to non-project boundaries nor the property line setbacks of the underlying zone in which the project is located are applicable to any internal property lines within the project area.

(2) Non Project Boundaries - Wind turbines shall be set back from the property line of any abutting property not part of the project (non-project boundaries), the right-of-way of any dedicated road, and any above ground major utility facility line a minimum of 1.5 times the height of the wind turbine tower (i.e., fall-height). Wind turbines shall be set back from any above ground minor utility facility line a minimum of 1.1 times the height of the wind turbine tower.

An applicant may request an adjustment to non-project boundaries using the process described in 19.030(D)(1)(c)(3)(C) below. Wind turbines shall ~~to~~ meet the underlying zone setback requirement unless a variance is granted pursuant to either Chapter 6 or 7.

(3) Resource Zone Dwellings

a. **Participating Landowners**: ~~For~~ Participating landowners are o~~O~~wners of legally placed resource dwellings on lands committed to the energy facility project by written contract. ~~who are also landowners in the Energy Facility Project Area wind turbine setbacks shall be 1,320 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance necessary to comply with the DEQ noise standard (OAR 345-035-0035).~~ - Participating landowners or aApplicant must provide evidence ~~into the permit record~~ demonstrating ~~with reasonable assurance~~ that setbacks from dwellings will meet the DEQ noise standard ~~will be met~~ and, prior to construction, provide evidence of any recorded noise easement obtained under OAR 345-035-0035.

b. **Non-Participating Landowners**: For owners of legally placed ~~–~~resource dwellings who are not participating landowners in the e~~E~~nergy f~~F~~acility p~~P~~roject ~~Area~~, wind turbine setbacks shall be 3,520 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance required to comply with the DEQ noise standard (OAR 345-035-0035), whichever is greater, unless a noise easement is obtained under OAR 340-035-0035.

c. **Adjustment Provision** ~~–~~ Applicant may, as part of the wind energy permitting process, obtain a~~A~~n administrative adjustment to authorize a lesser setback from regulations addressing turbine setbacks from dwellings in

resource zones. This may be authorized as part of the CUP permit pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee and. ~~As part of the permitting process in judging whether or not an administrative adjustment shall be approved or denied, the administrative authority shall weigh the appropriateness of the proposal against any adverse conditions that would result from authorizing the proposed adjustment. An administrative adjustment to wind turbine setbacks from dwellings in resource zones may be authorized~~ upon findings that demonstrate the following criteria are met:

(1) The underlying landowner (or applicable road authority or utility as may be appropriate for non-project boundary setbacks) has consented, in writing, to an adjusted setback. ~~Written consent of all property owners directly impacted by the proposed adjustment or if applicable road authority or utility.~~
(2) The proposed adjustment complies with DEQ noise standard. ~~The proposed adjustment does not establish a setback in conflict with the DEQ noise standard.~~
(3) The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.
(4) The proposed adjustment will not unduly burden existing infrastructure (e.g., underground utilities or leach fields).
(5) The proposed adjustment will not unduly impair safety in the area.
(6) The proposed adjustment will minimize impacts to environmental resources (e.g., wetlands or identified EPDs).

(4) Non-Resource Boundaries - Wind turbines shall be setback:

~~(a)~~ A minimum of 1 mile (5,280 feet) from all non-resource zoned property boundaries located outside of urban growth boundaries or~~and~~ urban reserves (as measured from the centerline of the turbine to the edge of the property boundary zoned for non-resource purposes, e.g., rural residential). Adjustment provisions do not apply to these non-resource zone property boundary setbacks~~ies~~.

~~(b)~~(a) **(5)** City Limits and Urban Areas – Wind turbines shall be setback 3/4 mile (3,960 feet) from the established city limit, ~~or~~ urban growth boundary or urban reserve boundary of an incorporated city (whichever is the more restrictive applies) unless a lesser setback is granted through the adjustment process under this provision.

~~(c) The distance required to meet the DEQ noise standard (OAR 340-035-0035) unless a noise easement is obtained under OAR 340-035-0035.~~

Adjustment Provision – Applicant may, as part of the wind energy permitting process, obtain An administrative adjustment to authorize a lesser setback from regulations addressing turbine setbacks from city limits, urban growth boundaries or urban reserves. This may be authorized as part of the CUP permit ~~non-resources zoned boundaries in subsection (b) (c) above may be authorized~~ pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee and.

~~As part of the permitting process in judging whether or not an administrative adjustment shall be approved or denied, the administrative authority shall weigh the appropriateness of the proposal against any adverse conditions that would result from authorizing the proposed adjustment. An administrative adjustment to wind turbine setbacks from dwellings in resource zones may be authorized by~~ upon findings that demonstrate the following criteria are met:

(a~~1~~) The incorporated city that would be affected has consented, in writing, to an adjusted setback.~~Written Consent:~~

~~i. Proposal for administrative adjustment relating to incorporated cities shall include written authorization from the appropriate city authority.~~

~~ii. Proposal for administrative adjustment related to an urban growth boundary or urban reserve boundary (different than city limits) shall include written consent from all owners directly impacted by the proposed adjustment.~~

(b~~2~~) The proposed adjustment complies with DEQ noise standard.~~does not establish a setback in conflict with the DEQ noise standard.~~

(c~~3~~) The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.

(d4) The proposed adjustment will not unduly burden existing infrastructure (e.g., underground utilities or leach fields).

(e~~5~~) The proposed adjustment will not unduly impair safety in the area.

(f~~6~~) The proposed adjustment will minimize impacts to environmental resources (e.g., wetlands or identified EPDs).

Wasco County Board of Commissioners
Staff Report
PLALEG-09-06-0003

Amendments to the
Wasco County Land Use & Development Ordinance

Note: This staff report has been written to address ONLY the amendments to the Wasco County Land Use and Development Ordinance, NOT the amendments to the Wasco County Comprehensive Plan. The amendments to the comprehensive plan were approved by the Board of Commissioners on January 4, 2012. The staff report was prepared for the April 4th public hearing and addresses issues raised at the March 20th and February 15, 2012 public hearings.

More information available at: http://co.wasco.or.us/planning/Energy_updates_Main.html

Date:	Prepared for April 4, 2012 Public Hearing (Continued from March 20, 2012 Public Hearing)
Request:	Amend the Wasco County Land Use and Development Ordinance (LUDO) 1. Amend language related to where and how commercial and non-commercial energy development is allowed. 2. Modernize language that is not compliant with state law, incorrect, or out of date. 3. Reformat all zones and add similar uses to create as much consistency between the zones as possible.
Prepared by:	John Roberts, Planning Director Jeanette Montour, Senior Planner
Prepared for:	Wasco County Board of Commissioners
Applicant:	Wasco County
Planning Commission Hearing Dates:	May 3, 2011 and June 7, 2011
Board of Commissioner Hearing Dates:	February 15, 2012 and March 20, 2012
PC Recommendations:	LUDO: On a vote of 7 – 0 the planning commission recommended the Board of Commissioners adopt the proposed amendments as presented at the 7 June 2011 hearing and further amended during deliberation.

Applicable Properties: All properties in Wasco County outside of the National Scenic Area and outside of urban growth areas.

Procedure Type: Legislative

Attachments

- Attachment A – Clean Version of Chapter 19
- Wasco County Land Use and Development Ordinance Amendments, Final Draft, April 4, 2012
- Draft Ordinance

I. BACKGROUND

The first Board of Commissioner public hearing on the proposed amendments to the Wasco County Land Use and Development Ordinance (LUDO) was held at the Northern Wasco PUD on February 15, 2012. The amendments focus on Chapter 19 (Energy Facilities & Related Uses). The hearing was well attended and many comments were solicited through both written and public testimony. The public hearing was continued to March 20, 2012.

An Open House has hosted on March 20th from 8:00 a.m. to 9:00 a.m. (just before the scheduled 9:00 a.m. hearing) on the third floor of the county courthouse. The Open House was organized in response to public comments and feedback received and recognizing the need to be accessible to the public. The Open House was well attended and planning staff was available to:

- Explain how the proposed setback regulations would affect properties in each zoning district differently (i.e., differences between non-resource and resource lands).
- Illustrate proposed setbacks with maps and visuals.
- Provide explanations and answers to all related issues and concerns.

At the March 20 public hearing considerable written and public testimony was received. After deliberation the Board of Commissioners closed oral testimony, but left open the ability to continue to submit written testimony before the next public hearing. The commissioners continued the hearing to April 4, 2012 (9:30 a.m. Wasco County Court House, Room 202).

II. ADDITIONAL SUGGESTED CHANGES TO CHAPTER 19

The following breaks down additional changes to proposed by staff to the draft LUDO amendments (Chapter 19) and are primarily in response to comments received before or at the March 20th public hearing. **These changes have been incorporated into Attachment A as well as the attachment titled "Land Use and Development Ordinance Amendments, Final Draft, April 4, 2012**." These proposed changes are identified through Track Changes: ~~strikethrough~~ and underline below and are accompanied by staff comments addressing the respective issues.

Examples of Proposed "Non-Substantive" Changes Made to Chapter 19:

- Changed the header of Section 19.020.B.2.a.2 from "Safety to "Blade Reach."
- In Section 19.030.C.4.c. Additional Visual Mitigation Impacts for all Facilities – changed a cross-reference from (a) above to "(b)" above.

It is felt it is not necessary to provide details on these changes as they were intended to provide additional clarity and did not change the intent of any specific provisions.

Substantive Changes Proposed to Chapter 19:

- Section 19.020.B(2)C(2) – Lighting:

  Lighting of towers shall be evaluated on a case-by-case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek approval of radar triggered lighting or use of the least polluting light source practicable under the law.

  Staff Comment: There were multiple concerns about lighting at night submitted. The suggested changes to the lighting language are intended to address an evolving technology (i.e., radar triggered lighting) and to the extent practicable allow flexibility to find a reasonable solution to minimizing light pollution. Evidence would suggest there is a lack of consistency or certainty in how the FAA currently approves radar triggered lighting. These changes are also applicable to Section 19.030(D)(1)(A)(3) – Visual Impact.

- Section 19.030(B)(3), Non-Resource Zone Standards for Related or Supporting Facilities

  3. Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility may be allowed in non-resource zones subject to Conditional Use Review upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. To the extent practicable, aAny related or supporting facilities must be consistent in size, scale, and impact as other existing or allowed uses in the non-resource zone. Related or Supporting Facilities shall be reviewed as part of the Commercial Power Generating Facility and not subject to a separate Conditional Use Review. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:

  Staff Comment: The intent of this suggested change to allow a degree of flexibility in how other existing or allowed uses in the non-resource zones would be evaluated. Evaluation utility facilities to other existing or allowed uses might not be conducive for an 'apples to apples' comparison.

- Section 19.030.C.10 – Road Use Agreement

  Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is

mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).

- General design standards for roads, shall, in general, conform to policies set forth in Chapter 21.
- As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.

Staff Comment: These suggested changes to the road use agreement section attempt to clarify other related provisions contained in the LUDO that would need to be addressed and other permit types required by the state at the discretion of the Wasco County Road Department.

- Section 19.030(C)(19) - Termination and Decommissioning.

a. ~~Through the approval process t~~The applicant shall prepare a decommissioning plan that describes the actions to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

b. ~~As part of the decommissioning plan t~~The applicant shall provide a detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a financial assurance (bond, letter of credit, insurance policy or other such form of guarantee acceptable to Wasco County), and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate and financial assurance may take into account salvage value associated with the project, and can be requested for review and update by Wasco County at their discretion (e.g., every 5 years).

c.3 The amount of the financial assurance ~~(bond or other such form of guarantee)~~ shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder (including possible successor if sold or transferred) shall increase the amount of the financial assurance annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the amount. The amount of the financial assurance shall be prorated within the year to the date of decommissioning.

Staff Comment: The suggested changes were made to address comments that suggested some the proposed language in this section was possibly premature or limiting. Overall, it is felt the section ensures that as part of an application a decommissioning plan: will be required or a necessary condition of approval, allows specifics to be negotiated, flexibility, unforeseen circumstances to be addressed, and can be modified as necessary.

- Section 19.030(D)(1)(c) - Setbacks

Staff Comment: Throughout the process setbacks have been an important topic for all parties. The goal is to find setbacks that provide certainty for developers while at the same time ensuring responsible and safe wind energy development. For example, addressing participating landowner comments (i.e., south county residents) while also offering protection to non-participating landowners (i.e., seven mile residents).

*As such the proposed changes to the setbacks for resource zone dwellings attempt to create a distinction between participating and non-participating landowners in the "**energy facilities project area**". The setback for participating landowners, with the project area, would be ¼ mile. The setback for non-participating landowners, outside the project area, would be 2/3 of a mile.* ***Per the proposed amendments, the definition of Energy Facility Project Area is**:*

> *"The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project lease boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion."*

The recommended revisions to allow for an adjustment (i.e., waiver) to the resource dwelling setback is considered to address concerns recently raised by the Land Use Board of Appeals. Although if a ¼ mile setback was adopted the need for an adjustment would probably be significantly curtailed.

Additionally, it was felt clarity was needed with non-resource zoned boundaries setbacks. Specifically, language was inserted to clarify the "adjustment provision" does not apply to non-resource zone lands and a 1 mile setback on city limits or lands within a UGB or urban reserve cannot be imposed.

- Section 19.030.D – Setbacks

(1) Project Boundaries - If the wind energy project encompasses more than one parcel neither the wind turbine setback to non-project boundaries nor the property line setbacks of the underlying zone in which the project is located are applicable to any internal property lines within the project area.

(2) Non Project Boundaries - Wind turbines shall be set back from the property line of any abutting property not part of the project (non-project boundaries), the right-of-way of any dedicated road, and any above ground major utility facility line a minimum of 1.5 times the height of the wind turbine tower (i.e., fall-height). Wind turbines shall be set back from any above ground minor utility facility line a minimum of 1.1 times the height of the wind turbine tower.

An applicant may request an adjustment to non-project boundaries described in (3)(C) below. ~~above without being subject to the variance processes in Chapters 6 or 7 and authorized pursuant to the Administrative Action process of Section 2.060(A). As part of the permitting process the request shall demonstrate safety factors have been considered and a lesser setback is warranted. Factors to support an adjustment include, but are not limited to:~~

~~(a) The permission from abutting property owners, road authority, or utility.~~
~~(b) Applicant's ability to comply with DEQ noise regulations.~~
~~(c) Site specific conditions.~~
~~(d) Minimizing conflicts with existing infrastructure.~~
~~(e) Avoiding or minimizing potential environmental or resource impacts.~~

Wind turbines shall ~~still be required to~~ meet the underlying zone setback requirement unless a variance is granted pursuant to either Chapter 6 or 7.

(3) Resource Zone Dwellings ~~- Wind turbines shall be setback from all approved resource zone dwellings a minimum of 2/3 mile (3,520 feet), measured from the center line of the turbine tower to the edge of the dwelling or the distance required to comply with the DEQ noise standard (OAR 340-035-0035) in Subsection D(3) above, whichever is greater unless a noise easement is obtained under OAR 340-035-0035.~~

a. **Participating Landowners**: For owners of legal resource dwellings who are also landowners in the Energy Facility Project Area, wind turbine setbacks shall be 1,320 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance necessary to comply with the DEQ noise standard (OAR 345-035-0035). Applicant must provide evidence into the permit record demonstrating with reasonable assurance that the DEQ noise standard will be met and, prior to construction; provide evidence of any recorded noise easement obtained under OAR 345-035-0035.

b. **Non-Participating Landowners**: For owners of legal resource dwellings who are not landowners in the Energy Facility Project Area, wind turbine setbacks shall be 3,520 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance required to comply with the DEQ noise standard (OAR 345-035-0035), whichever is greater, unless a noise easement is obtained under OAR 340-035-0035.

c. **Adjustment Provision** - An administrative adjustment from regulations addressing turbine setbacks from dwellings in resource zones may be ~~applicant may request an adjustment to the resource dwelling setback described above without being subject to the variance processes in Chapters 6 or 7 and~~ authorized pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee.

As part of the permitting process in judging whether or not an administrative adjustment shall be approved or denied, the administrative authority shall weigh the appropriateness of the proposal against any adverse conditions that would result from authorizing the proposed adjustment. An administrative adjustment to wind turbine setbacks from dwellings in resource zones may be authorized upon findings that the following criteria are met: ~~the request shall demonstrate safety factors have been considered and a lesser setback is warranted. Factors to support an adjustment include, but are not limited to~~

(1~~a~~) Written consent of all property owners directly impacted by the proposed adjustment or if applicable road authority or utility. ~~The property owner's support or consent of a lesser setback.~~

(2b) The proposed adjustment does not establish a setback in conflict with the DEQ noise standard. Applicant's ability to comply with DEQ noise regulations.

(3c) The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use. Site specific conditions of the site.

(4d) The proposed adjustment will not unduly burden existing infrastructure. Avoiding or minimizing potential environmental or resource impacts.

(5) The proposed adjustment will not unduly impair safety in the area.

(6) The proposed adjustment will minimize impacts to environmental resources.

(4) Non-Resource Zone Boundaries - Wind turbines shall be setback:

(a) A minimum of 1 mile (5,280 feet) from all non-resource zoned property boundaries located outside of urban growth boundaries and urban reserves (as measured from the centerline of the turbine to the edge of the property boundary zoned for non-resource purposes, e.g., rural residential). Adjustment provisions do not apply to these properties. (The adjustment provision does not apply to non-resource zoned propert .

(b) 3/4 mile (3,960 feet) from the established city limit or, urban growth boundary or urban reserve boundary of any incorporated city (whichever is the more restrictive applies) unless a lesser setback is granted through the adjustment process under this provision; or

(c) The distance required to meet the DEQ noise standard (OAR 340-035-0035) in Subsection D(3) above, whichever is greater unless a noise easement is obtained under OAR 340-035-0035.

(d) Adjustment Provision - An administrative adjustment from regulations addressing turbine setbacks from non-resources zoned boundaries in subsection (b) (c) above may be applicant may request an adjustment to the non-resource boundary setback in subsection (b)-(c) above without being subject to the variance processes in Chapters 6 or 7 and authorized pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee.

As part of the permitting process in judging whether or not an administrative adjustment shall be approved or denied, the administrative authority shall weigh the appropriateness of the proposal against any adverse conditions that would result from authorizing the proposed adjustment. An administrative adjustment to wind turbine setbacks from dwellings in non-resource zones may be authorized by upon findings that the following criteria are met: the request shall demonstrate safety factors have been considered and a lesser setback is warranted. Factors to support an adjustment include, but are not limited to:

(a) The property owner's or local jurisdiction's support or consent of a lesser setback.
(b) Applicant's ability to comply with DEQ noise regulations.

~~(c) Site-specific conditions of the site.~~
~~(d) Avoiding or minimizing potential environmental or resource impacts.~~
(1) Written Consent:
   i Proposal for administrative adjustment relating to incorporated cities shall include written authorization from appropriate city authority.
   ii. Proposal for administrative adjustment related to an urban growth boundary or urban reserve boundary (different from city limits) shall include written consent from all owners directly impacted by the proposed adjustment.
(2) The proposed adjustment does not establish a setback that is in conflict with the DEQ noise standard.
(3) The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.
(4) The proposed adjustment will not unduly burden existing infrastructure.
(5) The proposed adjustment will not unduly impair safety in the area.
(6) The proposed adjustment will minimize impacts to environmental resources.

III. OTHER

Staff is will elaborate on the above suggestions and changes at the public hearing. Additionally, staff will be available to expand or provide clarity on any of the proposed amendments or issues resulting from public testimony.

IV. OPTIONS & RECOMMENDATIONS

The Board of Commissioners has three options to consider and is as follows:

1) Continue Public Hearing: If the Board of Commissioners need more time to take more written public testimony, address issues or explore options, Planning Case PLALEG 09-06-0003 should be continued to a date, place and time certain for additional information necessary to make a decision (and if necessary, direct staff to provide additional information).

2) Adopt Proposed Regulations: If the Board of Commissioners are ready to adopt the proposed regulations, the Board can approve the proposed amendments to Chapters 1, 2, 3, 4, 15 and 19 of the Wasco County LUDO as: contained in the attachment titled "Wasco County Land Use and Development Amendments", Final Draft, dated April 4, 2012; in light of the applicable criteria and findings presented in the staff report to the Board dated February 15, 2012; with additional amendments from staff as presented; as well as any additional amendments made by the Board **(Note: additional amendments made by the Board must be specifically worded).** With this approval the Board shall also grant staff the authority to make non-substantive changes throughout the documents to ensure consistency.

3) Deny the amendments as proposed

Wasco County Board of Commissioners
Staff Report
PLALEG-09-06-0003

Amendments to the
Wasco County Land Use & Development Ordinance

Note: This staff report has been written to address ONLY the amendments to the Wasco County Land Use and Development Ordinance, NOT the amendments to the Wasco County Comprehensive Plan. The amendments to the comprehensive plan were adopted by the Board of Commissioners on January 4, 2012. The staff report and attachment was prepared for the March 20th public hearing and addresses issues raised at the February 15, 2012 public hearing.

More information available at: http://co.wasco.or.us/planning/Energy_updates_Main.html

Date:	Prepared for March 20, 2012 Public Hearing (Continued from February 15, 2012)
Request:	Amend the Wasco County Land Use and Development Ordinance (LUDO) 1. Amend language related to where and how commercial and non-commercial energy development is allowed. 2. Modernize language that is not compliant with state law, incorrect, or out of date. 3. Reformat all zones and add similar uses to create as much consistency between the zones as possible.
Prepared by:	John Roberts, Planning Director Jeanette Montour, Senior Planner
Prepared for:	Wasco County Board of Commissioners
Applicant:	Wasco County Planning Department
Planning Commission Hearing Dates:	May 3, 2011 and June 7, 2011
PC Recommendations:	LUDO: On a vote of 7 – 0 the planning commission recommended the Board of Commissioners adopt the proposed amendments as presented at the 7 June 2011 hearing and further amended during deliberation.
Applicable Properties:	All properties in Wasco County outside of the National Scenic Area and outside of urban growth areas.
Procedure Type:	Legislative

Attachments: Attachment A: Additional Suggested Changes to the Wasco County Land Use and Development Ordinance, Chapters 1, 3 & 19 (Focused on Chapter 19 – Standards for Energy Facilities)

I. OPEN HOUSE – March 20th

An Open House has been noticed and will be hosted on March 20th from 8:00 a.m. to 9: a.m. (just before the scheduled 9:00 a.m. hearing) on the third floor of the Court House. The Open House was organized in response to public comments and feedback received and recognizing the need to be available to the public. At the Open House all planning staff will be onsite and available to:

- Explain how the proposed setback regulations would affect properties in each zoning district differently (i.e., differences between non-resource and resource lands).
- Illustrate proposed setbacks with maps and visuals.
- Provide explanations and answers to all related issues and concerns.

II. ADDITIONAL CHANGES PROPOSED TO CHAPTERS 1, 3 & 19

The first Board of Commissioner public hearing on the proposed amendments to the Wasco County Land Use and Development Ordinance (LUDO) was held at the Northern Wasco PUD on February 15, 2012. The amendments focus on Chapter 19 (Energy Facilities & Related Uses). The hearing was well attended and many comments were solicited through both written and public testimony.

The following breaks down additional changes proposed by staff to the draft LUDO amendments and are primarily in response to comments received before or at the February 15th public hearing. The comments are categorized as either non-substantive or substantive. **These changes are identified through Track Changes: ~~strikethrough~~ and underline in Attachment A.**

Examples of "Non-Substantive" Changes Made to Chapters 1 and 19:

- Headers pertaining to four definitions.
- Capitalization and reformatting of tables where necessary or appropriate.
- Elimination of the word "ministerial" throughout and replaced with "Type I."
- Basic or common sense provisions related to color, visibility or odor were modified.
- Headers and language to explicitly clarify review process and review authority were inserted.
- Reorganizing provisions to make them flow better (e.g., section on County Decision Options: Tentative and Final Approval).
- Sentences eliminated to reduce redundancy.
- Specifics eliminated to allow for more flexibility (e.g., section on Decommissioning Plan).

It is felt it is not necessary to provide details on these changes as they were intended to provide additional clarity and did not change the intent of any specific provisions.

Substantive Changes Made to Chapter 3 and 19:

Chapter 3

The following changes were made to Section 3.210(D)(12) – EFU Zone:

- EFU Zone – Section 3.210(D)(12): Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities ~~transmission towers~~ over 200 feet in height, subject to Section J(8), Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

  ~~A Transmission Facility under 200 feet in height subject to J(8)(a)(1) – (6) below and the applicable Subject to Standards criteria of Chapter 19.~~

  Staff Comment: Electrical Transmission is divided into three categories: (1) Distribution/Utility Facility Service Lines under 200' in height which are allowed without review; (2) Related and accessory transmission which are allowed accessory to a new energy generation facility if owned by the developer and are not a separate use; and (3) New transmission facilities. ORS 215.283 only allows Electrical Transmission Facilities over 200' to be reviewed as a CUP. So, while other zones require all Electrical Transmission Facilities to be reviewed as a CUP, this zone must be consistent with ORS.

Chapter 19

- Section 19.020.B(2)C(2) - Lighting ~~the top of the tower~~ - Lighting of towers is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall seek approval of radar triggered lighting~~and radar triggered lighting is on the list of approved lighting, it shall required~~.

  Staff Comment: There were multiple concerns about lighting at night submitted. The current proposal required radar triggered lighting if it is allowed by the FAA. The suggested changes allows more flexibility in requiring radar triggered lighting or not based on specific circumstances. These changes are also applicable to Section 19.030(D)(1)(A)(3) – Visual Impact.

- Section 19.030.A.1.C.1 - EFSC:
  (1) EFSC has regulatory authority over all energy facilities designated by ORS 469.300. However, pursuant to ORS 469.480 EFSC shall designate the BOCC as a Special Advisory Group which may participate in the siting process pursuant to the role established in ORS 469 and OAR 345 which includes recommending substantive criteria applicable to the proposed energy facility. ~~Prior to submitting recommended applicable substantive criteria to EFSC the BOCC shall provide newspaper notification to citizens of Wasco County about the meeting where they will take action to establish the applicable substantive criteria. At this meeting the BOCC will take public testimony on~~

~~the applicable substantive criteria. Recommendations of the Planning Department to the BOCC will be available to the public 7 days prior to the BOCC hearing~~.

Staff Comment: Staff believes this provision as originally proposed is a good idea. However, it is felt that in light of very tight or short timelines established in the EFSC (Energy Facilities Siting Council) process (i.e., typically 30 days) it would be difficult to make such referrals from the Board of Commissioners through the above described referral process a reality. Moreover, there is ample opportunity for the public to comment directly to EFSC as part of the referral process. In short, going through the recommended Board referral process could take a long time and such provision could open up the county to challenges. The suggested changes would align the provision with the realities of the EFSC siting process.

- Section 19.030.C.4. – Visual Impact

a. Scenic Resources – To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.

~~a.~~**b. Protected Areas:** Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the areas listed below~~following areas~~:

~~i. Areas identified as significant or important visual resources in the Comprehensive Plan;~~

(1) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;

(2) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(3) State parks and waysides as listed by the Oregon Department of Parks and Recreation;

(4) State wildlife areas and management areas identified in OAR chapter 635, division 8.

(5) National and state fish hatcheries or national and state wildlife refuges;

(6) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(7) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and

~~**(8)** Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas.~~

~~b.~~ **1. Exceptions to Protected Areas** - Except where the following uses are regulated by federal, state or local laws, including but not limited to the Columbia River Gorge National Scenic Area Act and implement land use ordinances, t~~T~~he following may be approve in a protected area identified in subsection (b~~a~~) above if other alternative routes or sites have been studied and been determined to have greater impacts

~~(9)~~(8) An electrical transmission line;

~~(10)~~(9) A natural gas pipeline; or

~~(11)~~(10) An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.

~~c.~~ **2. Transmission Line & Pipeline Exception** - The provisions of subsection (b~~a~~) above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.

~~b.~~**c. Additional Visual Mitigation Impacts for all Facilities** - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection (a) above. Methods to mitigate adverse visual impacts could include but are not limited to:

(1) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

(2) Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and

(3) Retaining or planting vegetation to obscure views of the energy facility.

Staff Comment: Based on public comments this section was reorganized to try and provide more clarity. For example, the comprehensive plan language is proposed to be removed as it could create duplication and confusion with Goal 5 in the County's Comprehensive Plan. It is felt the four headers should create more distinction between scenic resources, protected areas and what exceptions pertain to protected areas.

- Section 19.030.C(9) – Transportation Plan

Staff Comment: This section is proposed to be amended to stress that a transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation. In this context two specific provisions amended or added include:

(c) Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of

native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

(d) A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.

- 19.030(D)(1)(c) - Setbacks

Staff Comment: The issue of setbacks received a lot of attention at previous Board of Commissioner and planning commission public hearings. A provision was included in the original draft regulations to allow a "waiver" to the proposed 2/3 mile setback for dwellings in agriculture and forest lands. For example, a property owner could provide permission for a turbine to be sited closer than 2/3 of a mile and possibly within a ¼ mile of their dwelling if a waiver was signed by them the property owner.

The waiver provision has been deemed unconstitutional by the Oregon Land Use Board of Appeals (LUBA). However, it is felt the need for waivers as it relates to setbacks is very important to provide flexibility to landowners and applicants. Thus, in light of the LUBA decision an approach similar to a waiver provision has been proffered.

This approach is called an "adjustment" and addresses the issues raised in the recent LUBA case (i.e., Cosner vs. Umatilla County). The adjustment process avoids legalities as it is a factors based determination in process, safety, resource management and preservation.

The proposed "adjustment process" could be applied to: shadow flicker, non-project boundaries, and setbacks for cities/urban growth boundaries, non-resource zone lands (i.e., rural residential properties) and resource zoned lands (i.e., agricultural and farm lands). It is proposed to incorporate the adjustment provision into all the aforementioned, except "non-resource" zoned properties. The reason for this is because a waiver provision was not originally proposed for non-resource zoned properties, which has a proposed setback of 1 mile.

The following is the proposed language to address "adjustments" (i.e., akin to a waiver process) to dwellings located in agricultural and forest lands:

An applicant may request an adjustment to the resource dwelling setback described above without being subject to the variance processes in Chapters 6 or 7 and authorized pursuant to the Administrative Action process of Section 2.060(A). As part of the permitting process the request shall demonstrate safety factors have been considered and a lesser setback is warranted. Factors to support an adjustment include, but are not limited to:

(a) The property owner's support or consent of a lesser setback.
(b) Applicant's ability to comply with DEQ noise regulations.
(c) Site specific conditions of the site.
(d) Avoiding or minimizing potential environmental or resource impacts.

Staff Comment: Note, wind turbines would still be required to meet the underlying zone setback requirement unless a variance is granted pursuant to either Chapter 6 or 7.

Other Comments Received But Not Incorporated:

The following identifies specific sections of Chapter 19 that have been identified by the public, through the public commenting process, as areas in need of substantive change. The suggested changes as it relates to these sections were not incorporated into Attachment A by staff. **Proposed changes to these sections could be brought to the Board's attention at the public hearing.** Staff is willing to expand on any of these sections and respective comments or issues at the public hearing and explain why suggested changes offered by the public were not incorporated.

- 19.010 – Purpose
- 19.030(A)(1)(c) – Tentative Approval and Final Approval
- 19.030(C)(5) – Natural Resource/Wildlife Protection
- 19.030(C)(6) – Cultural Resources
- 19.030(C)(11) – Onsite Access Roads and Staging Areas
- 19.030(C)(12) – Dust Control

III. OPTIONS & RECOMMENDATIONS

The Board of Commissioners have three options on how to proceed. In deciding how to move forward the following are factors to weigh, balance and consider:

- Public comments and feedback from the March 20th public hearing.
- Need for additional public testimony.
- Comfort level with the proposed regulations.
- Desire for more research or details on specific issues.
- Need to explore more options.
- Recent adoption of the Wasco County Comprehensive Plan on January 4, 2012.

The three options to consider are as follows:

1) Continue Public Hearing: If the Board of Commissioners need more time to take more public comment, address issues or explore options, Planning Case PLALEG 09-06-0003 should be continued to a date, place and time certain for additional information necessary to make a decision (and if necessary, direct staff to provide additional information). This would also involve leaving the public hearing open. It would be suggested to schedule the continuance within two to three weeks.

2) Adopt Proposed Regulations: If the Board of Commissioners are ready to adopt the proposed regulations, the Board can approve the proposed amendments to Chapters 1, 2, 3, 4, 15 and 19 of the Wasco County LUDO as: recommended by the planning commission; in light of the applicable criteria and findings presented in the staff report to the Board dated February 15, 2012; with additional amendments generated from public comment and from staff as presented; as well as any additional amendments made by the Board (Note: additional amendments made by the Board must be specifically worded). With this approval

the Board shall also grant staff the authority to make non-substantive changes throughout the documents to ensure consistency.

It is recommended such an adoption would be similar to the updates to the Wasco County Comprehensive Plan adopted on January 4, 2012. After adoption staff would prepare a final order (i.e., resolution) with all applicable changes to all chapters clearly identified in an accompanying document. It would be the goal to tie this final order together with the updates to the Wasco County Comprehensive Plan. This could realistically happen in April.

3. Deny the amendments as proposed

Wasco County Board of Commissioners
Staff Report
PLALEG-09-06-0003

Amendments to the
Wasco County Land Use & Development Ordinance

Note: This staff report has been written to address ONLY the amendments to the Wasco County Land Use and Development Ordinance, NOT the amendments to the Wasco County Comprehensive Plan. The amendments to the comprehensive plan were adopted by the Board of Commissioners on January 4, 2012. The staff report and attachment was prepared for the January 18th public hearing. However, this public hearing was cancelled due to inclement weather and rescheduled for February 15, 2012.

More information available at: http://co.wasco.or.us/planning/Energy_updates_Main.html

Date:	Prepared for February 15, 2012 Public Hearing
Request:	Amend the Wasco County Land Use and Development Ordinance (LUDO) 1. Amend language related to where and how commercial and non-commercial energy development is allowed. 2. Modernize language that is not compliant with state law, incorrect, or out of date. 3. Reformat all zones and add similar uses to create as much consistency between the zones as possible.
Prepared by:	Todd R. Cornett, Siting Officer, Oregon Department of Energy Jeanette Montour, Senior Planner
Prepared for:	Wasco County Board of Commissioners
Applicant:	Wasco County Planning Department
Planning Commission Hearing Dates:	May 3, 2011 and June 7, 2011
PC Recommendations:	LUDO: On a vote of 7 – 0 the planning commission recommended the Board of Commissioners adopt the proposed amendments as presented at the 7 June 2011 hearing and further amended during deliberation.
Applicable Properties:	All properties in Wasco County outside of the National Scenic Area and outside of urban growth areas.
Procedure Type:	Legislative

Attachments: Attachment A: Wasco County Land Use and Development Ordinance Change Overview.

Note: Attachment A identifies proposed changes to Chapters 1, 2, 3, 4 and 15, which are not considered substantial. Because the bulk of the substantive changes related these proposed amendments are located in Chapter 19, the text of the entire amended Chapter 19 is included in Attachment A.

I. APPLICABLE CRITERIA

Wasco County Land Use & Development Ordinance (LUDO)

Chapter 9 – Ordinance Amendments
Section 9.030 (Transportation Planning Rule Compliance)
Section 9.050 (Amendments to the Zoning Ordinance)
Section 9.060 (Recommendation on Amendments to the Land Use and Development Ordinance)
Section 9.070 (Notice of Planning Commission Recommendation)
Section 9.080 (Action by County Governing Body)

II. SUBMITTED COMMENTS

The following comments were submitted in writing and made part of the record.

Planning Commission Hearing #1:

- *Elaine Albrich – Stoel Rives, LLP*
- *Gary Casady*
- *Keith Wesolowski*
- *Jason S. Spadaro, President, SDS Lumber*
- *David Evans (letter submitted by Jason Spadaro)*

Planning Commission Hearing #2:

- *Mike Greczyn, E-on Climate & Renewables - 5/12/2011*
- *RickTill, Friends of the Columbia River Gorge - 5/27/2011*
- *Albrich, Stoel Rives, LLP Comments- 6/7/2011 (Attachment to Albrich letter - Wind Turbines & Health)*
- *For Those Near, the Miserable Hum of Clean Energy, New York Times - 6/7/2011*
- *Turbines too Loud?, Here, Take $5,000 New York Times - 6/7/2011*
- *Wind Turbines, Noise and Health - 6/7/2011*
- *Setbacks around every turbine, East Oregonian - 6/7/2011*
- *Fred Justesen Comments - 6/7/2011*
- *Fred Justesen Comments (2) - 6/7/2011*
- *John Justesen Comments - 6/7/2011*
- *Krista Gordon, Clipper Windpower Dev. Co. Comments - 6/7/2011*
- *Rick Till, Friends of the Columbia Gorge Comments - 6/7/2011*
- *Sandee Burbank Comments - 6/7/2011 (Additional Burbank Comments - 6/7/2011)*
- *Larry Ashley Comments - 6/7/2011*
- *Summit Ridge Wind Farm, Draft Proposed Order-Or Dept of Energy - 6/7/2011*

- *Glenrock wind farms could be first in U.S. with radar-controlled lights – Billings Gazette – 5/18/2011*
- *Federal Aviation Administration Memorandums – 6/15/2009 and 4/29/2010*

Board of Commissioners Hearing #3 (cancelled January 18, 2012, rescheduled to February 15, 2012):

- *Gary Casady Comments -1/18/2012*
- *Nancy Sellers Comments – 1/18/2012*
- *Joella Bullock Comments – 1/18/2012*
- *John Sivertooth-Stewart Comments- 1/18/2012*
- *Portland General Electric Comments – 1/18/2012*
- *ISC Wyoming -7/18/2011*
- *Friends of the Columbia Gorge – 1/17/2012*
- *Michael Stevens Comments – 1/17/2012*
- *Nick Leitschuch Comments – 1/17/2012*
- *Claire Puchy Comments - 1/16/2012*
- *Mark Womble Comments – 1/16/2012*
- *Mimi Maduro Comments – 1/16/2012*
- *Daniel Dancer Comments –1/15/2012*
- *David Bullock Comments – 1/14/2012*
- *Wasco County Setback Petition – 7/11- 1/12*
- *Friends of the Columbia Gorge – 12/17/2011*
- *Excerpt from Wasco County Planning Commission Recommendation- 6-7-2011*
- *Radar Light-FAA Maine – 4/29/2010*
- *FAA Memo – 6/15/2009*

III. PUBLIC INVOLVEMENT

In addition to the hearings indicated associated with this legislative process, all of which will allow public testimony and the ability to provide prior written comments, Wasco County has included the following measures to ensure the process is open to the public.

A. Community Advisory Groups

The Wasco County Planning Department began this legislative amendment process by convening two advisory groups with members appointed by the County Court (now Board of Commissioners). The intent of each group was to have members with a diversity of background and interests assisting staff in creating the draft amendments to be presented to the planning commission. The agenda and documentation presented at each meeting was included on the planning department website throughout the process. While not advertised in the paper, meetings were open to non-advisory group members. Those who regularly attended meetings also received emails of upcoming meeting and the documents to be used at the meetings.

It was not the goal of the advisory groups to produce a consensus draft. While the majority of the proposed amendments were reached through consensus some were not. Staff has provided options where consensus could not be reached and tried to include comments to document where language was proposed but may not be agreed upon by everyone. Updates to areas of the comprehensive plan and LUDO unrelated to energy were done entirely by staff.

While not every member attended meeting and some chose to participate solely by email or through discussions with staff, the input from each member was invaluable.

1. Non-Commercial Advisory Group

Membership and General Group Represented
1. Vicki Ashley - Planning Commission/Cattle Ranchers
2. Ken Bailey - Cherry Orchardist
3. Mark Cherniack - Rural Resident/Renewable Energy Expert
4. Jeff Davis - Wasco Electric Cooperative
5. Sherry Holliday - County Commission
6. Jeremy Thompson - Oregon Department of Fish & Wildlife
7. Bob Krein - Consultant/Farmer
8. Todd LeFevre - Renewable Energy Installer/Expert
9. Lane Magill - Wasco County
10. John McElheran - Farmer
11. Paul Titus - Northern Wasco PUD

Meeting Dates
1. 10 February 2010
2. 25 February 2010
3. 17 March 2010
4. 14 April 2010
5. 3 May 2010
6. 25 May 2010
7. 10 June 2010
8. 1 September 2010

2. Commercial Advisory Group

Membership and General Group Represented
1. Elaine Albrich - Stoel Rives LLP
2. Adam Bless - Oregon Department of Energy
3. Gary Casady - Rural Residents
4. Jeff Davis - Wasco Electric Cooperative
5. John Fulton - Farmer
6. Scott Hege - Rural Resident
7. Don Hoffman - Planning Commission
8. Jim Johnson - Oregon Department of Agriculture
9. Jeremy Thompson - Oregon Department of Fish & Wildlife
10. Bob Krein - Consultant/Farmer
11. Dwight Langer - Northern Wasco PUD
12. Bill Lennox - County Commission
13. Lane Magill - Wasco County
14. Allyson Smith - North Central Public Health District
15. Paul Woodin - Community Renewable Energy Association

Meeting Dates
1. 11 February 2010
2. 23 February 2010
3. 11 March 2010
4. 6 April 2010
5. 17 May 2010
6. 2 June 2010
7. 15 June 2010
8. 30 June 2010
9. 12 July 2010
10. 9 August 2010

11. 23 August 2010
12. 8 September 2010

B. Agency Solicitation

The following agencies were contacted for their input on the entire draft ordinance or specific proposed language. These agencies have been notified during the hearings process and be given the opportunity to provide further comments.

- Oregon Water Resources Department - Numerous occasions during advisory group process.
- Mid-Columbia Fire and Rescue - May 2010
- Wasco County Road Department - June 2010
- Oregon Department of Transportation - June 2010
- Oregon Department of Aviation - June 2010
- Wasco County Soil & Water Conservation District - July 2010
- Mid-Columbia Building Codes - July 2010
- Department of Land Conservation & Development(DLCD) – In September 2010 of 2010 staff send the proposed amendments to Katherine Daniels, the DLCD Farm and Forest Specialist for her input. Ms. Daniels was very helpful in providing advice and necessary changes which were included.
- Mid-Columbia Economic Development Department – December 2010
- Tri County Hazardous Waste and Recycling Program – December 2010

C. Direct Mail Notification

DLCD Pre-Notice:
Pursuant to ORS 197.610, a pre-notice was sent to DLCD on 20 January 2011 which is more than 45 days prior to the 1st planning commission Hearing scheduled for May 3, 2011.

Planning Commission Hearing #1 & #2:
An ORS 215.503 (Measure 56) compliant notice was sent by mail and email on 28 March 2011. This notice was sent to the following: (1) every property owner within Wasco County outside of the National Scenic Area and outside of urban growth boundaries; (2) any person or agency having a subscription to receive Administrative decisions; and (3) any other local, state and federal agency that may be interested in the proposed changes. The notice referenced both planning commission hearings. The planning commission hearing #1 was held on for May 3, 2011 with a notice sent more than 20 days in advance. The planning commission hearing #2 was held on June 7, 2011. Because this was a continuation of the hearing #1 no notice was required.

Board of Commissioners Hearing:
Any person or group or their representative who submitted written comments, or requested in writing to receive notification of the hearing, or signed in and testified at either planning commission hearing received direct notification by mail of the date, location and time of the Board of Commissioner Hearing originally scheduled for January 18, 2012 and rescheduled to February, 2012 at least 10 days prior to the hearing.

DLCD Post-Notice:
Pursuant to ORS 197.615, Wasco County will provide notice to DLCD and any other group, agency or individual who submits written comments, requests in writing to receive notification of the hearing, or signs in and testifies at any of the hearings within 5 days of

the final decision by the Board of Commissioners.

D. Newspaper Notification

Planning Commission Hearing #1:
The notice for planning commission hearing #1 was published in The Dalles Chronicle on April 5, 2011 which is 20 days prior to the hearing date, May 3, 2011.

Planning Commission Hearing #2:
Planning commission hearing #2 was a continuation of Hearing #1 and therefore no notification was required.

Board of Commissioner Hearing:
The notice for Board of Commissioner Hearing was published in The Dalles Chronicle on January 31, 2012 which is 15 days prior to the February 15, 2012 hearing.

E. Information Available on Website

The information regarding the proposed amendments began to be placed on the Wasco County Planning Department Website starting in February 2010:

- http://co.wasco.or.us/planning/default.html
- http://co.wasco.or.us/planning/Energy_updates_Main.html

As updates were made following each advisory group meeting or hearing, the information on the website was updated. At the time of this document, the following information was available:

- A listing of the Advisory Group meeting dates, times locations as well as all the documentation used in each meeting.
- A listing of the hearing dates, times and locations.
- The drafts of the proposed amendments at each step along the process.
- Staff report describing the process and changes.
- A way to submit comments via email.

IV. FINDINGS

LUDO CRITERIA

1. Chapter 9 – Ordinance Amendments

a. Section 9.030 - Transportation Planning Rule Compliance

FINDING: Transportation Planning Rule Compliance was evaluated. Specific findings are contained in the staff report prepared for the Board of Commissioners December 7, 2011 public hearing (Section I, page 7).

b. Section 9.050(A) Amendments to the Zoning Ordinance

Amendments to this Ordinance may be initiated by Resolution of the County Governing Body referring a proposed amendment to the Commission for its consideration, report and recommendation.

FINDING: The Wasco County Court (now Board of Commissioners), in a resolution dated July 1, 2009, authorized the County Planning Department to initiate a Land Use and Development Ordinance Text Amendment to update Chapter 19 – Energy Facilities and associated chapters and to make other amendments appropriate for Wasco County. The proposed amendments were heard first by the Wasco County Planning Commission. Their recommendation and report has been forwarded to the Board of Commissioners as part of the packet of information required for this hearing. Records related to this decision are located in the file held at the Wasco County Planning Department.

c. **Sections 9.060 Recommendation on Amendments to the Land Use and Development Ordinance.**

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

FINDING: The request is consistent with criterion c.

- The planning commission conducted a legally notified hearing on May 3, 2011 at 3:00 PM in the lower level classroom of the Discovery Center at 5000 Discovery Drive, The Dalles, Oregon. Staff presented their report and those in the audience had an opportunity to provide testimony.

- The planning commission conducted a second hearing (continuation of the first) on June 7, 2011 at 3:00 PM in the lower level classroom of the Discovery Center at 5000 Discovery Drive, The Dalles, Oregon. Staff presented their report and those in the audience had the opportunity to provide testimony.

- Criterion c. was adhered to in two ways. The first was in the form of a notice of the planning commission recommendation to all persons who provided written comments or testified at either hearing and all affected agencies. This notice included a very brief statement indicating the recommendation.

- The second is in the form of this report, should anyone wish to find a more detailed statement of facts. This report will be available on the Wasco County website before and after each hearing and upon request at the Wasco County Planning Department. This report will (or has) transform throughout the process according to the following:

    - At the planning commission hearing(s) the first draft of this report which includes all of the facts and reasons to support the decision was presented to the commission in the form of a Staff Recommendation.

- Following, at the Board of Commissioner's hearing, the Staff Recommendation is now titled the Planning Commission Report and includes any additional facts and reasons to the support the decision made by the planning commission.

- A final version which is the Board of Commissioners Report includes any additional facts and reasons to support the decision made by the Board of Commissioners.

d. Section 9.070 Notice of Planning Commission Recommendation.

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

FINDING: Criterion d was met.

- All persons or agencies, or their representatives who submitted written testimony or provided oral testimony at either of the planning commission hearings or have requested to receive notification of the action of the planning commission were sent a notice of the vote of the planning commission on June 16, 2011 which is less than 10 days after the final planning commission hearing on June 7, 2011.

e. Section 9.080 Action by County Governing Body

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

FINDING: Criterion e will be met.

The second planning commission hearing was held on June 7, 2011. The Board of Commissioners hearing was scheduled for January 18, 2012 and was cancelled due to inclement weather. The hearing was then rescheduled for February 15, 2012.

Staff mailed the planning commission recommendation on June 16, 2011, which is more than twenty (20) days prior to the Board of Commissioners public hearing. At this hearing the Board of Commissioners will take such action that they feel is appropriate and in the public interest.

-END-

STAFF REPORT
PLALEG-09-06-0003

Amendments to the Comprehensive Plan & Land Use and Development Ordinance

Request:

Amend the Comprehensive Plan (Comp Plan).

1. Amend policy and inventory language related to energy production, consumption and conservation.
2. Include prior acknowledged updates that were never added.
3. Modernize language that is not compliant with state law, incorrect, or out of date.
4. Reformat entire Comp Plan
   -Create Oregon Land Use Goal related chapters
   -Remove Duplication

Amend the Wasco County Land Use and Development Ordinance (WCLUDO)

1. Amend language related to where and how commercial and non-commercial energy development is allowed.
2. Modernize language that is not compliant with state law, incorrect, or out of date.
3. Reformat all zones and add similar uses to create as much consistency between the zones as possible.

Prepared by: Todd R. Cornett, Planning Director

Prepared for: Wasco County Planning Commission

Applicant: Wasco County Planning & Development Department

Staff Recommendation: Recommend the Board of County Commissioners adopt the proposed amendments

Planning Commission Hearing Dates: -3 May 2011
-7 June 2011

Applicable Properties: All properties in Wasco County outside of the National Scenic Area and outside of urban growth areas.

Procedure Type: Legislative

Attachments: -Attachment A: Comprehensive Plan Change Overview

-Attachment B: Wasco County Land Use and Development Ordinance Change Overview.

I. APPLICABLE CRITERIA

A. Wasco County Comprehensive Plan (Comp Plan)

Chapter 11 – Revisions Process

Section B	(Form of Comp Plan Amendment)
Section C	(Who May Apply for a Plan Revision)
Section D	(Legislative Revisions)
Section H	(General Criteria)
Section I	(Transportation Planning Rule Compliance)
Section J	(Procedure for the Amendment process)

B. Wasco County Land Use & Development Ordinance (LUDO)

Chapter 9 – Ordinance Amendments

Section 9.030	(Transportation Planning Rule Compliance)
Section 9.050	(Amendments to the Zoning Ordinance)
Section 9.060	(Recommendation on Amendments to the Land Use and Development Ordinance)
Section 9.070	(Notice of Planning Commission Recommendation)
Section 9.080	(Action by County Governing Body)

II. SUBMITTED COMMENTS

The following comments were submitted in writing and made part of the record.

Planning Commission Hearing #1:

-Elaine Albrich – Stoel Rives, LLP
-Gary Casady
-Jason S. Spadaro, President, SDS Lumber
-Dan Evans (letter submitted by Jason Spadaro)
-Keith Wesolowski

III. PUBLIC INVOLVEMENT

In addition to the hearings associated with this legislative process, all of which will allow public testimony and the ability to provide prior written comments, Wasco County has included the following measures to ensure the process is open to the public.

A. Community Advisory Groups

The Wasco County Planning Department began this legislative amendment process by convening two advisory groups with members appointed by the

County Court (now Board of County Commissioners). The intent of each group was to have members with a diversity of background and interests assisting staff in creating the draft amendments to be presented to the Planning Commission. The agenda and documentation presented at each meeting was included on the Planning Department website throughout the process. While not advertised in the paper, meetings were open to non-advisory group members. Those who regularly attended meetings also received emails of upcoming meeting and the documents to be used at the meetings.

It was not the goal of the advisory groups to produce a consensus draft. While the majority of the proposed amendments were reached through consensus some were not. Staff has provided options where consensus could not be reached and tried to include comments to document where language was proposed but may not be agreed upon by everyone. Updates to areas of the Comp Plan and WCLUDO unrelated to energy were done entirely by staff.

While not every member attended meeting and some chose to participate solely by email or through discussions with staff, the input from each member was invaluable.

1. Non-Commercial Advisory Group

Membership and General Group Represented

1. Vicki Ashley - Planning Commission/Cattle Ranchers
2. Ken Bailey - Cherry Orchardist
3. Mark Cherniack - Rural Resident/Renewable Energy Expert
4. Jeff Davis - Wasco Electric Cooperative
5. Sherry Holiday - County Commission
6. Jeremy Thompson - Oregon Department of Fish & Wildlife
7. Bob Krein - Consultant/Farmer
8. Tod LeFevre - Renewable Energy Installer/Expert
9. Lane Magill - Wasco County
10. John McElheran - Farmer
11. Paul Titus - Northern Wasco PUD

Meeting Dates

1. 10 February 2010
2. 25 February 2010
3. 17 March 2010
4. 14 April 2010
5. 3 May 2010
6. 25 May 2010
7. 10 June 2010
8. 1 September 2010

2. Commercial Advisory Group

Membership and General Group Represented

1. Elaine Albrich - Stoel Rives LLP
2. Adam Bless - Oregon Department of Energy
3. Gary Cassady - Rural Residents
4. Jeff Davis - Wasco Electric Cooperative
5. John Fulton - Farmer
6. Scott Hege - Rural Resident
7. Don Hoffman - Planning Commission
8. Jim Johnson - Oregon Department of Agriculture
9. Jeremy Thompson - Oregon Department of Fish & Wildlife
10. Bob Krein - Consultant/Farmer
11. Dwight Langer - Northern Wasco PUD
12. Bill Lennox - County Commission
13. Lane Magill - Wasco County
14. Allyson Smith - North Central Public Health District
15. Paul Woodin - Community Renewable Energy Association

Meeting Dates

1. 11 February 2010
2. 23 February 2010
3. 11 March 2010
4. 6 April 2010
5. 17 May 2010
6. 2 June 2010
7. 15 June 2010
8. 30 June 2010
9. 12 July 2010
10. 9 August 2010
11. 23 August 2010
12. 8 September 2010

B. Agency Solicitation

The following agencies were contacted for their input on the entire draft ordinance or specific proposed language. These agencies have also been notified during the hearings process and be given the opportunity to provide further comments.

Oregon Water Resources Department - Numerous occasions during advisory group process.

Mid-Columbia Fire and Rescue - May 2010

Wasco County Road Department - June 2010

Oregon Department of Transportation - June 2010

Oregon Department of Aviation - June 2010

Wasco County Soil & Water Conservation District - July 2010

Mid-Columbia Building Codes - July 2010

Department of Land Conservation & Development(DLCD) – In September 2010 of 2010 staff send the proposed amendments to Katherine Daniels, the DLCD Farm and Forest Specialist for her input. Ms. Daniels was very helpful in providing advice and necessary changes which were included.
Mid-Columbia Economic Development Department – December 2010

Tri County Hazardous Waste and Recycling Program – December 2010

C. Direct Mail Notification

DLCD Pre-Notice:
Pursuant to ORS 197.610, a pre-notice was sent to DLCD on 20 January 2011 which is more than 45 days prior to the 1st Planning Commission Hearing scheduled for 5 April 2010.

Planning Commission Hearing #1 & #2:
A ORS 215.503 (Measure 56) compliant notice was sent by mail and email on 28 March 2011. This notice will be sent to the following: (1) Every property owner within Wasco County outside of the National Scenic Area and outside of urban growth boundaries; (2) Any person or agency having a subscription to receive Administrative decisions; and (3) Any other local, state and federal agency that may be interested in the proposed changes. The notice will reference both Planning Commission Hearings. The Planning Commission Hearing #1 is scheduled for 3 May 2011, therefore the notice was sent more than 20 days in advance. The Planning Commission Hearing #2 is scheduled for 7 June 2011.

Board of County Commissioners Hearing:
Any person or group or their representative who submits written comments, requests in writing to receive notification of the hearing, or signs in and testifies at either Planning Commission Hearing will receive direct notification by mail of the date, location and time of the Board of County Commissioner Hearing tentatively scheduled on 6 July 2011 at least 20 days prior to the hearing.

DLCD Post-Notice:
Pursuant to ORS 197.615, Wasco County will provide notice to DLCD and any other group, agency or individual who submits written comments, requests in writing to receive notification of the hearing, or signs in and testifies at any of the

hearings within 5 days of the final decision by the Board of County Commissioners.

D. Newspaper Notification

Planning Commission Hearing #1:
The notice for Planning Commission Hearing #1 was published in The Dalles Chronicle on 5 April 2011 which is more than 20 days prior to the hearing date, 3 May 2011.

Planning Commission Hearing #2:
The notice for Planning Commission Hearing #2 will be published in The Dalles Chronicle by 18 May 2011 which is 20 days prior to the hearing date, 7 June 2011.

Board of County Commissioner Hearing:
The notice for Board of County Commissioner Hearing will be published in The Dalles Chronicle by 16 June 2011 which is 20 days prior to the hearing date, 6 July 2011.

E. Information Available on Website

The information regarding the proposed amendments began to be placed on the Wasco County Planning & Development Department Website (http://co.wasco.or.us/planning/planhome.html) starting in February 2010. As updates were made following each advisory group meeting or hearing, the information on the website was updated. At the time of this document, the following information was available:

-A listing of the Advisory Group meeting dates, times locations as well as all the documentation used in each meeting.
-A listing of the hearing dates, times and locations.
-The drafts of the proposed amendments at each step along the process
-Staff report describing the process and changes
-A way to submit comments via email

IV. FINDINGS

A. Comprehensive Plan Criteria

1. Chapter 11 – Revisions Process

a. Section B - Form of Comp Plan Amendment

Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.

FINDING: The request is for a legislative text amendment to policies, inventories, maps and figures of the Comp Plan. The amendments fall into five separate categories: (1) Energy Related Amendments; (2) Past Amendments Not Incorporated; (3) Out of Date or Incorrect Language; and (4) Reformatting.

b. **Section C - Who May Apply for a Plan Revision**
Amendments to the plan may be initiated by the Wasco County Governing Body.

FINDING: The Wasco County Court (now Board of County Commissioners), in a resolution dated 1 July 2009, authorized the County Planning and Development department to initiate a Comp Plan Text Amendment to update the energy related language and make other amendments appropriate for Wasco County. The proposed amendments shall be heard first by the Wasco County Planning Commission for their consideration, report and recommendation to the Board of County Commissioners. A copy of this resolution is located in the file.

c. **Section D - Legislative Revisions**
Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.

FINDING: The proposed text amendment to policies, inventories, maps and figures of the Comp Plan are applicable to all properties governed by the Comp Plan and therefore the proposal is a legislative revision.

d. **Section H - General Criteria**
The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:

(1) Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.

(a) Goal 1: Citizen Involvement – To develop and maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: A minimum of three public hearings will be held on the proposed amendments. Section III of this report (Public Involvement) summarizes the outreach

measures by staff and opportunities for public and agency input to these proposed amendments. Staff concludes that as a result of these measures, the proposal is in compliance with Goal 1.

(b) Goal 2: Land Use Planning – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

FINDING: This process will be conducted pursuant to all applicable procedural requirements established in Chapter 11 (Revisions Process) of the Comp Plan. Additionally, the process will be consistent with Chapter 2 (Development Approval Procedures) & Chapter 9 (Zone Change and Ordinance Amendment) of the WCLUDO, including notification requirements, hearing procedures, written findings of fact, and appeal rights. These requirements establish a planning process and policy framework which will be the basis of the final decision made by the Board of County Commissioners. Staff concludes the process is in compliance with Goal 2.

(2) Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.

FINDING: The proposal is consistent with criterion (2).

- Attachment A includes a description of all of the proposed amendments to the Comp Plan. These were all evaluated by staff for compliance with both the spirit and intent of Oregon's Land Use Goals.

- As indicated in Section III (Public Involvement), staff contacted multiple agencies to solicit their input during the drafting of the proposed amendments. The comments by these agencies helped to ensure the proposed amendments are consistent with Oregon's Land Use Goals.

- Staff is proposing amendments to Goal 1 – Citizen Involvement to reflect how it is has been done for the past 15 years. On 22 November 2010, pursuant to Goal 1 language staff sent the proposed amendments to Department of Land Conservation and Development staff and the Citizen Involvement Advisory Committee (CIAC). Staff also participated in a telephone conference with CIAC on 16 December 2010. During this telephone conference CIAC members were in agreement with the proposed amendments related to Goal 1 and provided some helpful suggestions. These suggestions were subsequently included.

- This amendment process will include notification to all appropriate agencies who will have the opportunity to evaluate the proposals in relation to Oregon's Land Use Goals. This, along with all of the previously indicated measures will ensure the spirit and intent of all applicable Oregon Land Use Goals are adhered to.

(3) A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.

FINDING: The proposal is consistent with criterion (3).

- Staff is proposing amendments that fall into four separate categories. See Attachment A for more detail.

- Energy Related Amendments: The main purpose of the proposal is to amend the Comp Plan language related to energy production, consumption and conservation along with the implementing ordinances in the WCLUDO related to the where and how commercial and non-commercial energy development is allowed. The Comp Plan energy language dates back to 1983, the year of acknowledgement. While it was accurate and reflective of the circumstances of the time, it is currently out of date and needs to be amended to reflect changes in energy policy and more current inventories.

- Past Amendments Not Incorporated: Staff researched all of the amendments that were previously made to the Comprehensive Plan. Because of the formatting and the fact that it was only in a paper format until several years ago, many adopted changes were never actually incorporated. Staff is taking this opportunity to incorporate all past amendments.

- Out of Date or Incorrect Language: Much of the Comprehensive Plan language dates back to 1983, the year of acknowledgment. Staff is also taking this opportunity to update and correct non-substantive/non policy language.

- Reformatting: The Comprehensive Plan is currently formatted in such a way that results in a lot of duplication and difficulty in finding sought after information. One of the proposals is to reformat the majority of the document around Oregon's Land Use Goals with each Goal housed in an individual chapter which includes all of its applicable inventories, findings and policies. These are currently spread throughout the Comp Plan. The intent is to remove duplication and facilitate future searches and amendments for the benefit of staff and the public.

(4) Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

FINDING: The proposal is consistent with criterion (4).

- The proposed amendments to the Comp Plan do not result in changes which will impact healthful, safe and aesthetic surroundings and conditions. This criterion is more appropriately applied to specifically proposed criteria in the WCLUDO. All property owners outside of the National Scenic Area and urban growth boundaries of cities as well as applicable local, state, and federal agencies and interested parties will receive notice of the proposed amendments and have the opportunity to testify

at all three hearings. Any concerns related to the public need for healthful, safe and aesthetic surroundings and conditions can be evaluated with the opportunity for changes to be made during each hearing. Through the legislative hearings process criterion (4) will be met.

(5) Proof of change in the inventories originally developed.

FINDING: The request is consistent with criterion (5).

- As stated in (3) above, proposed amendments fall into four separate categories
- Energy Related Amendments: The policies, inventories and text related to energy, production, consumption and conservation does not reflect changes that have occurred in the past 30 years. The proposed amendments will modernize these policies and inventories and make them reflective of Wasco County's current and future goals related to energy.
- The other proposed amendments represent incorrect, out of date or previously amended but not incorporated language and inventories. Criterion (5) is not applicable to these proposed amendments.

(6) Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.

FINDING: The request is consistent with criterion (6).

- The amendments are not based on any special studies. As indicated in Section III (Public Involvement) staff utilized two advisory groups to assist in drafting the proposal. Staff also consulted with agencies about specific language. Finally, the draft was compared to state law to ensure consistency. These three elements serve as the factual basis for the proposed amendments.

e. Section 9.030Transportation Planning Rule Compliance

(1) Review of Applications for Effect on Transportation Facilities - A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – "TPR"). "Significant" means the proposal would:

FINDING: The proposal is a county initiated Comp Plan and WCLUDO text amendment. Based on the findings below the proposal is consistent with criterion (a) and will not significantly a transportation facility.

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

FINDING: The proposed amendments are consistent with criterion (a) because none of the amendments change the functional classification of an existing or planned transportation facility.

(b) Change standards implementing a functional classification system; or

FINDING: The proposed amendments are consistent with criterion (b) because none of the amendments change standards implementing a functional classification system.

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The proposed amendments are consistent with criterion (c).

- While the ordinances relating to energy development is being modernized and update, no new uses or higher levels of existing use are being proposed. Therefore:
    - The types and level of travel and access will continue to be consistent with the functional classification of all existing and planned transportation facilities;
    - The performance of all existing and planned transportation facilities will remain above the acceptable performance standard identified in the TSP; and

- The performance of all existing and planned transportation facilities that is otherwise project to perform below minimum acceptable performance standard identified in the TSP will not be worsened as a result of the proposed amendments.

f. Section J - Notification of Hearing:

(1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.

FINDING: The request is consistent with criterion (1).

- As indicated in Section III (Public Involvement), a ORS 215.503 notification was provided to all affected property owners. This statute prescribes the form of the notification which includes a summary of the issues in an understandable and meaningful manner.

(2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the first hearing.

FINDING: The request is consistent with criterion (2).

- As previously indicated in Section III (Public involvement and (1) above, notice was given pursuant to ORS 215.503. The date of the first Planning Commission hearing is 3 May 2011. The notice was mailed on 28 March 2011 which is at least 20 days, but not more than 40 days prior to the hearing consistent with this criterion.

(3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.

FINDING: The request will be consistent with criterion (3).

- Pursuant to Planning Commission adopted rules and public meetings law, a Planning Commission meeting cannot be held unless a quorum is present.

- Two Planning Commission meetings are schedule to be held. If the Planning Commission cannot agree on a proposed change during the second meeting they are authorized to send the proposal to the Board of County Commissioners with no recommendation or with a partial recommendation.

(4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.

FINDING: The request will be consistent with Criterion (4).

- At the Planning Commission hearing(s) the first draft of this report which includes all of the facts and reasons to support the decision is the Staff Report.
- At the Board of County Commissioner's hearing the Staff Report becomes the Planning Commission Report and includes any additional facts and reasons to the support the decision made by the Planning Commission.
- A final version which is the Board of County Commissioner's Report includes any additional facts and reasons to support the decision made by the Board of County Commissioner's.

(5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

FINDING: The request will be consistent with criterion (5).

- In a legislative hearing parties are those individuals and groups who have provided written comments or signed in and testified at one the hearings as well as all affected local, state and federal agencies.
- The second Planning Commission hearing is schedule for 7 June 2011. The Board of County Commissioners hearing is scheduled for 6 July 2011. Staff will be required to mail the Planning Commission Recommendation prior to 16 June 2011 to meet this criterion.

B. LUDO CRITERIA

1. Chapter 9 – Ordinance Amendments

a. Section 9.030 - Transportation Planning Rule Compliance

FINDING: Transportation Planning Rule Compliance was evaluated in V(A)(1)(e) above.

b. Section 9.050(A) Amendments to the Zoning Ordinance

Amendments to this Ordinance may be initiated by Resolution of the County Governing Body referring a proposed amendment to the Commission for its consideration, report and recommendation.

FINDING: The Wasco County Court (now Board of County Commissioners), in a resolution dated 1 July 2009, authorized the County Planning and Development department to initiate a Land Use and Development Ordinance Text Amendment to update Chapter 19 – Energy Facilities and associated chapters and to make other amendments appropriate for Wasco County. The proposed amendments shall be heard first by the Wasco County Planning Commission for their consideration, report and recommendation to the Board of County Commissioners. A copy of this resolution is located in the file.

c. Sections 9.060 Recommendation on Amendments to the Land Use and Development Ordinance.

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

FINDING: The request will be consistent with criterion c.

- The Planning Commission will conduct a legally notified hearing on 3 May 2011 at 3:00 PM in the lower level classroom of the Discovery Center at 5000 Discovery Drive, The Dalles, Oregon. Staff will present their report and those in the audience will have the opportunity to provide testimony.

- The Planning Commission will conduct a second hearing on 7 June 2011 at 3:00 PM in the lower level classroom of the Discovery Center at 5000 Discovery Drive, The Dalles, Oregon. Staff will present their report and those in the audience will have the opportunity to provide testimony.

- Following the second hearing, criterion c. will be adhered to in two ways. The first will be in the form of a notice of the Planning Commission recommendation to all persons

who provided written comments or testified at either hearing and all affected agencies. This notice will include a very brief statement indicating the recommendation.

- Should anyone wish to find a more detailed statement of facts this report will be available on the Wasco County website before and after each hearing and upon request at the Wasco County Planning Department. This report will transform throughout the process according to the following:

- At the Planning Commission hearing(s) the first draft of this report which includes all of the facts and reasons to support the decision is the Staff Report.

- At the Board of County Commissioner's hearing the Staff Report becomes the Planning Commission Report and includes any additional facts and reasons to the support the decision made by the Planning Commission.

- A final version which is the Board of County Commissioner's Report includes any additional facts and reasons to support the decision made by the Board of County Commissioner's.

d. Section 9.070 Notice of Planning Commission Recommendation.

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

FINDING: Criterion d will be met.

- All persons or agencies, or their representatives who submitted written testimony or provided oral testimony at either of the Planning Commission hearings or have requested to receive notification of the action of the Planning Commission will be sent a notice of the vote of the Planning Commission less than or equal to 10 days after the scheduled Planning Commission hearing on 7 June 2011.

e. Section 9.080, Action by County Governing Body

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

FINDING: Criterion e will be met.

- The second Planning Commission hearing is schedule for 7 June 2011. The Board of County Commissioners hearing is scheduled for 6 July 2011. Staff will be

required to mail the Planning Commission Recommendation prior to 16 June 2011 to meet this criterion.

Attachment B
Land Use and Development Ordinance Change Overview
PLALEG-09-06-0003

I. **Documentation:** The following is an overview only. Because it is impractical to print all of the changes to the Land Use and Development Ordinance they are Wasco County Planning Department website at http://co.wasco.or.us/planning/Energy_updates_Main.html

Key To Amendments:
Yellow Highlighted & Underlined = Language proposed to be included.
~~Yellow Highlighted & Strikethrough~~ = Language proposed to be deleted.
(Yellow Highlighted, Red Font, italicized and in Parentheses) = Note or explanation only and will be removed upon adoption

II. **Chapter by Chapter Overview of Proposed Amendments:**

A. Title Page & Adoption Date: No proposed amendments other than the new effective date and names & titles of current staff.

B. Summary Table of Contents: Minor Changes are proposed to reflect changes in the body of the Ordinance.

C. Chapter 1 – Introductory Procedures: Section 1.090 - Add all of the definitions which are currently (temporarily) listed in Chapter 19. These are limited to energy related definitions.

D. Chapter 2 – Development Approval Procedures:

1. Section 2.050: Pre-application conference requirements. Among other uses it requires a pre-application conference for large scale energy facilities.

2. Section 2.060 Application/Completeness. Staff is using this process as an opportunity to make this section consistent with prior updates to Oregon Revised Statutes.

E. Chapter 3 – Zones

1. Formatting: Other than the A-1 zone which has previously been reformatted, the uses allowed in all zones are broken into the following two categories: (1) Uses permitted outright; and (2) Uses permitted subject to conditional use review. The second category is fairly straightforward in terms of the required process. However, the first category actually includes three separate subcategories which all have separate review processes and requirements.

Because the uses do not indicate which type of subcategory they fall into it can be confusing for applicants and new staff. The proposal amendment will break category (1) into the following 3 distinct categories:

a. Uses Permitted Without Review: This is what many think of when they see the word "Uses Permitted Outright". Uses in this category actually require no review by Planning Staff and are not required to meet any standards.

b. Uses Permitted Subject to Ministerial/Type I Review: The uses in this category are required to meet property development standards (setbacks, height, etc), fire safety standards and any other applicable non-discretionary standards. This process is can be done over the counter with new staff report, notification to neighbors or appeal period.

Most of the uses in this category do require an application and verification by staff that as proposed it will meet all applicable standards. However, staff has created and alternative process in most zones for energy facilities and buildings and structures less than 200 square feet. The process for these uses is that is building codes does not require a building permit then the Planning Department does not require an application and any kind of review process. There are still standards the applicant is obligated to meet. If they contact the Planning Department the applicable standards will be provided. If they fail to meet them and a neighbor submits a complaint, they will be treated as a violation. This was meant to reduce the regulatory burden on properties but still ensure development will not impact adjacent property owners.

c. Uses Permitted Subject to Standards/Type II Review: The uses in this category are required to meet property development standards (setbacks, height, etc), fire safety standards and any other applicable discretionary criteria. The applicant is therefore required to submit an application, and staff is required to write a staff report with findings of fact to reach a decision, and send that decision to parties, such as neighbors, who have the right to appeal the decision.

2. Uses: Proposed amendments not included below are intended to create consistency with updates to changes in state law or clarify procedural requirements. Please see the actual zone located on the Planning Department's website for these changes.

a. Resource Zones(Agriculture and Forest Zones but not including the F-F(10))

(1) Uses Permitted without Review

-Utility Facility Service Lines under 200' (This is already allowed in A-1 zone but not clear in the Forest Zones)

-Minor Home Occupations (This is limited to home occupations with no outside evidence or impacts. Anything beyond the listed standards requires a Conditional Use Review. This is already allowed in A-1 zone but not Forest Zones.)

(2) Uses Permitted Subject to Ministerial/Type I Review:

-Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (This is nothing more than a reference to Chapter 19 where the matrixes tell you what the review process and standards are based on the size of the development and the size of the property)

-Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. (A-1 zone only. Forest zones do not allow this. This is meant to clarify buildings less than 200 square feet are not exempt from standards even if they are exempt from Building Codes review.)

-Additions to and replacement of a lawfully established building or structure other than dwellings. (We allow this now but without any explicit authority. This provides that authority.)

(3) Uses Permitted Subject to Standards/Type II Review:

-Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (This is nothing more than a reference to Chapter 19 where the matrixes tell you what the review process and standards are based on the size of the development and the size of the property)

-Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 – Land Divisions. (These uses are currently allowed, but except for Subdivisions it without any explicit authority. This provides that authority.)

(4) Uses Permitted Subject to Conditional Use Review/Type II or Type III

-Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (This is nothing more than a reference to Chapter 19 where the matrixes tell you what the review process and standards are based on the size of the development and the size of the property)

-Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

-Electrical Transmission Facilities, Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

b. Non-Resource Zone (All zones other than Agriculture and Forest but including the F-F(10)

(1) Uses Permitted without Review

Utility Facilities (Minor) (There is currently a lot of inconsistency about what utility facilities are allowed and by what process. This and utility facilities major is meant to create consistency in all non-resource zones.)

-Minor Home Occupation (This is limited to home occupations with no outside evidence or impacts. Anything beyond the listed standards requires a Conditional Use Review.)

(2) Uses Permitted Subject to Ministerial/Type I Review:

-Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (This is nothing more than a reference to Chapter 19 where the matrixes tell you what the review process and standards are based on the size of the development and the size of the property)

-Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. (This is meant to clarify buildings less than 200 square feet are not exempt from standards even if they are exempt from Building Codes review.)

-Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. (This is allowed in all non-resource zones which allow and agricultural use. This is different category than general accessory buildings above with different standards.)

-Additions to and replacement of a lawfully established building or structure. (We allow this now but without any explicit authority. This provides that authority.)

(3) Uses Permitted Subject to Standards/Type II Review:

-Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (This is nothing more than a reference to Chapter 19 where the matrixes tell you what the review process and standards are based on the size of the development and the size of the property)

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

(4) Uses Permitted Subject to Conditional Use Review/Type II or Type III

-Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030. (This is nothing more than a reference to Chapter 19 where the matrixes tell you what the review process and standards are based on the size of the development and the size of the property)

-Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities Section 19.030. (It is likely these would bypass non-resource zones because of their size. However, just in case this reference was included.)

-Utility Facilities (Major). (There is currently a lot of inconsistency about what utility facilities are allowed and by what process. This and utility facilities minor is meant to create consistency in all non-resource zones.)

F. Chapter 4 – Supplemental Provisions: Section 4.070 was changed to clarify which energy related uses were exempt from building height requirements.

G. Chapter 15 – Administration and Enforcement: The majority of this chapter is being stricken because it was superseded in July 2009 by the Wasco County Code Compliance Ordinance. This is referenced in Section 15.070.

H. Chapter 19 – Standards for Energy Facilities – Add chapter language: Because the bulk of the substantive changes related this project are located in Chapter 19, the text of the entire amended Chapter is included below.

CHAPTER 19 STANDARDS FOR NON COMMIERCIAL ENERGY FACILITIES, COMMERCIAL ENERGY FACILITIES & RELATED USES

SECTION 19.010 Purposes

This chapter describes the requirements for establishing non-commercial energy facilities, commercial energy facilities and related uses (as included) in Wasco County. The goals of this chapter are to:

- Encourage renewable energy production;
- Utilize clear and objective standards;
- Establish a clear, consistent and accountable application process;
- Collaborate and coordinate with agencies and other stakeholders;
- Minimize conflict with other permitted uses through compatibility review;
- Protect resources identified in the Wasco County Comprehensive Plan; and
- Protect the public health, safety and general welfare of the citizens of Wasco County.

The uses described in this chapter are only allowed if listed in the zoning section in Chapter 3 applicable to the subject property.

Definitions

(The following definitions are located in Chapter 1- Introductory Provisions, Section 1.080 – Definitions. They are included in Chapter 19 during the hearings process to reduce the number of pages needed to be printed. Once adopted they will only be located in chapter one.)

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

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

Biomass Energy Facility - A facility producing energy from biomass and its related or supporting facilities.

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

BOCC - Wasco County Board of County Commissioners.

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

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

a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, thermal power, geothermal power, landfill

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

b. Is intended to provide energy for sale.

See "Net Metering Power Facility", "Non-Commercial/Stand Alone Power Generating Facility" and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

Commercial Utility Facility - ~~Any energy facility or commercial energy facility.~~ See Commercial Power Generating Facility. *(This definition should remain because it is the ORS review use in the Exclusive Farm Use zone)*

Communication Tower - Any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals. *(Chapter 4 height exceptions was updated to include communication towers)*

Downwind - On the opposite side from the direction from which the wind blows.

Downwind Properties - Properties outside of the project boundary that can practicably be developed for commercial wind energy.

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

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

Energy - The amount of work that can be performed by a force.

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

Energy Facility - ~~A hydroelectric, wind energy, , biomass, geothermal, or transmission, facility with a nominal electric generating capacity of 25 MW or less or carrying 230 kV or less.~~ A solar, wind, fuel cell, hydroelectric, thermal, geothermal, cogeneration, landfill gas, digester gas, waste, dedicated low emission renewable crop, nontoxic biomass based on solid organic fuels from wood, forest or field residues, electrical transmission, natural gas pipeline, or petroleum product pipeline facility.

Energy Facility Project Area - The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project property boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion. ~~any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures proposed to be built in connection with the energy facility, and the area affected by the facility.~~

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

Grid - The utility distribution system. The network that connects electricity generators to electricity users.

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

Height of Tower - The height of the vertical distance from the base of the tower, pole or building on which it is located to the tallest vertical point including any attachments that are above the highest point on the tower structure (i.e. blades and antennae).

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

Inverter - A device that converts direct current (DC) to alternating current (AC).

Joule - Amount of work done by a force of one newton moving an object through a distance of one meter.

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

Kilowatt (kW) - A measure of power for electrical current (1,000 watts).

Kilowatt-hour (kWh) - A measure of energy equal to the use of one kilowatt in one hour.

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

Meteorological Tower - The tower and any of the following: base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

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

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

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

b. Is intended to offset part of the customer-generator's requirements for energy;

c. Will operate in parallel with a utility's existing transmission and distribution facilities;

d. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

e. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

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

Non-Commercial/Stand Alone Power Generating Facility:

a. Generates energy using means listed in ORS or OAR such as solar power, wind power, fuel cells, hydroelectric power, landfill gas, digester gas, waste, dedicated energy crops available on a renewable basis or low-emission, nontoxic biomass based on solid organic fuels from wood, forest or field residues but not including

the production of biofuel as authorized by ORS 215.203(2)(b)(K) in all zones which allow "Farm Use" and 215.283(1)(r) in the Exclusive Farm Use zone;

b. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;

c. Operates as a standalone power generator not connected to a utility grid; and

d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Net Metering Power Facility", "Commercial Power Generating Facility", and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

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

OWRD - Oregon Water Resources Department.

Planning Commission - Wasco County Planning Commission.

Planning Department - Wasco County Planning and Development Department.

Power - The rate at which work is performed or energy is converted.

~~**Prevailing Wind Direction** - Within 45 degrees of the direction from which wind flows for at least 20 percent of the year based on at least one year's site specific recorded wind data.~~*(This term is not used in the ordinance and can be eliminated)*

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

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

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

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

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

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

~~**Significant Interference With Wind Access** - A ten (10) percent decrease in wind speed caused by an obstruction(s).~~ *(Other than setbacks from downwind property towers, this is not included in the ordinance and can be removed)*

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

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

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

See "Commercial Power Generating Facility", "Net Metering Power Facility" and "Non-Commercial/Stand Alone Power Generating Facility" for additional definitions related to energy production.

Solar Access - The right of a property owner to have sunlight shine onto the property

owner's land.

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

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

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

~~**Total WECS Height** - The height of a WECS measured from ground level to the highest vertical extension of a WECS.~~ *(Replaced by Height of Tower)*

Tower - monopole, freestanding, or guyed structure.

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

Upwind - On the same side as the direction from which the wind is blowing – windward.

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

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

Utility Facilities Necessary for Public Service (EFU & Forest Zones Only) - ~~Facilities for~~

~~providing communication, water, sewers or transportation and facilities accessory to energy facilities.~~ Unless otherwise specified, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, reservoirs (may require a Goal 3 or Goal 4 exception), dams & other hydroelectric facilities, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200' in height) including substations not associated with a commercial power generating facilities and other similar facilities. *(Reviewed by Katherine Daniels with DLCD.)*

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

a. A public right of way;

b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained;

c. The property to be served by the utility; or

d. In the case of non-EFU land, within a utility easement.

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

Watt - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second.

Wind Access Rights - The right of a property owner to have unobstructed commercially viable wind available to the property owner's land. *(We indicated people do not have wind rights so we should have a definition)*

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

~~**WECS Site** - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots. *(This duplicates Energy Facility Project Area)*~~

Wind Turbine - Equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower,

transformer, vane, wire, inverter, batteries or other component used in the system except transmission lines.

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

Wind Energy Facility - A facility producing energy from wind and its related or supporting facilities. ~~A WECS or group of WECS including all parts of the system except transmission lines. Such a facility has a nominal electric generating capacity of 25 MW or less.~~

~~**Wind Farm** - A cluster or array of three or more electrical WECS which are under the same ownership or management.~~ *(Definition is not needed)*

~~**Wind Measurement Device** - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted.~~ *(Replaced by Anemometer)*

SECTION 19.020 Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review Processes & Approval Standards

(The existing language in Chapter 19 is being deleted in its entirety and replaced with the following. Therefore no underline or strikeout is included to indicate language to be removed or added.)

A. Review Processes - Non-commercial/Stand Alone Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Towers - This shall include free standing (Wind Turbine & Meteorological) or roof mounted towers/turbines.

Tower Height	Property Size			
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	> = 10 Acres
Non-Resource Zones				
< = 35'	*Ministerial	*Ministerial	Ministerial	Ministerial
> 35' - < 50'	STS	STS	Ministerial	Ministerial
50' - < 100'	CUP	STS	STS	STS
100' - 150'	CUP	CUP	CUP	STS
Resource Zones				
< 35'	*Ministerial	*Ministerial	Ministerial	Ministerial
35' - < 50'	STS	STS	Ministerial	Ministerial
50' - < 100'	CUP	STS	STS	STS
100' - < 200'	CUP	CUP	STS	STS
> = 200'	CUP	CUP	CUP	CUP

*The 4th tower sited on the property shall elevate the review from a Ministerial to an STS.

Wind turbines that are attached to other lawful uses (excluding roof mounted turbines) including but not limited to street lamps and telephone poles are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are attached as outlined in the applicable zone.

2. Solar Systems

System Size	Property Size				
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	10 - < 40 Acres	> = 40 Acres
Roof Mounted < = 35' in height	Ministerial	Ministerial	Ministerial	Ministerial	Ministerial
*Roof Mounted	STS	STS	STS	Ministerial	Ministerial

> 35' in height					
****Ground Array < 500 sq. ft.**	Ministerial	Ministerial	Ministerial	Ministerial	Ministerial
****Ground Array 500 - < 1,500 sq. ft.**	STS	STS	STS	STS	Ministerial
****Ground Array > = 1,500 sq. ft.**	CUP	CUP	CUP	CUP	STS

*Roof mounted systems exceeding 35' in height shall be allowed without a variance pursuant to either Chapter 6 or 7.
**Ground Arrays are limited to 35' in height. Ground Arrays exceeding 35' in height will be required to apply for a variance pursuant to either Chapter 6 or 7.

Small solar systems (less than 10 square feet) that are accessory to other lawful uses including but not limited to gates, electric fences & lights are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are accessory as outlined in the applicable zone.

Multiple panels, multiple arrays and supporting equipment providing energy to the same structure or use shall be considered one (1) system in determining the applicable review process. If a portion of the system is already installed and the permit holder is creating an addition to the system, the applicable review process shall be based on the total size of the system.

3. OWRD -Hydroelectric Facilities:

   a. Not Located within an Area of Special Flood Hazard - Hydroelectric energy projects not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the Planning Department as long as they are being reviewed by the OWRD. If located in a resource zone they are required to be reviewed as a "utility facilities necessary for a public use", "reservoir", or water impoundment".

   b. Located within an Area of Special Flood Hazard – In addition to a. above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the Planning Department even if they are being reviewed by the OWRD.

4. Additional Non-Commercial/Stand Alone Power Generating Facilities - The review process for energy facilities other than those previously described will be decided by the Planning Department based on an evaluation of the primary purpose of the zone, the size of the subject property and surrounding properties,

the proposed location of the use and its potential impact to adjacent properties. Impacts include but are not limited to noise, vibration, smell, emissions, visibility, or physical footprint.

B. Ministerial/Type I Review Standards - The following are applicable to energy facilities in addition to meeting the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities:

a. Lawful Use - Power will be for a lawfully established use or use that is in the process of being reviewed by the Planning Department.

b. Interconnect Agreement (Net Metering Only) - The applicant shall provide an interconnect agreement with a local utility or copy of a submitted application requesting an interconnect agreement with a local utility.

c. Closed System (Non-Commercial Stand Alone Only) - The applicant shall provide a plan or diagram that proves the proposal is a closed system and will not tie into a utility.

d. Setback/Buffers - Unless otherwise specified in this chapter, all energy facilities shall meet the property line setbacks of the zone in which they are located, natural resource buffers, as well as any additional setbacks required below.

e. Height - Unless otherwise specified in this Chapter, Pursuant to Section 4.070, General Exceptions to Building Height Requirements, energy facilities shall be exempt from the height limits of the zone in which they are located.

f. Color/Visibility - Energy facilities and their accessory electrical control equipment shall be either the stock color from the manufacturer or painted in a non-reflective, unobtrusive color that blends in with the surrounding environment unless otherwise required by the Federal Aviation Administration or Oregon Department of Aviation.

g. Noise - Manufacturer's sound level estimate shall not exceed 60 decibels, and operation of the system shall be in compliance with noise regulations established by the Oregon Department of Environmental Quality in OAR 340-035-0035. *(See Non-Commercial Tower Noise Overview for further explanation.)*

h. Air Quality - Manufacturer's emissions estimate shall be in compliance with Oregon Department of Environmental Quality in OAR Chapter 340, Division 200.

i. Vibration - Vibrations shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

j. Odor - Odors shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

k. Health & Safety:

(1) All uses or structures shall be designed and constructed to limit access.

(2) Warning and safety signs, up to three square feet in area, are allowed.

(3) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(4) The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

(5) Utility facility service lines, electrical lines and other wires associated with the energy facility that are not underground shall be kept clear along the route and have a single point of access to the building to the maximum extent practicable while still complying with local, state, and federal electrical codes.

(6) Uses and structures shall be designed and constructed to not impair emergency response. Contact your local emergency responder for specific requirements and guidance.

(7) Energy facilities shall be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

l. Advertising - No commercial or advertising markings shall be allowed except those of the manufacturer & installer.

m. Interference with Communication - Energy facilities shall not create any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the property owner must develop and implement a mitigation plan in consultation with the Planning Department.

n. Decommissioning/Removal - Any facility that is inoperable for more than 12 months shall be deemed discontinued. Removal of the equipment and facilities shall occur within six (6) months of the discontinuance time frame

unless all or a portion of the equipment and facilities are converted to an approved use within this same time frame.

o. Other Authority - All necessary local, state and federal authorizations/permits shall be obtained prior to constructing the use.

2. Specific Standards:

a. Tower Standards

(1) Setbacks

(a) The base of the tower shall be set back from all property lines, public-rights-of-ways, and above ground public utility lines a distance equal to the height of the tower. The setback shall be measured to the center of the tower's base.

(b) Towers shall be allowed closer to a property line, public-right-of-way, or above ground public utility line than the height of the tower without a variance pursuant to either Chapter 6 or 7 if granted written permission from the affected property owner, road authority, or utility. Said written permission shall be made part of the deed records to any private property.

Notwithstanding receiving permission from an affected property owner(s), road authority or utility, towers shall still be required to meet the property lines setbacks of the zone in which they are located and all natural resource buffer requirements unless a variance is granted pursuant to either Chapter 6 or 7.

(c) Any guy wires associated with a tower shall be required to meet the property and buffer setbacks of the zone in which they are located unless a variance is granted pursuant to either Chapter 6 or 7.

(2) Safety:

(a) Minimum Height - The lowest extension of any exposed blade or other exposed moving component shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies, that are located directly below the blade.

The minimum height may be reduced if a safety fence is installed around the area of the exposed blade or other moving component that

would prevent access and direct contact with the exposed blade or other moving component. The minimum height may also be reduced through the STS review process in subsection C below.

(b) Wind turbines shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

(c) Towers shall be equipped with lightning protection.

(d) Towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

(e) "Danger" signs shall be posted at the height of five feet on the tower if it has a climbing apparatus.

(f) Permit holders are encouraged to sheath guy wires in a covering that would increase their visibility from a height of three above ground to eight feet above ground.

(3) Avian Protections - Perch deterrents shall be placed on all surfaces that would attract birds to a location where they could be struck by a moving component on the tower such as the sweep of a wind turbine blade.

(4) Lighting - Lighting of towers subject to only a Ministerial/Type I review is not allowed.

b. Solar System Standards:

(1) Safety

(a) Roof mounted solar panels shall be installed in a manner that maintains adequate fire department access to the roof, with an unobstructed path from the structures eaves to structure components located on the roof (ie. Chimney, stove pipe, other roof mounted appliances). Contact your local fire official for specific requirements and guidance.

(b) Ground arrays shall maintain a ten feet (10') perimeter of fire fuel break. Refer to Section 10.120 of the Fire Safety Standards for a description of a fire fuel break.

(2) Solar Access Rights - The establishment of a solar system consistent with the requirements of this ordinance **shall not** constitute solar access rights that are protected by this ordinance.

C. STS/Type II Review Standards - The following are applicable to energy facilities in addition to meeting the Ministerial/Type I Review Standards in subsection B above, the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities

a. General Compatibility - The proposed use is compatible with adjacent surrounding properties taking into consideration the following:

(1) Scale
(2) Odors
(3) Vibration

b. Noise - If the manufacturer's sound level estimate exceeds 60 decibels or there is no manufacturer's sound level estimate, the applicant shall submit a qualified expert's analysis and written report to prove operation of the system shall be in compliance with noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35 with regard to any existing dwellings on non-participating landowners property.

2. Specific Standards:

a. Tower Standards:

(1) Aviation Notification - Planning staff shall notify the following groups or agencies as to the location of the proposed tower(s). Comments received regarding safety may be included as safety features required in subsection (2) below.

(a) Aerial Sprayers and operators who have requested to be notified - All towers over 50' in height.

(b) Oregon Department of Aviation (ODA) & Federal Aviation Administration (FAA) - All towers over 200 feet in height or as prescribed by OAR 738-070-0110. *(Towers over 200' in height are automatically a Conditional Use. This criterion was located here instead of Section D because the standards in this section are referenced in Section D anyway and that eliminated the need to create a whole new subsection.)*

(2) Aircraft Safety Plan - A safety plan shall be submitted that will ensure aircraft safety is maintained for all towers 50' in height or greater. Unless a determination of no hazard is made, safety features will be required as necessary to ensure aircraft safety based on the location, height, and type of tower. Any safety features required as part of an approval shall be completed at the time the tower is installed. Safety features, if required, could include but are not limited to the following:

(a) Placing an aviation device, or equivalent visible marker at each of the outermost guy wire anchors.

(b) Painting the top 30 feet of each tower with 5 foot bands of alternating colors of Aviation Orange and Aviation White.

(c) Lighting the top of the tower - Lighting of towers is only allowed if required by the Oregon Department of Aviation of Federal Aviation Administration. If lighting is required, to the extent possible while still maintaining aircraft safety, it shall be radar triggered or shielded from the ground in a manner that prevents the lighting from projecting onto adjacent properties, roadways, waterways, as well as preventing the lighting from noticeably contrasting with the surrounding landscape.

(3) Minimum Height - The lowest extension of any exposed blade or other exposed moving component may be allowed less than (15) feet above the ground as required by subsection B(2)(a)(2) if based on the proposed location and site specific circumstances, the tower will not represent a safety hazard.

(4) Shadowing/Flicker - Wind turbines shall be sited to minimize any adverse impacts of shadow flicker to any existing dwellings on non-participating landowners property.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if granted written permission from the property owner. Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Solar Standards:

(1) Ground Leveling - The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

(2) Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public.

(3) Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways.

(4) Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

D. CUP/Type II Review Standards - Energy facilities subject to conditional use review shall meet the standards of Chapter 5, Conditional Use Review, the Ministerial/Type I Review Standards in subsection B above, the STS/Type II Review Standards in subsection C above, the property development standards of the zone, unless otherwise specified and any other listed or referenced standards.

SECTION 19.030 Commercial Power Generating Facilities Review Processes & Approval Standards

A. Review Processes - Commercial Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Review Authority:

a. Planning Commission - Unless otherwise specified all energy facilities reviewed pursuant to this section shall be initially heard and decided upon by the Planning Commission in a public hearing.

b. Planning Department:

(1) Small Scale Commercial Power Generating Facilities - A commercial power generating facility shall be considered small scale if it falls within either the tower or solar matrix listed in Section 19.020, Non-Commercial Power Generating Facilities and shall be reviewed by the Planning Department pursuant to the standards of Section 19.020 and not this section.

For non-resource zones, solar arrays shall be limited to ¼ acre and towers to no more than 150' in height and no more than 4 towers per property. For resource zones solar arrays shall be limited to ½ acre and towers to under 200' in height and no more than 4 towers per property. Beyond these limits the energy facility will not be considered small scale and will only be allowed pursuant to the standards in this section.

(2) Community Projects - Renewable projects of 10MW or less which include a partnership between a local land owner and a community (public) organization such as Wasco County, Mid-Columbia Council of Governments, a city, or a school district, shall be initially heard and decided upon by the Planning Department.

(3) Post EFSC Review - Pursuant to ORS 469.401, after issuance of a site certificate by EFSC pursuant to subsection c. below, and subject to receiving the proper fees, the Wasco County must promptly issue any permits, licenses and certificates addressed in the site certificate subject only to conditions set forth in the site certificate but without hearings or other proceeding (Type I review).

(4) Hydroelectric Energy Facilities - See subsection d. below.

c. EFSC:

(1) EFSC has regulatory authority over all energy facilities exceeding thresholds designated by ORS 469.300. However, pursuant to ORS 469.480 EFSC shall designate the BOCC as a Special Advisory Group who may participate in the siting process pursuant to the role established in ORS 469. At their discretion, the BOCC may solicit public input for any response provided to EFSC in their role as Special Advisory Group. *(Do we want to define the county's process anymore? If yes should that be appealable? This is not required pursuant to ORS 469.504. We made this process public for the UPC application due to citizen concerns over the project but we did not do this with Summit Ridge. EFSC gives the county's rules deference with regards to this. How much should we include the public in this process?)*

(2) Pursuant to ORS 469.320(8), notwithstanding the threshold limits in ORS 469.300, an applicant can elect to have EFSC review an energy facility that may otherwise be subject to Wasco County's jurisdiction.

(3) If for any reason the BOCC desires, they may defer regulatory authority of energy facility to EFSC notwithstanding it is less than the threshold designated by ORS 469.300 *(There are no statutes or rules which prohibit this.).*

d. OWRD - Hydroelectric Energy Facilities:

(1) Not Located within an Area of Special Flood Hazard - Hydroelectric energy facilities not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the Planning Department as long as they are being reviewed by OWRD or FERC. If located in a resource zone they are required to be reviewed as a "utility facilities necessary for a public use".

(2) Located within an Area of Special Flood Hazard - In addition to a. above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the Planning Department even if they are being reviewed by the OWRD or FERC.

e. FERC - FERC has regulatory authority over all energy or related projects of a size, scale or interest to the federal government pursuant to Title 18, Conservation of Power and Water Resources, of the Code of Federal Regulations.

2. County Decision Options - As part of the application materials the applicant shall indicate if they are requesting final or tentative approval:

   a. Final Approval - Final approval occurs when the applicant has submitted all of the required application materials, Wasco County has issued a decision which includes only non-discretionary conditions of approval that can be submitted for staff review and verification, and the appeal period has concluded.

   b. Tentative Approval - A tentative approval may be issued when the applicant has submitted most of the required application materials but defers completion of one or more required discretionary elements such as the wildlife plan and all of its required baseline studies. Any deferred discretionary elements will be the only elements reviewed and decided upon during the final approval process.

      A tentative approval shall specify a time limit or expiration date within which all deferred discretionary review elements or plans shall be reviewed for final approval. Pursuant to Section 2.125, Time Limits for Permits and Extensions of Time, the combined time for both the tentative and final approval shall be limited to 2 years with the opportunity for a onetime 2 year extension. This time frame shall start on the date of the tentative approval.

3. Modifications - Energy facility requirements shall be facility specific, but can be amended as long as the facility does not exceed the boundaries of the Wasco County conditional use permit where the original facility was constructed.

   An amendment to the conditional use permit shall be required if the proposed facility changes would:

   a. Require an expansion of the established facility boundaries;
   b. Increase the number of towers; or
   c. Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

   No amendment would be required if an expansion of power-generating capacity is due to technology upgrades installed within the existing boundaries of the established energy facility. Notification by the permit holder to the Planning Department of changes not requiring an amendment are encouraged, but not required.

B. Non-Resource Zone Standards:

1. Small Scale Commercial Power Generating Facilities - Pursuant to Subsection A(1)(b)(1) above, commercial power generating facilities that are considered small

scale will be allowed in non-resource zones subject to the standards of Section 19.020.

2. Large Scale Commercial Power Generating Facilities - Except for related or supporting facilities, large scale commercial power generating facilities shall not be allowed in non-resource zones.

3. Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility shall be allowed in non-resource zones upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:

   a. The related or supporting facilities will be consistent in size scale and impact as other existing or allowed uses in the non-resource zone;

   b. Technical and engineering feasibility of siting the energy facility as a whole;

   c. Availability of existing rights-of ways and public roads and proximity to transmission lines and interconnections;

   d. Environmental impacts associated with avoiding non-resource zoned land; and

   e. Protection of farm and forest resources.

C. General Standards - The following standards apply to energy facilities as outlined in Section A above, in addition to meeting the Conditional Use Standards listed in Chapter 5:

1. Air Safety - All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR Chapter 738, Division 70, shall comply with the air hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the Planning Department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

   Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

2. Interference with Communications - The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the Planning Department.

3. Noise - The energy facility shall comply with the noise regulations in OAR Chapter 340, Division 35. The applicant may be required to submit a qualified expert's analysis and written report. *(If after a wind turbine has been installed it does not comply with the noise standard, mitigation can occur to still allow the tower to remain and meet the standards. This can be done by programming it to change the cut in/start up speed so the noise from the blades is mitigation by the noise from the wind. If not mitigated it is a violation of the conditions of approval and removal could be required.)*

4. Visual Impact - The energy facility and all of its components have been designed to minimize adverse visual impacts to the extent practical by methods that may include, but are not limited to, the following:

   a. The energy facility is not located within the boundaries of a formally-designated state or federal scenic area, scenic byway, scenic corridor, scenic waterway or in an area identified as a significant or important visual resources in the Comprehensive Plan;

   b. Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

   c. Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation; and

   d. Retaining or planting vegetation to obscure views of the energy facility.

Additional Visual Options - The advisory group discussed the potential visual impact to local, state and federal scenic areas, waterways, corridors etc… The more widely known are the Columbia River Gorge National Scenic Area, the Deschutes Scenic Waterway, the John Day Scenic Waterway, and the White River Scenic Waterway. There was no consensus by the advisory group and it is anticipated there will be varied opinions about this issue when general notification is sent out and we begin the hearings process. The following represent several options on how to address this issue going from least discretionary to most discretionary.

Option 1 - Do not require visual impact analysis beyond existing scenic designated lands or buffers.

Subsection 4(a) above states:

> *"The energy facility is not located within the boundaries of a formally-designated state or federal scenic area, scenic byway, scenic corridor, scenic waterway or in an area identified as a significant or important visual resources in the Comprehensive Plan"*

If we do not add any more language in the Wind Energy Facility section or any other location it will be the finding/interpretation of Wasco County that as long as the facility is not located within any of these areas there is no visual impact. That will also be the finding/interpretation for the following Conditional Use standard as well:

> *"The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area."*

Option 2 - Create Visual Buffers beyond the existing designated boundaries or buffers. This could involve several different elements.

-Create one buffer distance for all designated areas or individual buffer distances based on some analysis of potential impact to the designated area.

-Do not allow any wind turbines within the additional buffer at all unless it can be shown they would be topographically screened from the designated area.

-Do not allow any wind turbines within the additional buffer unless based on a visual impact analysis unless it can be shown they would not detract from the visual character of the area. If it can be shown a wind tower would be topographically screened no additional visual impact analysis would be required for that tower.

-Beyond the additional buffers no additional visual impact analysis would be required.

Option 3 - Use standards more consistent with EFSC for Protected Areas & Scenic Resources - OAR- 345-022-0040:

(1) Except as provided in sections (2) and (3), Wasco County shall not approve an energy facility located in the areas listed below. To approve an energy facility located outside the areas listed below, the Wasco County must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below.

(c) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782

(e) National recreation and scenic areas, including but not limited to the Oregon Cascades Recreation Area, and Columbia River Gorge National Scenic Area
(f) State parks and waysides as listed by the Oregon Department of Parks and Recreation
(k) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;
(o) Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas
(p) State wildlife areas and management areas identified in OAR chapter 635, division 8

(2) Notwithstanding section (1), Wasco County may issue an approval for an electrical transmission line or a natural gas pipeline or for an energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located in a protected area identified in section (1), if other alternative routes or sites have been studied and determined by Wasco County to have greater impacts. Notwithstanding section (1), Wasco County may issue approval for surface facilities related to an underground gas storage reservoir that have pipelines and injection, withdrawal or monitoring wells and individual wellhead equipment and pumps located in a protected area, if other alternative routes or sites have been studied and determined by Wasco County to be unsuitable.

(3) The provisions of section (1) do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts or higher or containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 psig.

OAR 345-022-0080 - Scenic Resources

(1) Except for facilities described in section (2), to issue an approval, Wasco County must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important.

(2) Wasco County may issue approval for a special criteria facility under OAR 345-015-0310 (Certain Natural Gas Energy Facilities) without making the findings described in section (1). However, Wasco County may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

5. Natural Resource/Wildlife Protection - The energy facility has been designed and will be constructed and operated without significant adverse impact to natural resources identified in the Wasco County Comprehensive Plan, Wasco County

Land Use and Development Ordinance or by any local, state or federal wildlife agency. The permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, or other local, state or federal wildlife agencies. Measures to reduce significant impact may include, but are not limited to the following: *(Do we want to limit identified resource to those listed in the LUDO and Comp Plan? US Fish and wildlife proposed a 4 mile buffer for Eagle nest not identified in our Comp Plan. Also our EPD 12 Bird layer only requires a ¼ mile buffer)*

a. Providing information pertaining to the energy facility's potential impacts on:
(1) Wildlife (all potential species of reasonable concern);
(2) Wildlife Habitat;
(3) Endangered Plants; and
(4) Wetlands & Other Water Resources.

b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.

c. Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.

d. Utilizing towers and transmission line support structures designed to reduce horizontal surfaces for perching. Where horizontal surfaces cannot be avoided, anti-perching devices shall be installed where it is determined necessary to reduce bird mortality.

e. Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.

f. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.

g. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.

h. Using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.

i. Locating transmission lines or electrical lines associated with the energy facility at least 50 feet from the edge of the nearest wetland or water body except where the line is required to cross the wetland or water body.

j. Separating transmission lines or electrical lines associated with the energy facility from the nearest wetland or water body by topography or substantial vegetation except where the line is required to cross the wetland or water body.

k. Locating transmission lines or electrical lines associated with the project parallel to the prevailing winds to the extent practical.

l. Locating transmission towers or electrical towers outside of Class I or II streams unless:

(1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in-stream tower; and

(2) The lines cannot be safely and economically placed under the water or streambed.

m. Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.

6. Protection of Historical and Cultural Resources - The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources shall be flagged and avoided and construction activities monitored to ensure all cultural resources are avoided. Prior to construction an inadvertent discovery plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS 358.905-358.955 and any other applicable local, state and federal law.

7. Fire Protection & Emergency Response - A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things, the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.

8. Public Safety - A public safety plan shall be developed and implemented to prevent public access to hazardous areas.

9. Transportation Plan - A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and also address:

   a. The size, number, and location of vehicle access points off of public roads;

   b. Use of existing roads to the extent practical to minimize new access roads; and

   c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

10. Road Use Agreement - Where applicable, the applicant agrees to enter into a Road Use Agreement with Wasco County to set out the terms of use for the applicant's operation and any maintenance, repair or improvements to the county road rights-of way necessitated by the operation.

11. Onsite Access Roads and Staging Areas - The impact of onsite access roads and staging areas shall be limited by:

   a. Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;

   b. Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and

   c. Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

12. Dust Control - All non-paved temporary or permanent on-site roads and staging areas shall be constructed and maintained to minimize dust. If roads and staging areas are not construct with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved

dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.

13. Erosion and Sediment Control - All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained as well as a Wasco County Soil and Water Conservation District approved erosion and sediment control plan. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

14. Weed Control - A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.

15. Signs - Outdoor displays, signs or billboards within the energy facility site shall not be erected, except:

    a. Signs required for public or employee safety or otherwise required by law; and

    b. No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.

16. Undergrounding Systems - Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.

17. Operation & Maintenance Buildings - Permanent maintenance/operations buildings shall be located in the same zone as the primary facility, except that such a building may be constructed in a separate zone if:

    a. The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and

    b. The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.

18. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.

19. Public Utility Coordination - The energy facility will not significantly burden the utility in whose service territory the project is proposed to be located.

20. Termination and Decommissioning:

a. A description of actions the facility owner proposes to take to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

b. A current detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a third party assurance (bond, letter of credit, insurance policy or other such form of guarantee), for dismantling or decommissioning, and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the permit holder on a 5 year basis.

c. The following shall be required as conditions of the Wasco County approval:

(1) If operation of the energy facility ceases or begins construction of the project, but does not complete it, the permit holder shall restore the site according to a plan approved by Wasco County. A plan shall be submitted that ensures the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

(a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

(b) Removal of graveled areas and access roads and restoration of surface grade and soil.

(c) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with Wasco County's weed control plan.

(d) For any part of the energy facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.

(e) The underground power collector and communication lines need not be removed if at a depth of three feet or greater. These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(f) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.

(e) The plan must include a schedule for completion of site restoration work.

(2) Before beginning construction of the energy facility, the permit holder must submit in a form and amount satisfactory to Wasco County, assuring the availability of adequate irrevocably committed funds to restore the site to a useful, non-hazardous condition naming Wasco County and the landowner as beneficiary or payee. The form may include, but not be limited to posting a bond, issuing an irrevocable letter of credit, purchasing a paid up insurance policy, or by other means as may be proposed by the permit holder and found acceptable by Wasco County.

(3) The amount of the third party assurance (bond, letter of credit, insurance policy or other such form of guarantee) shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder shall increase the amount of the third party assurance (bond, letter of credit, insurance policy or other such form of guarantee) annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the amount. The amount of the bond or letter of credit account shall be prorated within the year to the date of

decommissioning.

(4) The permit holder shall describe the status of the bond or letter of credit in an annual report submitted to Wasco County.

(5) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility site.

(6) If any disputes arise between Wasco County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request non-binding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.

21. Final Location - The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the Wasco County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.

22. Power Production Reporting - Wasco County may require a report of power production for any time frame after the energy facility first begins production. If requested, the permit holder shall have 180 days to produce said report.

D. Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section D above.

1. Wind Energy Facilities:

a. Visual Impact - To the extent practical, the proposed wind energy facility has been designed to minimize visual impact upon open space and natural landscape by:

(1) Using underground communication and power collector lines (transmission lines that connect each turbine to a substation);

(2) Using turbine towers of uniform design, color and height;

(3) Lighting - Lighting of towers is only allowed if required by the Oregon Department of Aviation of Federal Aviation Administration. If lighting is required, to the extent possible while still maintaining aircraft safety, it shall be radar triggered or shielded from the ground in a manner that

prevents the lighting from projecting onto adjacent properties, roadways, waterways, as well as preventing the lighting from noticeably contrasting with the surrounding landscape;

(4) Using existing roads to provide access to the site, or if new roads are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact;

(5) Using existing substations, or if new substations are needed, minimizing the number of new substations; and

(6) Shadow Flicker - Wind turbines shall be sited to minimize any adverse impact of shadow flicker to any existing dwellings on non-participating landowners property. *(If a wind turbine does create an adverse shadow impact there are mitigation options. Computer models can determine the days and time of shadow flicker based on sun position and the turbine can be programmed to be non-operational during that period. A tree can also be planted near the house which would effectively screen the shadow flicker).*

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if granted written permission from the property owner. Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Public Safety - The wind energy facility shall be designed, constructed, and operated to protect public safety by measures that may include, but are not limited to, the following:

(1) Installing the tower so at the closest point, the sweep of any exposed blade or other exposed moving component is at least 20 feet above the tallest existing or foreseeable obstruction to blade movement unless based on the proposed location and site specific circumstances, the tower will not represent a safety hazard; and

(2) Designing, constructing and operating the facility to exclude the public from close proximity to turbine blades and electrical equipment;

(3) Designing, constructing and operating the facility to protect against structural failure of the turbine tower or blades that could endanger the public's safety and have adequate safety devices and testing procedures designed to warn the public of impending failure and to minimize the consequences of such failure; and

(4) Restricting public access to the interior of tubular turbine towers by installing locked access doors.

c. Setbacks:

(1) Project Boundaries - If the wind energy project constitutes more than one property neither the wind turbine setback to abutting properties not part of the project below nor the property line setbacks of the zone in which they are located are applicable.

(2) Non Project Boundaries - Wind turbines and their above ground parts shall be set back from the property line of any abutting property not part of the project, the right of way of any dedicated road and any above ground utility a minimum of 1.5 times *(EFSC standard is 1.1 times the height of the tower)* the height of the wind turbine tower.

Wind Turbines and their above ground parts shall be allowed closer to a property line of any abutting property not part of the project, the right of way of any dedicated road, or any above ground public utility line than 1.5 times the height of the tower without a variance pursuant to either Chapter 6 or 7 if granted written permission from the abutting property owner, road authority, or utility. Said written permission shall be made part of the deed records to any private property.

Notwithstanding receiving permission from the abutting property owner, road authority or utility, wind turbines and their above ground parts shall still be required to meet the property line setback of the zone in which they are located unless a variance is granted pursuant to either Chapter 6 or 7.

(3) Resource Zone Dwellings - Wind turbines shall be setback from all resource zone dwellings a minimum of 1.5 times the height of the wind turbine tower or the distance required to meet the noise standard in Subsection D(3) above, whichever is greater. *(Current noise setback would really put towers approximately 1,600 feet)*

(4) Non-Resource Boundaries - Wind turbines shall be setback from all non-resource zoned property boundaries and the urban growth boundary or urban reserve area of any incorporated city a minimum of one (1) mile *(EFSC Uses 3,520 feet)* or the distance required to meet the noise standard in Subsection D(3) above, whichever is greater.

(5) Downwind Properties - The establishment of a commercial wind energy facility consistent with the requirements of this ordinance **shall not** constitute wind access rights that are protected by this ordinance beyond the following setback requirement.

If a wind turbine 200' in height or taller has been previously placed on a downwind property that is not part of the project, the closest tower on the upwind property shall be set back a minimum of fifteen rotor diameters from the downwind tower location or any lesser distance agreed to by the downwind and upwind property owners or those authorized to act on their behalf.

2. Solar Energy Facilities:

   a. Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

   b. Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public.

   c. Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways.

   d. Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

3. Cogeneration Facilities:

   a. The cogeneration facility would supply thermal energy to an existing or approved industrial or commercial use.

   b. Except as allowed in this section, an electric transmission line or natural gas or petroleum pipeline necessary for the cogeneration facility must be an upgrade to an existing transmission line or pipeline or must otherwise be constructed in an existing right-of way or utility easement. If the proposed electric transmission line or natural gas or petroleum product pipeline necessary for the proposed cogeneration project is not an upgrade to an existing transmission line or pipeline, the transmission line or pipeline must comply with the standards in subsection 4 or 5 below.

4. Electrical Transmission Facilities:

a. Use of Existing Routes/Co-Locating - The development uses available developed or approved road and utility rights-of-way, easements or transmission facilities that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.

b. Adjacent to Existing Routes - To the extent practical, any part of the proposed transmission or distribution line outside an existing route would be adjacent to an existing public road or utility right-of way or easement.

c. New Routes - If all or part of the proposed transmission line is outside an existing route or not adjacent to an existing route:

(1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or

(2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.

d. Setbacks to dwellings - Unless sited within a public road right of way, new electrical transmission lines shall not be constructed closer than 500 feet to an existing dwelling without prior written approval of the owner. Said written approval shall be made part of the deed records to that property.

5. Natural Gas or Petroleum Product Pipelines:

a. Use of Existing Routes - To the extent practical, the proposed pipeline would use developed or approved road and utility rights-of way or easements that can safely accommodate the proposed line.

b. Adjacent to Existing Routes - To the extent practical, any part of the proposed pipeline outside an existing route would be adjacent to an existing public road or utility right-of-way or easement.

c. New Routes - If all of part of the proposed pipeline is outside an existing route or not adjacent to an existing route:

(1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or

(2) The proposed new route would result in less adverse energy,

environmental, economic and social consequences than would result from using an existing route.

d. Stream crossings: If the proposed pipeline would cross a stream or river that is important habitat for a state or federally-listed threatened or endangered species, the permit holder must use a crossing technique or method approved by the Oregon Department of Fish and Wildlife.

COMPLETE PAPER COPY

WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE AMENDMENTS

FINAL DRAFT

APRIL 4, 2012

PLANNING COMMISSION

JUNE 7, 2011

BOARD OF COMMISSIONERS

APRIL 4, 2012

WASCO COUNTY

LAND USE AND DEVELOPMENT ORDINANCE

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EFFECTIVE

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PREPARED BY THE

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CHAPTER 1 INTRODUCTORY PROVISIONS

SECTION 1.005 Authority

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

SECTION 1.010 Title

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

SECTION 1.020 Purpose

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

SECTION 1.030 Severability

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

SECTION 1.040 Repeal

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

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

SECTION 1.050 Effective Date

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

SECTION 1.060 Interpretation and Scope

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

Scope: This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and limit the density of population and to divide Wasco County into districts or zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

SECTION 1.070 Compliance Required

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

SECTION 1.080 Editorial Revision

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

SECTION 1.090 Definitions

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

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

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

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

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

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

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

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

Agricultural Land (Per OAR 660-33-020(1)(a) - Means lands classified by the US Natural Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in ORS 215.203 taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

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

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

All buildings and structures

a. The lot or parcel is enrolled in a farm deferral program with the County Assessor;

b. The owner provides a farm management plan that is reviewed and approved by the Planning Department;

Agricultural Exempt Buildings Only

c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and

d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Automobile and Trailer Sales Area - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

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

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

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

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

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

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

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

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

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

Biomass Energy Facility - A facility producing energy from biomass and its related or supporting facilities.

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

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

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

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

a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and,

b. Related facilities, such as training arenas, corrals and exercise tracks.

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

a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;

b. The incidental stabling of not more than four (4) horses;

c. The boarding of horses for friends or guests where no charge is made; and

d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

BOCC - Wasco County Board of County Commissioners.

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

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

Building Mounted Wind Turbine - A Wind Turbine mounted or attached to a building.

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

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

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

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

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

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

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

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

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

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

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

Club or Lodge - A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

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

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

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

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

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

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

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

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

b. Is intended to provide energy for sale.

See "Net Metering Power Facility", "Non-Commercial/Stand Alone Power Generating Facility" and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

Commercial Utility Facility - ~~Any energy facility or commercial energy facility.~~ See Commercial Power Generating Facility. *(This definition should remain because it is the ORS review use in the Exclusive Farm Use zone)*

Commission - The Wasco County Planning Commission.

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

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

Communication Tower - Any tower designed to support commercial radio, television, and/or telecommunications receiving or broadcasting antennas, dishes, buildings and associated commercial equipment used to transmit or receive radio, microwave, wireless communications, and other electronic signals. *(Chapter 4 height exceptions was updated to include communication towers)*

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

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

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

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

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

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

b. Non-Green Feedstocks – Materials high in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are high in, and likely to support, human pathogens. Non-green feedstocks include but are not limited to animal parts and byproducts, mixed materials containing animal parts or byproducts, dead animals and municipal solid waste.

c. Agricultural Composting – Composting as an agricultural operation conducted on lands employed for farm use.

d. Institutional Composting – The composting of green feedstocks generated from the facility's own activities. It may also include supplemental feedstocks. Feedstocks must be composted on-site, the compost produced must be utilized within the contiguous boundaries of the institution and not offered for sale or use off-site. Institutional composting includes but is not limited to parks, apartments, universities, schools, hospitals, golf courses and industrial parks.

e. Reload Facility – A facility or site that accepts and reloads only yard debris and wood waste for transport to another location.

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

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

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

Consultant Engineer - A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required

public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

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

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

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

County - The County of Wasco, Oregon.

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

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

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

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

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

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

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

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

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

Dam - Any man-made structure that impounds water.

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

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

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

Development - Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

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

Director - Wasco County Planning Director or their designee.

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

Downwind - On the opposite side from the prevailing direction from which the wind blows.

Downwind Properties - Properties downwind of the project boundary that have been developed as part of a Commercial Power Generating Facility.

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

Drive-In - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose

as the drive-in service. The term drive-in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

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

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

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

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

- **a.** Single Family Attached (Duplex) - Two (2) household units which share a common wall or ceiling, but no unit may have a ceiling common to another unit.
- **b.** Single Family Attached (Multiplex) - Three (3) or more household units which share common walls, but no unit may have a ceiling common to another unit. Otherwise known as Townhouses or Row Houses.
- **c.** Single Family Detached - A single household unit whose construction is characterized by no common wall or ceiling with another unit.
- **d.** Multiple Family - Three (3) or more household units with common walls or ceilings common to another unit. Terms of differentiation for Multiple Family include: Garden Low Rise, being walkup structures limited to a maximum of two stories; Garden Medium Rise, being walkup structures limited to a maximum of three (3) stories; and High Rise, being elevator structures of multiple stories.

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

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

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

EFSC - Oregon Energy Facility Siting Council as established under ORS 469.450 and defined in ORS 469.300(7). The Council includes seven members appointed by the governor and

confirmed by the Oregon Senate with the responsibility for overseeing and approving the development of energy facilities, as defined in ORS 469.300.

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

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

Energy - The amount of work that can be performed by a force.

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

Energy Facility - ~~A hydroelectric, wind energy, , biomass, geothermal, or transmission, facility with a nominal electric generating capacity of 25 MW or less or carrying 230 kV or less.~~ A solar, wind, fuel cell, hydroelectric, thermal, geothermal, cogeneration, landfill gas, digester gas, waste, dedicated low emission renewable crop, nontoxic biomass based on solid organic fuels from wood, forest or field residues, electrical transmission, natural gas pipeline, or petroleum product pipeline facility.

Energy Facility Project Area - The proposed location of an energy facility and all of its related and supporting facilities as well as lands within the project lease boundary but outside the area of the primary development where there could be negative physical consequences as a result of the project such as soil compaction or erosion. ~~any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures proposed to be built in connection with the energy facility, and the area affected by the facility.~~

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

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

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

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

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

Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

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

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

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

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

Cultured Christmas trees" means trees:

a. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

b. Of a marketable species;
c. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
d. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

Current employment of land for farm use includes:

a. Farmland, the operation or use of which is subject to any farm-related government program;
b. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
c. Land planted in orchards or other perennials, other than land specified in subparagraph (d) of this paragraph, prior to maturity;
d. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
e. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
f. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 215.283 (2)(a);
g. Water impoundments lying in or adjacent to and in common ownership with farm use land;
h. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
i. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
j. Any land described under ORS 321.267(3) or 321.824(3);
k. Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
  (1) Only the crops of the landowner are being processed;
  (2) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or
  (3) The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

Accepted Farming Practice

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

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

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

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

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

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

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

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

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

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

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

Grade (Adjacent Ground Elevation) - The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the

lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall.

Grid - The utility distribution system. The network that connects electricity generators to electricity users.

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

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

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

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

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

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

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

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

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

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

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

a. Irrigated and classified prime, unique, Class I or II; or

b. Not irrigated and classified prime, unique, Class I or II.

In addition to that land described above, high value farmland, if in Eastern Oregon, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa. (added 12/96)

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

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

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

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

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

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

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

Hunting Preserve - Pursuant to ORS 497.248 Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not

more than 1,280 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five years.

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

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

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

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

Inverter - A device that converts direct current (DC) to alternating current (AC).

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

Joule - Amount of work done by a force of one newton moving an object through a distance of one meter.

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

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

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

Kilowatt (kW) - A measure of power for electrical current (1,000 watts).

Kilowatt-hour (kWh) - A measure of energy equal to the use of one kilowatt in one hour.

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

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

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

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

Local Road or Street - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

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

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

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

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

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

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

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

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

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

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

Lot Width - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

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

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

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

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

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

Meteorological Tower - The tower and any of the following: base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.

Mobile Home -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Is intended to offset part of the customer-generator's requirements for energy;

c. Will operate in parallel with a utility's existing transmission and distribution facilities;

d. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;

e. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

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

Non-Commercial/Stand Alone Power Generating Facility:

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

b. Is intended to provide all of the generator's requirements for energy for the tract or the specific lawful accessory use that it is connected to;

c. Operates as a standalone power generator not connected to a utility grid; and

d. Is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

See "Net Metering Power Facility", "Commercial Power Generating Facility", and "Small Scale Commercial Power Generating Facility" for additional definitions related to energy production.

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

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

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

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

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

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

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

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

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

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

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

OWRD - Oregon Water Resources Department.

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

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

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

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

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

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

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

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

a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.

b. All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.

c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.

d. Any affected unit of local government or public district or state or federal agency.

e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

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

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

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

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

Planning Commission - Wasco County Planning Commission.

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

Planning Department - Wasco County Planning and Development Department.

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

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

Power - The rate at which work is performed or energy is converted.

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

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

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

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

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

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

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

a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;

b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

NOTE: Allowances can be made for subsections a and b above if in the opinion of the Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors

c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or

d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

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

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

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

Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in a subdivision, or to correct an irregularity or error in the original plat. (Added 1/92)

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

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

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

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

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

Reversed Corner Lot - A corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

Review Types -

a. Type I (Ministerial/Nondiscretionary)
These procedures are decided by the Director, or the Director's designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a "land use decision" under Oregon Revised Statute (ORS) 197.015(11).

b. Type II (Administrative/Discretionary)
These procedures are decided by the Director or the Director's designee with notice, as established by Chapter 2, and appeal period established by ORS 215.416(11). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11). An appeal of a Type II decision becomes a Type III review.

c. Type III (Quasi Judicial/Planning Commission or County Governing Body)
Planning Commission
These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process, notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of

policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).

County Governing Body

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

d. Type IV (Legislative/County Governing Body)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sectional Home - Defined the same as a modular home.

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

Series partition/ Series partitioned lands - A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.

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

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

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

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

Sidewalk - A pedestrian walkway with permanent surfacing.

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

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

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

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

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

~~**Significant Interference With Wind Access** - A ten (10) percent decrease in wind speed caused by an obstruction(s).~~ *(Other than setbacks from downwind property towers, this is not included in the ordinance and can be removed)*

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

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

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

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

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

See "Commercial Power Generating Facility", "Net Metering Power Facility" and "Non-Commercial/Stand Alone Power Generating Facility" for additional definitions related to energy production.

Solar Access - The right of a property owner to have sunlight shine onto the property owner's land.

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

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

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

Sound Power is the acoustical energy emitted by the sound source, and is an absolute value. It is **not** affected by the environment.

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

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

Special Road District – For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city.

Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable property within the district; and to do any other act necessary to carry out purposes of the special road district. See ORS 371.305.

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

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

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

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

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

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

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

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

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

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

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

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

Tentative Plan Map for Minor Partition - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to O.R.S. 92.046, and regulations of O.R.S. 209.205, representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

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

Through Lot - Lot having frontage on two streets.

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

~~**Total WECS Height** - The height of a WECS measured from ground level to the highest vertical extension of a WECS.~~ *(Replaced by Height of Tower)*

Tower - monopole, freestanding, or guyed structure.

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

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

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

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

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

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

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

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

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

Upwind - On the same side as the direction from which the prevailing wind is blowing – windward.

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

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

Use Permit - A permit allowing a specific use.

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

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

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

Utility Facility (Major) (Non-Resource Zones Only) - Any major facility owned or operated by a public, private or cooperative company for the generation, transmission, regional distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, sanitary landfills, structures

over 75' in height, cell towers and similar facilities, and any utility facility that requires a Goal 11 Exception, but excluding electrical transmission facilities, & natural gas or petroleum product pipelines.

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

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

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

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

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

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

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

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

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

Water Dependent Uses - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water dependent uses

include but are not limited to: docks, wharfs, piers, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

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

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

Watt - A unit of measure for the rate of energy conversion. Equal to 1 joule of energy per second.

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

~~**WECS Site** - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots.~~ *(This duplicates Energy Facility Project Area)*

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

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

Wind Access Rights - The right of a property owner to have unobstructed commercially viable wind available to the property owner's land. *(We indicated people do not have wind rights so we should have a definition)*

Wind Energy Facility - A facility producing energy from wind and its related or supporting facilities. ~~A WECS or group of WECS including all parts of the system except transmission lines. Such a facility has a nominal electric generating capacity of 25 MW or less.~~

~~**Wind Farm** - A cluster or array of three or more electrical WECS which are under the same ownership or management.~~ *(Definition is not needed)*

~~**Wind Measurement Device** - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted.~~ *(Replaced by Anemometer)*

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

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

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

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

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

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

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CHAPTER 2 DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.010 Purpose

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

SECTION 2.020 Review Process

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

SECTION 2.030 Coordination of Development Approval

A. The Director or the Director's designee shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance and the Wasco County Comprehensive Plan. Before approving any development the Director or the Director's designee shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance. (Revised 5-93)

B. The coordination of development application shall include the opportunity for the applicant to apply for all permits necessary for a development project at one time. The consolidated procedure shall be subject to the time limitations set out in this chapter. (added 2-89)

C. After an application has been submitted, no building permit for the proposed use shall be issued until final action has been taken. Following final action on the application, the issuance of a building permit shall be in conformance with the zoning regulations of this Ordinance, and any conditions of development approval.

SECTION 2.040 Who May Apply

A. Development request may be initiated by one or more of the following:

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

SECTION 2.050 Pre-Application Conference

A pre-application conference shall be required for all applications the director determines to be complex enough to require it. This shall include but not be limited to large scale commercial energy projects, subdivisions, planned unit developments, and reviews that involve numerous departments and agencies. ~~An applicant shall request a pre-application conference prior to submitting a request for a subdivision, planned unit development, conditional use, farm dwelling or site plan review for a home occupation.~~ The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development. ~~(Revised 5-93)~~

SECTION 2.060 Application/Completeness

~~Application for development approval shall be made pursuant to applicable sections of this Ordinance on forms provided by the Planning Director.~~

~~An application shall be considered complete when it contains the information required by these regulations, and addresses the appropriate criteria for review and approval of the request and is accompanied by the required fee, unless waived by the County Governing Body.~~

A. The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review.

Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:

1. Conditional Use Review (Chapter 5)
2. Administrative Variances (Chapter 7)
3. Temporary Use Permits (Chapter 8)
4. Partition, Replat and Lot Line Adjustment Approval, except as provided for in section 2.060 B.10 (Chapter 21)
5. Site Plan Reviews (Chapters 3 and 20)
6. Uses Permitted Subject to Standards (Chapter 3)
7. Similar use.
8. Significance Determination for Aggregate Overlay (Chapter 3, Section 3.815)
9. Nonconforming Use Verification, Restoration, or Alteration (Chapter 13)

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

1. Recommendation to County Governing Body on a Legislative or Quasi-Judicial Plan Amendment (Comprehensive Plan)
2. Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)
3. Subdivision (Chapter 21)
4. Planned Unit Development (Chapter 18)
5. Mobile Home Parks (Chapter 16)
6. Recreational Vehicle Parks (Chapter 17)
7. Division of Non-Resource Land in Designated Resource Areas (Chapter 10)
8. Variance (Chapter 6)
9. Private Road Approval (Chapter 21)
10. Preliminary Partitions involving private or public road approval.
11. Recommendation to the County Governing Body on public road dedications (Chapter 21).
12. Revocation of Conditional Use Permits (Chapter 5)
13. Appeals of Decision of Director made pursuant to Section 2.060 (A) (1), (2), (3), (4) & (5), and any ministerial action of the Director.
14. Matters which the Director elects not to review, pursuant to Section 2.060 (A)(1), (2), (3), (4), (5), (6), (7), and (8).
15. Recommendation for implementation of Aggregate Overlay zone (Chapter 3, Section 3.800)

C. Complete Application - An application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. A complete application is one which contains the information required to address the relevant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan as specified by this ordinance.

D. Incomplete Application - If an application is incomplete, the Director shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application

shall be deemed complete for the purpose of subsection C, Complete Application, upon receipt by the Director of:

1. All of the missing information;

2. Some of the missing information and written notice from the applicant that no other information will be provided; or

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

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

SECTION 2.070 Filing Fees

A. Any application filed with the Planning Department shall be accompanied by the appropriate filing fee to reimburse the County for processing costs attendant upon the application.

B. Fees shall not exceed the actual or average cost of providing the service.

C. Any and all fees shall be established by County Governing Body Order, be separate from this Ordinance, and may be revised whenever necessary.

D. A filing fee may be waived by the County Governing Body for Governmental agencies or nonprofit groups, or upon satisfactory showing that an applicant is without means and is unable to pay the established fee. Said waiver shall be approved by the County Governing Body prior to submitting an application or appeal to the Planning Office. FAX copies of a purchase order or check for payment of an application or appeal are not acceptable. True payment must be paid prior to the expiration of an appeal period, or prior to acceptance of an application.

E. All fees received pursuant to this Section shall be deposited in the County General Fund.

F. Fees are not transferable or refundable.

SECTION 2.080 Notice

Citizen and Agency Involvement. The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use

projects, notice of applications for development approval shall be sent to interested agencies and departments such as County departments, sheriff and fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Affected jurisdictions and agencies could include the Department of Environmental Quality, the Oregon Department of Transportation, Wasco County Transportation Network, and other applicable local, state or federal agencies.

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

A. At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section 2.060 (B), notice shall be sent to: (Revised 1-92)

1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
2. All owners of property within one hundred feet (100') if located wholly or in part within an urban growth boundary, three hundred feet (300') if located outside an Urban Growth Boundary and not within a farm, farm/forest or forest zone, and five hundred (500) feet within a farm, farm/forest or forest zone. (Revised 1-92)
3. The appropriate Citizen Advisory Group;
4. Any affected governmental agency or public district within whose boundary the subject property lies;
5. The city within whose recognized Urban Growth Boundary the subject property lies or whose facilities may be impacted;
6. Other persons as may be clearly and necessarily affected by the result of the development request.

~~**B.** Notice of Administrative Action for the use listed in Sections 2.060(A) (1) and (9), shall be given as prescribed by subsection (A) (1) – (6) of this Section, with the exception that notice be given at least ten (10) days prior to a decision. (Revised 1-92, 5-93, 9-99)~~

C. Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing, pursuant to Section 2.060 (B). An affidavit of publication shall be made part of the record. (Revised 1-92)

D. Notice of Review by the County Governing Body pursuant to Section 2.180 shall be sent to all parties, posted in at least two (2) different public locations and published in the official newspaper of Wasco County ten (10) days prior to the date set for the hearing. (Revised 1-92)

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

F. Notice shall be sent to owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface. (added 2-89)

SECTION 2.090 Contents of Notice

A. Notice of a quasi-judicial hearing on any development request shall be filed with the Director and also given pursuant to Section 2.080 and shall include the following information:

1. The date, time and place of hearing and the name of the hearing body;
2. The general location of the subject property and legal description;
3. The legal owner of record of the property and the name of applicant seeking the review;
4. The present zoning of the subject property and applicable Ordinances and sections that apply to the application at issue;
5. The request and purpose of the proposal;
6. That failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
7. The name of a local government representative to contact and the telephone number where additional information may be obtained;
8. That a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
9. That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
10. General explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

B. Notice of an Administrative Action on a conditional use permit shall be filed with the Director and also given pursuant to Section 2.080, and shall include the following information: (Revised 1-92, 5-93)

1. The location, title of the request and the date such notice was sent;
2. The general location of the subject property and legal description;
3. The legal owner of record and the name of applicant seeking review;
4. The present zoning of the subject property and applicable Ordinances and sections;

5. The nature of the application;

6. The deadline established for rendering a final decision;

7. The deadline for filing comments on the request.

SECTION 2.100 Administrative Action Procedure of the Director

A. After accepting an application for Administrative Action pursuant to Section 2.060(A) (1) - (9) of this Ordinance, the Director shall act on or cause a hearing to be held on the application within the time requirements of O.R.S. 215.428(1). (Revised 2-89, 5-93)

The Director shall not accept any application which he/she deems cannot be acted upon initially in a rational manner within the time requirements of O.R.S. 215.428(1), unless the applicant consents to a longer period for action. (Revised 5-93)

B. Within such time period, the Director shall (Revised 5-93):

1. Publish or otherwise file notice pursuant to Section 2.080;

2. Prepare findings of fact and conclusions of law;

3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan pursuant to Section 2.110(D).

4. Provide opportunity for and conclusion to all local appeals. (Added 5-93)

C. If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under Section 2.060(A) for public hearing before the Planning Commission, pursuant to Section 2.060 (B) (14), and the Commission shall decide the matter, as if the matter were listed under Section 2.060 (B). (Revised 1-92)

SECTION 2.110 The Decision of the Director

A. A decision on an Administrative Action under Section 2.060(A) shall be rendered by the Director within the time limitations of this Ordinance.

B. In making a decision, the Director shall consider the following:

1. The burden of proof is placed upon the petitioner seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Chapter, such burden shall be to prove:

   a. The proposed action fully complies with the applicable map elements of the relevant Comprehensive Plan and also the goals and policies of the applicable plan.

   b. The proposed action is in accordance with the applicable criteria of this Ordinance.

2. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.

3. Written comments from parties or other persons.

C. In all cases, the Director shall enter findings and conclusions to justify his decision.

D. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time.

2. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:

   a. Protection of the public from the potentially deleterious effects of the proposed use; or
   b. Fulfillment of the need for public service demands created by the proposed use.

3. Changes or alterations of conditions shall be processed as a new Administrative Action.

4. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

5. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of Administrative Action or revocation of approval by the Director.

6. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Governing Body or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Wasco County Clerk.

E. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order of the action denying the application.

SECTION 2.120 Notice of a Decision by the Director

A. Notice of a decision by the Director pursuant to Section 2.060 (A) (1) - (9) shall be filed in the records of the Director and also mailed to the applicant, the owner(s) or contract purchasers of the subject property, and all parties within the required notification areas, as described by Section 2.080. (Revised 1-92)

B. Notice of a decision shall contain:

1. Identification of the application;
2. The findings of fact and conclusions of law of the Director;
3. Other information pertinent to the application, if any;
4. The date of the filing of the decision of the Director;
5. Notice that any party may appeal the decision within twelve (12) days from the date such notice was sent by filing a timely statement with the Director.

C. The decision of the Director pursuant to Section 2.060 (A)(1) - (9) shall be final unless an appeal from an aggrieved person is received by the Director within ten (10) days after the filing of a decision on an Administrative Action or unless the Commission or County Governing Body on its own motion, orders review within ten (10) days after the filing of the proposed decision. (revised 2-89, 5-93, 9-99)

SECTION 2.125 Time Limits for Permits and Extensions of Time

A. Time Limits for Permits: A permit will become invalid without special action if:

1. Development has not commenced within two (2) years of the date of approval;

2. The use approved is discontinued for any reason for one (1) continuous year or more.

B. Extension of Time Request: If an extension of time is required, the holder of the approved permit must file an application which will be processed as an administrative action. A one time extension may be granted for a maximum of two (2) years. Extensions shall be granted only upon findings that:

1. Request for an extension of time has been made prior to expiration of the approved permit.
2. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.
3. The applicant has provided reasons that prevented the applicant from beginning or continuing development within the approval period.

SECTION 2.130 Establishment of Party Status

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

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

B. A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.

C. Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.

D. With respect to applications under Section 2.060 (B) of this Chapter, the Approving Authority may authorize a person to have party status, at any time prior to the close of a hearing, if that person is not otherwise a party, as defined by Section 1.090 of this Ordinance. (Revised 1-92)

E. A request for establishment of party status for an Administrative decision pursuant to Section 2.060(A) of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:

1. The name, address and telephone number of the person filing the statement;
2. How the person qualifies as a party; as defined in Section 1.090 of this Ordinance; and
3. Comments which the party wishes to make with respect to the application under consideration.

F. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

SECTION 2.140 Hearing Procedure

A. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Governing Body, to:

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

B. Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:

1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.
2. Recognize parties.
3. Ask for disclosure of any potential conflicts of interest by those on the decision-making body. (added 2-89)
4. Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case. (added 2-89)
5. Request the Director or his designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.
6. Allow the applicant to be heard first, on his own behalf or by representative.
7. Allow parties or witnesses in favor of the applicant's proposal to be heard.
8. Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
9. Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
10. Allow only the proponent to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence. (Revised 1-92)

11. Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.

12. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.

13. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision and findings and conclusions, the Approving Authority may be either the Chairman of the Planning Commission or the Director of Planning. (Revised 1-92)

14. At the latest, the next regularly scheduled meeting shall be the time the Approving Authority shall grant, deny or, in appropriate cases, pursuant to Section 2.110(D), attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail. (Revised 5-93)

15. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110(D) of this Ordinance.

    a. For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.

    b. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

SECTION 2.150 Official Notice

A. The Approving Authority may take official notice of the following:

1. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
2. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.

B. Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

SECTION 2.160 Appeal from Decision of the Director

A. Any action taken by the Director or his designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission, pursuant to Section 2.060 (B)(13). (Revised 1-92)

B. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

C. The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in Section 2.160. For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to Section 2.180.

D. Every Notice of Appeal shall contain:

1. A reference to the application sought to be appealed.
2. A statement as to how the petitioner qualifies as a party.
3. The specific grounds relied upon in the petition request for review.
4. The date of the final decision of the action.
5. The required fee, unless wavered pursuant to Section 2.070.

E. At least twenty (20) days prior to the date of the Approving Authority meeting, the Director shall give notice to all parties to the case as provided by Section 2.080 of the time, date and place of the meeting. (Revised 1-92)

F. Members of the Approving Authority shall neither:

1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.

G. During the course of the review, the Director shall first present to the Approving Authority the decision and the reasons for such action. The appellant then may present its argument and may call witnesses to give additional relevant testimony.

H. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public. (Revised 5-93)

I. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.

J. All evidence offered and not objected to may be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to Oregon Revised Statutes 183.450 except as otherwise provided for herein.

K. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110(D).

1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.
2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

SECTION 2.170 Review of a Decision of the Planning Commission

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

A. Review of the decision of the Planning Commission: (Revised 1-92)

1. Shall be made by the County Governing Body Court, pursuant to Section 2.180, upon any party filing a Notice of Review with the Director within twelve (12) days from the date of the final decision sought to be reviewed; or (Revised 1-92)

2. May be made by the County Governing Body, pursuant to Section 2.180, on its own motion passed within twelve (12) days from the date of the final decision sought to be reviewed. (Revised 1-92)

B. Notice of the time and place of the review together with any Notice of Review filed shall be mailed to parties at least ten (10) days prior to the date of review.

C. Every Notice of Review shall contain:

1. A reference to the decision sought to be reviewed;
2. A statement as to how the petitioner qualifies as a party;
3. The specific grounds relied upon in the petition request for review; and
4. The date of the decision sought to be reviewed.

D. A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Governing Body.

1. If the Court does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this subsection shall be a jurisdictional defect.

2. If a transcript is desired by the Court, the costs shall be borne by Wasco County.

SECTION 2.180 Review by the County Governing Body

A. Except as provided in Sections B. and C. below, appeal to the Governing Body of all final decisions of the Planning Commission shall be confined to the record. The record shall include:

1. All materials received as evidence at any previous stage;

2. Verbatim Record:

   a. For quasi-judicial plan amendments, unless waived by the Court, a verbatim record of the hearing below, in the form of audio tapes, together with a transcription thereof, or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error.

   b. In appeals of all other development actions, unless waived by the Court, a verbatim record of the hearing below in the form of audio tapes or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error. However, a party may prepare all or a portion of the transcript for submission to the Court.

3. The findings and conclusions supporting the action being appealed; and

4. Oral and written argument from the parties as defined by Section 2.130, or their representatives presented during the hearing or appeal but not including new evidence.

B. A party, or the Director, may request that the Court conduct a de novo or partial de novo hearing on appeal. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:

1. Reference the name, case number and date of the decision;

2. Contain the name and address of the requesting party;

3. Indicate the reasons for the request without addressing the merits of the land use action; and

4. Indicate any persons known to be opposed to the request.

C. The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Court as a nonpublic hearing item, except that the Court may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

1. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;

2. The substantial rights of the parties will not be significantly prejudiced; and

3. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

D. In conjunction with determining whether to conduct a de novo hearing for the appeal of a quasi-judicial plan amendment, the Court may remand the matter to the Planning Commission. The decision on whether to remand shall not be appealable. Upon remand, the appealing party shall be entitled to return of the appeal fee less actual costs incurred by the County. Appeal from a decision on remand shall be taken as any other appeal.

E. Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.

F. The County Governing Body may affirm, reverse or modify the action of the Planning Commission and may approve or deny the request, or grant approval subject to conditions necessary to carry out the Comprehensive Plan as provided by Section 2.110(D).

1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it, as justification for its action.

2. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decisions shall be filed in the records of the Director.

G. Only those members of the County Governing Body reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the prior Approving Authority shall stand.

SECTION 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-Judicial

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

A. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

B. No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.

C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

D. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.

E. The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.

SECTION 2.200 Additional Hearing Notification Requirements

A. Notice

1. Notice of a legislative hearing will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be impacted by the proposed action. Affected agencies and jurisdictions could include the Department of Environmental Quality, the Oregon Department of Aviation, cities within Wasco County, and neighboring jurisdictions.

2. Notice of a legislative or quasi-judicial hearing for any proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and public transit providers. Information that should be conveyed with the notice includes the following:

   a. Project location

   b. Proposed land use action

   c. Location of project access point(s)

SECTION 3.110 "F-1" FOREST ZONE

A. Purpose

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

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

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

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

B. Definitions

1. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

2. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions: When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:

   a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and

   b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and

c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and

d. shall be copied by the Planning Director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

3. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 for commercial production.

4. Forest Operation - Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS 527.620(6).

5. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937

6. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-1" zone shall not be located on a permanent foundation.

7. Tract - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

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

RESOURCE USES

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.

2. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and

processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of this zone.

3. Farm use, as defined in Oregon Revised Statutes (ORS) 215.203(2).

4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

5. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. *(Allowed but not previously listed)*

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

NATURAL RESOURCE USES

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

UTILITIES & TRANSPORTATION

9. ~~Additional~~ Local distribution lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ~~ORS 215.213 (l), (m) through (p) and~~ ORS 215.283 (l), (k) through (n).

COMMERCIAL USES

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.

12. Minor Home occupation that:

Is carried on within a lawfully established dwelling only by members of the family who

reside in the dwelling;

Does not serve clients or customers on-site;

Does not produce odor, dust, glare, flashing lights or noise;

Does not occupy more than 25 percent of the floor area of the dwelling; and

Does not include the on-premises display or sale of stock in trade.

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

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

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

1. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

2. Towers and communication facilities, ~~and fire stations~~ for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

3. Alteration, restoration ~~Maintenance, repair~~ or replacement of a lawfully established ~~existing legally implemented~~ dwelling and/or accessory residential or non-residential building or structure (non-discretionary) subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure ~~which meets the requirements listed below~~ need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below.~~and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards in the for dwellings Forest zone and fire protection standards in Chapter 10.~~

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

5. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(5) below.

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

1. Fire stations for forest fire protection. *(This was split from D(4) above because Towers and Communication facilities can be reviewed ministerial but fire stations are subject to site plan review)*

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

RESIDENTIAL USES

3. Alteration, restoration ~~Maintenance, repair~~ or replacement of a ~~existing legally implemented~~ lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(2) - Siting Requirements for Compatibility.

4. A building or structure accessory to a legally established residential use subject to Section K(2) Siting Requirements for Compatibility.. ~~applicable Development Standards, and Siting Requirements~~.This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

NATURAL RESOURCE USES

5. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). *(This and the use below were added to ensure if development is placed in the floodplain they must be reviewed appropriately)*

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

~~The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use~~

~~impact, in public parks, public playgrounds, and public recreational grounds.~~*(This is not a listed use in either OAR or ORS)*

ENERGY FACILITIES

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

   ~~Disposal site for solid waste ordered by DEQ per ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.~~*(This is only applicable to Metro counties.)*

MISCELLANEOUS USES

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

F. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses~~ may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to ~~when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance~~ Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

RESOURCE USES

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.

2. Log scaling and weigh stations.

3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.

4. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.

5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter

520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

6. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

RESIDENTIAL USES

7. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 - Temporary Use Permit – Section 8.070, for the term of a hardship suffered by the existing resident or a relative as defined in 215.283. *(Allowed but not previously listed. There are two residences in the F-1 Zone so this use could occur)*

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

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

9. Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.

10. New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

11. Television, microwave and radio communication facilities and transmission towers.

12. Water intake facilities, related treatment facilities, pumping stations and distribution lines.

13. Reservoirs and water impoundments.

TRANSPORTATION

14. Public road and highway projects as described in ORS 215~~.213 (2)(q) through (s) and~~ ORS 215.283 (2)(p) through (r).

15. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

16. Expansion of existing airports.

17. Aids to navigation and aviation.

COMMERCIAL USES

18. Major Home occupations subject to ~~Section 20.060~~ Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

G. Conditional Use Approval Standards
~~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 and Section (H) and (I) of this zone,~~ The following review criteria shall apply to conditional uses applied for in subsection (F~~D~~) of this zone:

1. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.

2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury form farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

H. Prohibited Uses - All other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.

I. General Development Standards

1. Setbacks

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

b. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above.

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

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

c. Waterways

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

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

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

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

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

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

(i) Fences;

(ii) Streets, roads, and paths;

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

(iv)Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi)Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii)Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

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

~~Stream or Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.~~

3. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.

6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a ministerial action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.

2. Divisions to create parcels for specified non resource use permissible in the F-1 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.110.C.14. and Section 3.110.D.1, 2, 3, 4, 8, 9, 10, 11, 12, 17 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.

3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1,1995 provided that:

   a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and

   b. The remaining parcel, not containing the dwelling, shall either:

      (1) meet the minimum parcel size standard of the zone; or

      (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.

   c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.

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

   e. A forest farm management easement shall be recorded for each resulting parcel.

4. Divisions of land containing 2 or more dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:

   a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

   b. Each dwelling complies with the criteria for a replacement dwelling in this zone;

   c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;

   d. At least one dwelling shall be located on each parcel created, including the parent parcel;

   e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.

   f. A lot or parcel may not be divided under the provisions of this subsection if;

      (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or

      (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or

      (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.

5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:

   a. Shall not be eligible for siting of a new dwelling;

   b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

   c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;

d. Shall not result in a parcel of less than 35 acres, except:

(1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.

f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

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

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

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

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

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

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

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

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

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

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

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

K. Additional Standards

1. Replacement Dwelling Standards

a. A replacement dwelling must have:

(1) Intact exterior walls and roof structures;

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

(3) Interior wiring for interior lights;

(4) Heating system; and

(5) Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.

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

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

(a) General Development Standards,

(b) Siting Requirements for Compatibility.

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

(a) General Development Standards, and

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

(b) Siting Requirements for Compatibility

~~**(3)** Replacement of a legally established dwelling in a new location will be allowed and the applicant will be required to meet all applicable–~~

~~(a) General Development Standards,~~
~~(b) Siting Requirements for Compatibility,~~

~~Chapter 13, Non conforming uses, buildings and lots, is not applicable to replacement of a dwelling described in this section. A temporary use permit need not be sought in order to live in the existing dwelling while the replacement dwelling is being constructed as long as removal, demolition, or conversion of the original dwelling is completed in accordance with time limits set above.~~ *(This has been relocated to setback section)*

2. Siting Requirements for Compatibility of New Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: ~~The following siting criteria shall apply to all replacement dwellings in a new location, and structures in forest and agriculture/forest zones.~~ These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

   a. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.

      (1) Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.

      (2) Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.

      (3) Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.

   b. Dwelling and Accessory Structure Set Backs - To satisfy 1. above, re-located dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.

   c. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.

d. Good Proximity to Public Roads - Siting structures close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.

e. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.

Road Maintenance Required - If road access to the re-located dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.

Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply relied on for the re-located dwelling is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:

(1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(2) A water use permit issued by the Water Resources Department for the use described in the application; or

(3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.

Forest Stocking Requirements - Approval of a replacement dwelling in a new location shall be subject to the following requirements:

(1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(2) The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;

(3) The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;

(a) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.

(b) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

SECTION 3.120 "F-2" FOREST ZONE

A. Purpose

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

B. Definitions

1. Auxiliary - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

2. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 (6) for commercial production.

3. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions - When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:

   a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and

   b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and

c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and

d. shall be copied by the planning director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.

4. Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). NOTE: On a lot or parcel for which NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry. An alternative method would include contracting with a qualified professional forester to assess the forest productivity of a specific tract. General assumptions based on surrounding site capability cannot be substituted for site specific analysis by a qualified professional nor can unclassified soils be presumed to be more or less productive than surrounding soils previously classified by NRCS.

5. Date of Creation and Existence - the date of reconfiguration through division or lot line adjustment after November 4, 1993, is the date of creation or existence for a lot parcel or tract. Reconfigured means any legal change in the boundary of the lot, parcel or tract.

6. Forest Operation - Any commercial activity relating to the establishment, management or harvest of a forest tree species as defined in ORS 527.620(6).

7. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

8. Public Road - means a road over which the public has the right to travel as a matter of public record [per ORS 368.001]

10. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or the duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-2" zone shall not be located on a permanent foundation.

11. Tract – One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

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

~~Permitted Uses~~

~~In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses are permitted on a legal parcel subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

RESOURCE USES

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.

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

3. Farm use as defined in Oregon Revised Statutes (ORS) 215.203(2).

4. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

5. Exploration for mineral and aggregate resources as defined in ORS 517.

6. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head. *(Allowed but not previously listed)*

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

NATURAL RESOURCE USES

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

UTILITIES & TRANSPORTATION

9. ~~Additional~~ Local Distribution Lines/Utility Facility Service Lines (e.g., electric telephone, natural gas) under 200' in height and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ~~ORS 215.28 (l), (m) through (p) and~~ ORS 215.283 (1), (k) through (n).

COMMERCIAL USES

11. Private hunting and fishing operations without any lodging accommodations or any other physical development.

12. Minor Home occupation that:

    a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

    b. Does not serve clients or customers on-site;

    c. Does not produce odor, dust, glare, flashing lights or noise;

    d. Does not occupy more than 25 percent of the floor area of the dwelling; and

    e. Does not include the on-premises display or sale of stock in trade.

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

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

D. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "F-2" Forest Zone subject to subsection I - Property

Development Standards, Chapter 10 – Fire Safety Standards, as well as any other listed, referenced or applicable standards.

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

8. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

9. Towers and communication facilities ~~and fire stations~~ for forest fire protection. Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, these uses do not require a variance if they exceed 35 feet in height.

10. Alteration, restoration ~~Maintenance, repair~~ or replacement of a lawfully established ~~existing legally implemented~~ dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks & K(1) - Replacement Dwelling Standards (Dwellings only). Any replacement dwelling and/or accessory building and structure ~~which meets the requirements listed below~~ need not be replaced in kind but must be replaced in the same location. Replacement dwellings and/or buildings and structures in a different location are subject to E(3) below. ~~and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards in the for dwellings Forest zone and fire protection standards in Chapter 10.~~

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

12. Uninhabitable structures accessory to fish and wildlife enhancement that does not include development as defined by Section 3.741 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to E(7) below.

13. Dwelling for Caretaker in a Public Park or Fish Hatchery. A single family dwelling may be authorized within the Forest Zones for a caretaker's residence when the residence will be located on land dedicated and developed as a public park, and the residence is to be occupied by a caretaker and caretaker's family only.

E. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to the subsection I -

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

RESOURCE USES

9. Fire stations for forest fire protection. *(This was split from D(4) above because Towers and Communication facilities can be reviewed ministerial but fire stations are subject to site plan review)*

10. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.

RESIDENTIAL USES

11. Alteration, restoration ~~Maintenance, repair~~ or replacement of a ~~existing legally implemented~~ lawfully established dwelling and/or accessory residential or non-residential building or structure (discretionary) on any part of the legal parcel subject to Sections I(1)(b)(1) - Addition, Modification or Relocation Setbacks, K(1) - Replacement Dwelling Standards (Dwellings only) & K(4) - Siting Requirements for Compatibility.

12. Lot of Record Dwelling subject to Section K(2) - Lot of Record Test & K(4) - Siting Requirements for Compatibility.

13. Large Tract Dwelling subject to Section K(3) - Large Tract Test& K(4) - Siting Requirements for Compatibility.

14. A building or structure accessory to a legally established residential use subject to Section K(4) Siting Requirements for Compatibility.. ~~applicable Development Standards, and Siting Requirements~~.This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

NATURAL RESOURCE USES

15. Uninhabitable structures accessory to fish and wildlife enhancement that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1). *(This and the use below were added to ensure if development is placed in the floodplain they must be reviewed appropriately)*

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

~~The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds.~~*(This is not a listed use in either OAR or ORS)*

ENERGY FACILITIES

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

~~Disposal site for solid waste ordered by DEQ per ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.~~*(This is only applicable to Metro counties.)*

MISCELLANEOUS USES

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

F. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses~~ may be permitted on a legal parcel on lands designated "F-2" Forest Zone subject to ~~when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance~~ Subsection G – Conditional Use Approval Standards Subsection I - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

RESOURCE USES

Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.

Log scaling and weigh stations.

Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.

Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.

Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

RESIDENTIAL USES

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

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

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

Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Chapter 19 - Standards for Energy Facilities Section 19.030. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.

New electric transmission lines (Electrical Transmission Facilities) with right of way widths of up to 100 feet as specified in ORS 772.210, Local distribution Lines/Utility Facility Service Lines over 200' in height and Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

Television, microwave and radio communication facilities and transmission towers.

Water intake facilities, related treatment facilities, pumping stations and distribution lines.

Reservoirs and water impoundments.

TRANSPORTATION

Public road and highway projects as described in ~~ORS 215.213 (2)(q) through (s) and~~ ORS 215.283 (2)(p) through (r).

Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

Expansion of existing airports.

Aids to navigation and aviation.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

Parks and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Campgrounds authorized under this section are to be located at a site or contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the Section K(5) – Additional Standards below.

Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;

a. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.

b. Only minor incidental and accessory retail sales are permitted.

c. Accommodations shall only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.

d. Fishing accommodations must be located within 1/4 mile of fish-bearing waters.

e. Other conditions imposed by the Approving Authority deemed necessary.

Youth Camps subject to the limitations and requirements of OAR 660-006-0031.

Public parks ~~and campgrounds~~ subject to OAR 660-034-0035 or 660-034-0040, whichever is applicable.

Cemeteries.

Firearms training facility.

COMMERCIAL USES

Major Home occupations subject to ~~Section 20.060~~ Chapter 20 - Site Plan Review - Section 20.090. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

Any gathering subject to review by the Wasco County Planning Commission under the provisions of ORS 433.763. This includes any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three month period and any part of which is held in open spaces. Approval of a land use permit for this type of gathering is required. Special criteria listed in ORS 433.763 must be addressed.

G. Conditional Use Approval Standards

~~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 review criteria shall apply to a conditional use applied for in subsection (~~D~~F) of this Section:

1. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them form pursuing a claim for relief or cause of action alleging injury form farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

H. Prohibited Uses - All other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

I. ~~General~~ Property Development Standards

2. Setbacks

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

b. Additions, modifications or relocation of existing buildings and structures shall comply with the setback standards in a. above.

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

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

c. Waterways

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

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

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

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

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

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

(i) Fences;

(ii) Streets, roads, and paths;

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

(iv) Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

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

~~Stream and Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.~~

3. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where

the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

5. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.

6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

J. Parcel Size Standards - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:

7. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a ministerial action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.

8. Divisions to create parcels for specified non resource use permissible in the F-2 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.120.C.14 and 3.120.D. 1, 2, 3, 4, 7, 8, 9, 13, 14, 15, 17, 20, 21, 22, & 23 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.

9. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1,1995 provided that:

   a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and

   b. The remaining parcel, not containing the dwelling, shall either:

      (1) meet the minimum parcel size standard of the zone; or

      (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.

   c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.

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

   e. A forest farm management easement shall be recorded for each resulting parcel.

10. Divisions of land containing at least two dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:

   a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

   b. Each dwelling complies with the criteria for a replacement dwelling in this zone;

   c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;

   d. At least one dwelling shall be located on each parcel created, including the parent parcel;

   e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed

restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.

f. A lot or parcel may not be divided under the provisions of this subsection if;

(1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or

(2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or

(3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.

11. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:

a. Shall not be eligible for siting of a new dwelling;

b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;

d. Shall not result in a parcel of less than 35 acres, except:

(1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or

(2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.

f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.

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

12. Division of land for public park uses provided that:

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

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

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

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

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

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

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

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

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

K. Additional Standards

1. Replacement Dwelling standards

a. A replacement dwelling must have:

(1) Intact exterior walls and roof structures;

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

(3) Interior wiring for interior lights;

(4) Heating system; and

(5) Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.

b. A replacement dwelling shall be subject to the following siting ~~and fire protection~~ standards:

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

(a) General Development Standards,

(b) Siting Requirements for Compatibility.

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

(a) General Development Standards, and

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

(b) Siting Requirements for Compatibility.

~~(3) Replacement of a legally established dwelling in a new location will be allowed and the applicant will be required to meet all applicable–~~

~~(a) General Development Standards,~~

~~(b) Siting Requirements for Compatibility,~~

~~Chapter 13, Non conforming uses, buildings and lots, is not applicable to replacement of a dwelling described in this section. A temporary use permit need not be sought in order to~~

~~live in the existing dwelling while the replacement dwelling is being constructed as long as removal, demolition, or conversion of the original dwelling is completed in accordance with time limits set above.~~ *(This has been relocated to setback section)*

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

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

      (1) Prior to January 1, 1985; or

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

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

   b. The tract or parcel on which the dwelling is to be sited is composed of soils not capable of producing four thousand (4,000) cubic feet per year of forest tree species as defined in subsection B of this section; and

   c. The tract or parcel on which the dwelling is to be sited is located within fifteen hundred (1,500) feet of a public road as defined by subsection B of this section that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

      (1) A United States Bureau of Land Management road; or

      (2) A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency. Note: any access authorization must be demonstrated to provide a permanent access route to the home site; and

   d. The tract on which the dwelling will be sited does not include a dwelling; and

e. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract; and

f. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel; and

h. When the lot or parcel on which the dwelling will be sited lies within an area designated as big game winter range, the siting of the dwelling shall be consistent with the limitation on density upon which the Section 3.290 (Sensitive Wildlife Habitat Overlay) describes to protect habitat; and

i. A Forest Farm Management Easement is filed with the deed records of the property.

3. Large Tract Test. If a dwelling is not allowed under the Lot of Record test, a dwelling may be allowed on land zoned for forest use if It complies with all applicable provisions of law and meets the following:

c. The tract on which the dwelling will be sited does not include a dwelling; and

b. The tract consists of at least 240 contiguous acres, or 320 non-contiguous acres in one ownership in the same county or contiguous counties;

c. CC&Rs or a deed restriction defined in subsection B of this section, has been executed and recorded that encumbers all other lots or parcels that comprise the tract used to meet the acreage test; and

d. A Forest Farm Management Easement is filed with the deed records of the property.

4. Siting Requirements for Compatibility of New Dwellings and Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: ~~The following siting criteria shall apply to all new dwellings and structures in forest and agriculture/forest zones~~. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

f. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.

(1) Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.

(2) Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.

(3) Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.

g. Dwelling and Accessory Structure Set Backs - To satisfy a. above, dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in a. above.

h. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.

i. Good Proximity to Public Roads - Siting close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.

j. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.

k. Road Maintenance Required - If road access to the dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.

l. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:

(1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(2) A water use permit issued by the Water Resources Department for the use described in the application; or

(3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.

m. Forest Stocking Requirements - Approval of a dwelling shall be subject to the following requirements:

(1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(2) The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;

(3) The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;

(a) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.

(b) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the

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

5. Private Parks and Campgrounds standards:

   a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-004.

   b. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

   c. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period; and

   d. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except for yurts meeting the following requirements:

      (1) No more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; and

      (2) The yurt shall be located on the ground or on a wood floor with no permanent foundation; and

      (3) The Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in Wasco County if the Commission determines that the increase will comply with the standards described in ORS 215.296(1).

      (4) As used here, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook up or internal cooking appliance.

   e. Campfires will be subject to Oregon Department of Forestry regulated use closures during fire season. Camp grounds are not automatically exempted and need to comply with all applicable use restrictions.

SECTION 3.210 EXCLUSIVE FARM USE ZONE

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

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

Uses Permitted Without Review: The following uses ~~may be allowed~~ are permitted on lands designated "A-1" Exclusive Farm Use Zone without review.

RESOURCE USES

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is non-discretionary.

2. Propagation and harvesting of a forest product.

3. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

4. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.)

NATURAL RESOURCE USES

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

TRANSPORTATION FACILITIES

6. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.

7. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including additional travel lanes, where no removal or displacement of buildings would occur and not resulting in any new land parcels.

8. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.

9. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

UTILITY/DISPOSAL FACILITIES

10. Utility facility service lines under 200' in height: Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

    a. A public right of way;

    b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

    c. The property to be served by the utility.

11. Transport of biosolids to tract of land for application. Pursuant to ORS 215.247 if biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright.

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

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

COMMERCIAL USES

13. An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.

14. Minor Home occupation that:

    f. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

    g. Does not serve clients or customers on-site;

    h. Does not produce odor, dust, glare, flashing lights or noise;

    i. Does not occupy more than 25 percent of the floor area of the dwelling; and

    j. Does not include the on-premises display or sale of stock in trade.

    Any Home Occupation that exceeds these standards is Major and subject to Section E(~~27~~28) below.

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

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

1. Agricultural Structure: Buildings and structures other than dwellings customarily provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

2. Accessory Structure: Buildings and structures accessory to a legally established dwelling not provided in conjunction with farm use subject to meeting the definition in

Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a Farm Management Plan documenting how the replacement dwelling will be used in conjunction with a farm use.

4. Alteration, restoration relocation, or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel, subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).

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

D. Uses Permitted Subject to Standards/Type II Review: The following uses ~~and activities~~ may be permitted ~~allowed subject to a Type II Review~~ on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to the subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

RESOURCE USES

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is discretionary.

2. Land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and must be reviewed subject to Section J(11) - Additional Standards below.

COMMERCIAL USES RELATED TO FARM USE

3. A winery subject to Section J(6) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~:

4. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 subject to the ~~applicable provisions of Chapter 20, Site Plan Review~~ following:

   a. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.

   b. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for the preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use.

   c. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. No division of a lot or parcel shall be approved to separate a processing facility from the farm operation on which it is located.

5. Farm stands subject to Section J(12) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~:

RESIDENTIAL USES

6. Farm Dwelling: One single family dwelling customarily provided in conjunction with farm use, subject to Section J(5) - Additional Standards below.

7. Accessory Farm Dwelling(s): An accessory farm dwelling is a single family dwelling occupied by a person or persons principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. Accessory farm dwelling includes all types of residential structures allowed by applicable state building code. Accessory farm dwellings are also subject to Section J(2) - Additional Standards below.

8. Relative Farm Dwelling: A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator or farm operator's spouse and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:

a. The relative is a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse;

b. The farm operator does, or will require the assistance of the relative in the management of the farm use;

c. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing; and

d. The farm operator shall submit a farm management plan documenting how the relative dwelling is necessary for maintaining the farm use.

9. Lot of Record Dwelling: One single family dwelling on a lot or tract of record less than 80 acres, which does not otherwise qualify for a dwelling Subject to Section E(5) (Non-Farm Dwelling) below and also subject to Section J(4) - Additional Standards below.

10. Alteration, restoration relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).

NATURAL RESOURCE USES

11. Creation, restoration or enhancement of wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

UTILITY/ENERGY FACILITIES

Pursuant to Chapter 4 – Supplemental Provisions - Section 4.070, ~~General Exceptions to Building Height Requirements,~~ these uses do not require a variance if they exceed 35 feet in height.

12. Utility facilities "necessary" for public service, including wetland waste treatment systems and Electrical Transmission Facilities under 200 feet in height, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or Electrical Transmission Facilities ~~transmission towers~~ over 200 feet in height,

subject to Section J(8), Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

~~A Transmission Facility under 200 feet in height subject to J(8)(a)(1) – (6) below and the applicable Subject to Standards criteria of Chapter 19.~~ *(Electrical Transmission is divided into three categories. (1) Distribution/Utility Facility Service Lines under 200' in height which are allowed without review; (2) Related and accessory transmission which are allowed accessory to a new energy generation facility if owned by the developer and are not a separate use; and (3) New transmission facilities. ORS 215.283 only allows Electrical Transmission Facilities over 200' to be reviewed as a CUP. So, while other zones require all Electrical Transmission Facilities to be reviewed as a CUP, this zone must be consistent with ORS.*

13. ~~A Wind Facility, Wind Energy Conversion System (WECS) or Wind Measurement Device pursuant to the applicable Subject to Standards criteria of Chapter 19.~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

~~A Hydroelectric Facility pursuant to the applicable Subject to Standards criteria of Chapter 19.~~ *(Hydro is now included in new definition of "Utility Facility Necessary for a Public Use. Chapter 19 states it is not subject to the standards in that chapter.)*

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

14. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary and the following: ~~subject to the following standards and the applicable standards of Chapter 20, Site Plan Review~~:

a. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.

b. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use.

c. An owner of property used for this purpose may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operators cost to maintain the property, buildings and facilities.

d. "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.

15. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland. Existing facilities wholly within a farm zone may be maintained, enhanced or expanded on the same tract. ~~This use is subject to the applicable standards of Chapter 20, Site Plan Review.~~

MISCELLANEOUS USES

16. Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 – Land Divisions.

17. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section J(15) - Additional Standards below. On-site filming in excess of 45 days is a conditional use.

E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted ~~allowed subject to a Type II or Type III Review~~ on a legal parcel designated "A-1" Exclusive Farm Use subject to subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards.

RESOURCE USES

1. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. Notice of all applications under this shall shell be sent to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

2. Primary processing of forest products, subject to the following:

a. Such facility does not seriously interfere with accepted farming practices and is compatible with farm uses as defined.

b. Such facility may be approved for a one-year period which is renewable.

c. The facility is intended to be only portable or temporary in nature.

d. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

4. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

5. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt production is filed, and subject to WCLUDO Section 3.800, Mineral and Aggregate Overlay ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

6. Processing of other mineral resources and other subsurface resources.

7. Mining and processing of geothermal resources as defined in ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in Section B(5) above ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

COMMERCIAL USES RELATED TO FARM USE

8. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use or by Section D(4) above, subject to Section J(16) - Additional Standards below ~~and the applicable standards of Chapter 20, Site Plan Review~~.

9. Farm ranch recreation including but not limited to hunting preserves, fishing, fly fishing and tying clinics, trap and skeet range, archery range, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, and outdoor schools in conjunction with a commercial farming operation subject to Section J(7) - Additional Standards below ~~and Sections 20.010 – 20.090 of Chapter 20 - Site Plan Review~~.

In season fee hunting shall not be included in Farm Ranch Recreation unless it includes lodging or is part of a larger farm ranch recreation operation.

RESIDENTIAL USES

10. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below.

11. A temporary medical hardship dwelling for the term of hardship suffered by the existing resident or relative subject to Chapter 8 Temporary Use Permit - Section 8.070, ~~Temporary Use of a Mobile Home (Family Hardship)~~:

12. Residential home which means a residential treatment or training or adult foster home in an existing dwelling licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related (or as further defined in ORS 197.660) ~~subject to the applicable standards of Chapter 20, Site Plan Review~~.

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

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

14. ~~Commercial utility facilities (Wind, Hydroelectric or Other) for the purpose of generating power for public use by sale. This use is subject to the applicable provisions of Chapter 19, Standards for Energy Facilities and Commercial Energy Facilities and Chapter 20, Site Plan Review.~~ Commercial Power Generating Facility (Utility Facility for the Purpose of Generating Power) subject to Section 19.030.

    A wind power generation facility shall also be subject to Section J(17), Additional Standards below.

    Except for wind facilities, transmission lines or pipelines, unless otherwise allowed by state regulations, the energy facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4, or 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR Chapter 660, Division 4 and ORS 197.732.

15. ~~Transmission towers greater than 200 feet in height and transmission facilities pursuant to the applicable provisions of Chapter 19, Standards for Energy Facilities and Commercial Energy Facilities~~. Electrical Transmission Facilities and Utility Facility Lines greater than 200' in height, and Natural Gas or Petroleum Product Pipelines subject to Section J(8) - Additional Standards below and Chapter 19 - Standards for Energy Facilities - Section 19.030.

16. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under

ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

17. Composting facilities (excluding non-green feedstocks) for which a permit has been granted by DEQ under ORS 459.245 and OAR 340-96-020 subject to Section J(10) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

TRANSPORTATION

18. Personal use airports for airplanes and helicopter pads, including associated hangars, maintenance and service facilities. A personal-use airport, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

19. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

20. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

21. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

22. Roads, highways and other transportation facilities and improvements not otherwise allowed by this ordinance subject to:

    a. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or

    b. ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

23. Fire service facilities providing rural fire protection services ~~subject to the applicable standards of Chapter 20, Site Plan Review~~.

24. Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community ~~subject to the~~

~~applicable standards of Chapter 20, Site Plan Review~~.

A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

25. Parks and playgrounds A public park includes only the uses specified under OAR 660-034-0035 or 660-034-0040 whichever is applicable and may only be established subject to ~~the applicable provisions of Chapter 20, Site Plan Review and~~ ORS 195.120,

26. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210 ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

27. Any gathering subject to review by a county planning commission under the provisions of ORS 433.76. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

28. Public or private schools for kindergarten through grade 12, including all building essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to ~~Chapter 20, Site Plan Review and~~ the following:

a. New schools may not be established on high-value farmland. Existing schools on high-value farmland may be maintained, enhanced, or expanded on the same tract wholly within a farm zone.

b. No new school may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004.

c. Existing schools not on high-value farmland that are primarily for residents of the rural area in which the school is located may be maintained, enhanced, or expanded.

d. Existing schools that are not primarily for residents of the rural area in which the school is located may be expanded on the tax lot on which the use was established or on a contiguous tax lot owned by the applicant on January 1, 2009.

COMMERCIAL USES

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

30. Home Occupation with Room and Board or (Bed and Breakfast) arrangements in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary subject to ~~the applicable provisions of Chapter 20, Site Plan Review and~~ the following.

    a. Room and board arrangements shall:

        (1) Not exceed accommodations for five unrelated persons beyond the inhabitants of the house; and

        (2) Include month to month rental with food contract.

    b. Bed and breakfast arrangements shall:

        (1) Not exceed five rooms;

        (2) Limit occupation by guests to no more than 30 consecutive days; and

        (3) Only allow breakfast to be served to guests and no other meals.

31. Home Occupation to Host Commercial Events subject to Chapter 20 – Site Plan Review - Section 20.100: The commercial events are associated with a farm use, lawfully approved winery, bed and breakfast or farm ranch recreation and includes weddings, receptions, parties, bicycle races confined to the subject parcel(s) and other small-scale gatherings hosted for a fee that are incidental and subordinate to the primary use of the parcel. ~~The use is subject to the applicable provisions of Chapter 20, Site Plan Review.~~ Construction of a structure that would not otherwise be allowed in the zone is not permitted.

    If the commercial event is in conjunction with a farm use, the applicant shall submit a Farm Management Plan which includes documentation that the property is capable of meeting the Farm Dwelling income test in Section J(5)(b) below.

32. Dog Kennels, except that such uses are prohibited on high value farmland, ~~subject to the applicable provisions of Chapter 20, Site Plan Review~~.

33. Private parks, playgrounds, and campgrounds, as defined in Section 1.090, Definitions, except that such uses are prohibited on high value farmland, subject to Section J(14) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

34. Golf courses: A 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course except that such uses are prohibited on high value farmland, as

defined in ORS 195.300, subject to Section J(13) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

35. Operations for the extraction and bottling of water ~~subject to applicable provisions of Chapter 20, Site Plan Review~~.

36. On-site filming if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. This use is also subject to Section J(15) - Additional Standards below ~~and the applicable provisions of Chapter 20, Site Plan Review~~.

F. Property Development Standards

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6, or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstances that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

1. Setbacks

a. Property Line

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

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

(b) If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.

(c) If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.

(d) If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:

i. The structure shall be set back a minimum of 25 feet from the road right of way or easement;

ii. The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and

iii. As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the greatest extent practicable.

(2) Farm structures shall be set back a minimum of 25 feet from the property line.

(3) Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:

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

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

(4) Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four (4) feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

b. Waterways

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

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

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

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

(d) If the proposal does not meet these standards it shall be subject to Section (a)(3), Additions or Modifications to Existing Structures, above.

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

(i) Fences;

(ii) Streets, roads, and paths;

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

(iv) Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

(2) Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

c. Irrigation Ditches: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.

d. Wasco County Fairground

(1) Front Yard - No structure other than a fence or sign shall be located closer than ten (10) feet from the rights-of-way of a public road.

(2) Side Yard - No structure other than a fence or sign shall be located closer than seven (7) feet for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

(3) Rear Yard - No structure other than a fence shall be located closer than ten (10) feet from the rear yard property line.

(4) RV Spaces – RV spaces are subject to the setback requirements of Chapter 17, Recreational Vehicle Parks.

(5) Existing & Replacement Structures – All lawfully established structures which do not conform to current setback standards shall be allowed to be expanded, or replaced and expanded into the required setback as long as the expansion does not encroach upon the required setback more than the existing structure.

2. Height - Except for those uses allowed by Section 4.070, General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.

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

4. Signs

   a. Permanent signs shall not project beyond the property line.

   b. Signs shall not be illuminated or capable of movement.

   c. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.

   d. Size and Height of Permanent Signs:

      (1) Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.

      (2) Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.

   e. Number of permanent signs:

(1) Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular traffic running parallel to the property if they are more than 750 feet from the entrance of the property.

(2) Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

f. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way.

5. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

6. Parking - Off street parking shall be provided in accordance with Chapter 20.

7. New Driveways - All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

G. Property Size Standards

Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone.

1. Farm Divisions:

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

b. 80 Acre: There shall be a 80 acre minimum land division for farm parcels in the A-1(160) zone to allow for land divisions around higher value per acre crops. All proposed farm parcels at least 80 acres but less than 160 acres shall meet the following standards:

(1) A farm management plan shall be submitted with the application. The farm management plan shall also include an evaluation of the following:

(a) The property size shall be large enough to keep commercial farms and ranches in the area successful and not contribute to their decline. This evaluation shall include the potential negative impacts such as increasing traffic on farm to market roads or adding practices or uses that would conflict with existing accepted farming practices on adjacent farms.

(b) Determine the nature of this type of commercial agricultural enterprise in the county, or within the surrounding area.

(2) The proposed farm parcel or parcels have been planted in a higher value per acre crop adequate to meet the income requirement in (3) below;

(3) Income Test

The proposed farm parcel or parcels are each capable of producing $250,000 in gross annual income (2009 dollars adjusted for inflation at an annual rate of *2.375%) from the sale of farm products.

Capability of producing the gross annual income described above shall be shown in one of two ways.

(a) Documentation of actual gross income received during the last two years or three of the last five years.

(b) Documentation that the current amount of acreage planted on the proposed farm parcel or parcels are each capable of producing the gross income described above. This documentation shall be prepared by a professional with the credentials to make such a determination such as a representative of the Oregon Department of Agriculture or Oregon State Extension Office. The documentation shall include the following:

(i) Identify the type(s) and size(s) of viable farms that comprise this commercial agricultural enterprise in the county, or within the surrounding area which meet or exceed the gross income described above.

(ii) Identify soils, topography, land forms, slopes, solar access, irrigation, rainfall, sunlight of viable farms that comprise this type of commercial enterprise and compare those to the proposed property.

(iii) Is there an identified industry with infrastructure for this type of commercial enterprise within the county or surrounding area? If so, how will this operation contribute to that enterprise? If not, will it be viable on its own?

Approval of a request to divide agricultural land to the 80-acre minimum does not necessarily guarantee a farm dwelling. Any subsequent request for a farm dwelling will have to meet applicable standards set forth in Section D(5), Farm Dwelling above.

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

c. 160 Acre: There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone and cannot meet the 80 acre minimum test in b above.

2. Non-Farm Divisions (Part of Parcel)

a. Non-Farm Dwelling & Non-Farm Use Divisions

(1) A one time division of land to create:

(a) Up to two new parcels no less than 2 acres in size and no greater than 20 acres in size, each to contain a dwelling not provided in conjunction with farm use, only if the dwelling has been authorized in accordance with Section E(5), Non-Farm Dwelling above; or

(b) A parcel to contain a nonfarm use, except dwellings, listed in Section (E), Conditional Uses above, unless otherwise precluded by statute. The parcel shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law;

(2) The parcel(s) are divided from a lot or parcel that was lawfully created in its current configuration prior to July 1, 2001. This date applies to properties even if they were created after July 1, 2001 pursuant to this section;

(3) The parcel(s) are divided from a lot or parcel that exceeds 160 acres and which will continue to meet or exceed 160 acres after the division;

(4) The parcel(s) are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land; and

(5) The parcels for the nonfarm dwellings are not located in the "A-1(40)" zone.

(6) The non-farm parcels shall be disqualified from special assessment pursuant to Section J(1)(g) below.

(7) The non-farm parcels do not have established water rights for irrigation.

b. Park and Open Space Divisions: A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels subject to the following:

(1) A parcel created by the land division that already contains a dwelling is large enough to support continued residential use of the parcel; and

(2) A parcel created pursuant to this subsection that does not contain a dwelling:

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

(b) May not be considered in approving or denying an application for siting any other dwelling;

(c) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

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

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

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

H. Agricultural Protection: The uses listed in Section D, Uses Allowed Subject to Standards and E, Conditional Uses must meet the following standards:

1. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's

successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

2. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

I. Challenging Soil Class Rating

1. Lot of Record: For the purposes of approving a Lot of Record application under Section D(9) above, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

   a. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

   b. Submits the following:

      (1) Report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and

      (2) Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (1) above of this section and finds the analysis in the report to be soundly and scientifically based.

2. All Other: The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:

   a. Submits a report to the Wasco County Planning Department from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:

      (1) Copy of the most current National Cooperative Soil Survey map(s) for the specified area;

      (2) Methods used by the Soil Scientist;

(3) Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units;

(4) Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;

(5) Notation of any limitations encountered;

(6) Results, findings and decisions;

(7) Overview of geology, parent material, and related factors;

(8) Description of landforms, topography, confirming relationship of landforms to soil mapping units;

(9) Description of on-site and adjacent hydrology, including surface and subsurface features;

(10)Description of revised soil mapping units;

b. Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.

J. Additional Standards

1. Non-Farm Dwelling:

a. The parcel is not within the A-1(40) Zone.

b. There is no other dwelling on the parcel;

c. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;

d. Criteria for Farmland within the EFU Zone:

The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means what is generally unsuitable land for agriculture in Wasco County.

(1) On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion-listed in (3) below.

(2) On parcels at least 80 acres but less than 160 acres that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in (3) below.

(3) Generally Unsuitable Criteria:

(a) predominantly greater than 40 % slope, or

(b) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or

(c) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination conducted by an authorized professional using Natural Resource Conservation RCS standards.

e. Criteria for Forested land within the EFU zone

(1) If the parcel is unsuitable for agricultural use and is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation,

location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable".

(2) If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:

(a) The dwelling is compatible; and

(b) The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and

f. Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the following standards:

(1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(2) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and

arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings;

(3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(4) In addition to (1) – (3), if the application involves the creation of a new parcel for a nonfarm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying (1) – (3) above.

g. Disqualification of Special Assessment:
The owner of the parcel shall provide evidence that:

1. The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland; and

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

3. Prior to receiving zoning approval on a building permit application or a final plat map, the non-farm parcel has been disqualified from special assessment pursuant to ORS 215.236 and any additional tax imposed upon disqualification from special assessment have been paid; and

4. Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

2. Accessory Farm Dwelling:

a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. The applicant shall submit a Farm Management Plan to provide evidence of this;

b. The accessory farm dwelling will be located:

(1) On the same lot or parcel as the dwelling of the primary farm dwelling; or

(2) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(3) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under these rules; or

(4) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the ranch operation registered with the Dept. of Consumer & Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. Accessory farm dwellings approved Section H. shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(5) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under Section G(1) below, Farm Divisions and the lot or parcel complies with the gross farm income requirements in subsection d below..

c. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

d. In addition to the requirements in subsection a - c. of this section, the primary farm dwelling to which the proposed dwelling would be accessory satisfies the following;

(1) The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, and produced in the last two years or three of the last five years, one (1) of the following:

(a) On land not identified as high-value farmland at least *$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products.

(b) On land identified as high-value farmland, and produced at least (*$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income

and,

(2) In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

e. Wasco county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section.

If it is determined that an accessory farm dwelling satisfies the requirements Section D(6) above, One Single Family Dwelling Customarily Provided in Conjunction with Farm Use, a parcel may be created consistent with the minimum parcel size requirements in Section G(1), Farm Divisions; and

f. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Section E(5), One Single Family Dwelling Not Provided in Conjunction with a Farm Use.

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

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

a. Has intact interior walls and roof structure;

b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;

c. Has interior wiring or interior lights;

d. Has a heating system;

e. In the case of replacement:

(1) The new dwelling is subject to all applicable siting requirements;

(2) The existing dwelling is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling;

(3) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute

and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel; and

f. In the case of deferred replacement:

a. The existing dwelling is removed or demolished within 90 days after the deferred replacement permit is issued. If the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void;

b. Construction of the replacement dwelling may occur at any time but may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant; and

c. The replacement dwelling must comply with all applicable siting requirements, building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

4. Lot of Record Dwelling:

a. The lot or parcel on which the dwelling is to be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner:

(1) Since before January 1, 1985; or

(2) By device or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.

b. The tract upon which the dwelling is to be sited does not include another dwelling;

c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;

d. The tract on which the dwelling is to be sited is not high value farmland as defined in Section 1.090, Definitions.

e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel;

f. The director or the director's designee shall notify the county assessor of any decision to permit a lot of record dwelling;

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

h. Land use approval for a lot of record dwelling may be transferred one time to any other person, prior to issuance of building permit.

5. Farm Dwelling:

a. Large Lot: a dwelling may be considered customarily provided in conjunction with farm use subject to the following:

(1) The land on which the dwelling to be sited is not identified as high-value farmland;

(2) The parcel on which the dwelling will be located is at least 160 acres;

(3) The subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan

(4) The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no Accessory Farm Dwelling for farm help may be authorized pursuant to Section D(7) above; and

(5) There is no other dwelling on the subject tract.

b. Income Test (for Parcels Less than 160 acres) subject to the following and Subsection 3 below:

(1) Meets either (a) or (b) below:

(a) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least at least *$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; or

(b) On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for the farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least *$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products in the last two or three of the last five years; and

(2) In determining the gross income required by this subsection:

(a) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(b) Only gross income from land owned, not leased or rented, shall be counted; and

(c) Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used

(3) There is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation; and

(4) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

(5) Prior to issuance of zoning approval on a building permit application, a Notice of Decision shall be recorded in the deed records with the Wasco County Clerk for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(a) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(b) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

(6) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Chair of the Board of County Commissioners ~~Wasco County Judge~~;

(7) Enforcement of the covenants, conditions and restrictions may be undertaken by the Dept. of Land Conservation & Development or Wasco County;

(8) The Planning Director shall maintain a copy of the Notice of Decisions filed in the County deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the County deed records pursuant to this section. The map or other record shall be readily available to the public in the Planning Office.

6. Winery:

a. The winery is a facility that produces wine with a maximum annual production of:

(1) Less than 50,000 gallons and it:

(a) Owns an on-site vineyard of at least 15 acres;

(b) Owns a contiguous vineyard of at least 15 acres;

(c) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or

(d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph; or

(2) At least 50,000 gallons and no more than 100,000 gallons and that:

(a) Owns an on-site vineyard of at least 40 acres;

(b) Owns a contiguous vineyard of at least 40 acres;

(c) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or

(d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph.

b. The winery described in subsection (a)(1) or (2) above shall allow only the sale of:

(1) Wines produced in conjunction with the winery; and

(2) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include individually portioned prepackaged foods

prepared from an approved source by a commercial processor and nonperishable beverages or any items additionally allowed by a limited service restaurant defined in ORS 624.010.

c. Prior to the issuance of zoning approval to establish a winery under this section, the applicant shall show that vineyards, described in subsection (a)(1) and (2) of this section, have been planted or that the contract has been executed, as applicable.

d. Siting Standards to limit conflicts with accepted farming or forest practices on adjacent lands include:

(1) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and

(2) Provision of direct road access, internal circulation and parking.

e. If a Home Occupation to host Commercial Events such as weddings, receptions or parties is desired, that use must be applied for under Section E(28). Failure to apply under Section E(28) for such a use will result in the hosting of any such events to be considered a land use violation.

7. Farm Ranch Recreation:

a. The tract or parcel is currently employed in a commercial agricultural operation as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan.

If the Farm Ranch Recreation utilizes agricultural operations on a tract to meet the commercial agricultural operation standards they will be required to own and operate the tract. If portions of the tract used to justify the commercial agricultural operation are sold the Farm Ranch Recreation approval will automatically become void and the owner will cease to operate within 60 days of selling the property.

b. The Farm Management Plan shall also include the Farm Ranch Recreation proposal including the number of acres devoted to the recreational use, proposed or existing buildings involved in the use, hours and days of operation, and anticipated usage (number of visitors). Additionally, it must be demonstrated how the Farm Recreation activities are compatible with the commercial farming operation.

c. The Farm Ranch Recreation proposal shall not be the primary use of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and impact, however, income generated from the farm ranch recreation use does not have to be subordinate to income generated by the commercial agricultural operation. Scope, scale and impact shall take into consideration the number of

acres/area devoted to the farm ranch recreation use, anticipated usage of the use, days and hours of operation.

d. New Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in Section J(1)(d), Non-Farm Dwelling, where practicable. If the proposal is to not locate Farm Ranch Recreation structures on land that is "generally unsuitable", the application shall explain why and how the proposal best protects agricultural lands.

e. Recreational uses such as fly fishing and hunting off of the parcel or tract shall be allowed. However, the primary portion of the Farm Ranch Recreation use, excluding lodging, shall occur on the parcel or tract.

f. Overnight lodging units in new or existing structures may be permitted in conjunction with the Farm Ranch Recreation operation. Lodging unit means an individual guest room in a lodge, bunkhouse, cottage, cabin, tent or licensed recreational vehicles used only for transient lodging and not for a permanent residence. No more than 10 lodging units are allowed. No kitchen facilities are permitted in individual lodging units. All overnight facilities shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements for sanitary sewage disposal.

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

h. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation site. The cost of meals, if any, provided to guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation may be included in the fee to visit or stay at the farm ranch recreation site. A farm ranch recreation may not sell individual meals to an individual who is not a guest of the farm ranch recreation, an individual accompanying a guest or an individual attending a special event at the farm ranch recreation site. Kitchen facilities associated with the farm ranch recreation shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements.

h. The Approving Authority shall place reasonable no-shooting buffers (setbacks from property lines) for hunting preserves, with the ability to have a minimum one foot (1') buffer.

i. There shall be a two mile radius for public notification in the application of public or private target or shooting courses. There shall be a one-half mile radius for public notification in the application of a hunting preserve.

8. Utility Facility:

a. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(1) Technical and engineering feasibility;

(2) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(3) Lack of available urban and nonresource lands;

(4) Availability of existing rights of way;

(5) Public health and safety; and

(6) Other requirements of state and federal agencies.

b. Costs associated with any of the factors listed in a. may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

c. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

d. The governing body of the County or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farm lands.

e. In addition to a. through d. of this section, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

f. The provisions of a. through d. do not apply to interstate natural gas pipelines and associated facilities authorized by an subject to regulation by the Federal Energy Regulatory Commission.

9. Aggregate

a. A land use permit is not required for mining less then than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.

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

c. "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

d. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.

10. Composting facilities:

a. Composting operations and facilities allowed on land not defined as high-value farmland shall be limited to the composting operations and facilities allowed by OAR 660-033-0130(29)(a) or that require a permit from the Department of Environmental Quality under OAR 340-093-0050. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

b. Composting operations and facilities allowed on high-value farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from

the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.

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

a. A determination by the Department of Environmental Quality, in conjunction with the department's review of a license, permit or approval, that the application rates and site management practices for the land application of reclaimed water, agricultural or industrial process water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

b. The use of a tract of land on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred under this section may not be changed to allow a different use unless:

(1) The tract is included within an acknowledged urban growth boundary;

(2) The tract is rezoned to a zone other than an exclusive farm use zone;

(3) The different use of the tract is a farm use as defined in ORS 215.203; or

(4) The different use of the tract is a use allowed under:

(a) ORS 215.213 (1)(c), (e) to (g), (k), (m) to (q), (s) to (u), (x), (z) or (aa);

(b) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);

(c) ORS 215.283 (1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x); or

(d) ORS 215.283 (2)(a), (j), (L) or (p) to (s).

c. An evaluation of the alternatives to application and the reason for not using these alternatives.

d. The uses allowed under this section include:

(1) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;

(2) The establishment and use of facilities, including buildings, equipment, aerated and nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;

(3) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:

(a) A public right of way; or

(b) Other land if the landowner provides written consent and the owner of the facility complies with ORS 215.275 (4); and

(4) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.

e. Uses not allowed under this section include:

(1) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

(2) The establishment and use of utility facility service lines allowed under B(10) above.

f. A division of land for the land application of reclaimed water, agricultural or industrial process water or biosolids shall not be allowed.

12. Farm stands:

a. The structures are designed and used for sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand;

b. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment;

c. "Farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm

operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items; and

d. "Local agricultural area" includes Oregon or an adjacent county in Washington.

13. Golf Courses

a. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

b. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

c. Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in Section 1.090, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

d. Accessory uses provided as part of a golf course shall be consistent with the following standards:

(1) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.

(2) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

(3) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and

beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

14. Private Parks, Playgrounds and Campgrounds

a. The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

b. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

c. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

d. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

e. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection f below.

f. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

15. On Site Filming

a. No filming shall occur without written permission of the landowner.

b. Filming may be restricted during the hours between 10 p.m. and 8 a.m. if nearby residents would be disturbed by noise, lights or any other filming activity.

c. Filming shall not create traffic hazards.

d. Prior to filming, written authorization shall be obtained from the applicable fire department for the use of any fire-related activities, such as welding or cutting equipment, pyrotechnical devices or related activities.

e. All federal, state and county aircraft regulations shall apply. It is the responsibility of the applicant to be aware of all regulations.

f. All structures shall be self-supporting. Digging or construction of permanent foundations will not be allowed.

g. Weekly garbage pickup shall be provided and any garbage or debris gathered daily.

h. All garbage, debris, sets, or other equipment or props must be removed and properly disposed of within 24 hours of completion of filming.

i. All food concessions shall obtain a permit from the Wasco County Health Department.

j. It is the responsibility of the applicant to provide proper sanitation, potable water, off-road parking, and security.

k. No mammals, fish, reptiles, or other animals shall be released into the environment during or after filming.

l. All animals shall be tethered, leashed or caged when not immediately required for filming.

16. Commercial Activities in Conjunction with Farm Use - The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

-Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.

-Farm product receiving plants, including processing, packaging, and reshipment facilities.(revised 2-89)

-Livestock feed or sales yards.

-Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.

-Farm equipment storage and repair facilities.

-Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.

-Veterinarian clinic.

-Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.

-Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

-Wineries for production from fruits, a portion of which are grown on the property, including retail sales.

-And other such uses which may be construed as similar to the above listed uses.

The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission decision No. 79-003.

17. Wind Power Generation Facility: For purposes of this section a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

a. For high-value farmland soils described in ORS 195.300(10), it must be found that all of the following are satisfied:

(1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

(c) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (2) of this subsection.

(2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

(3) Costs associated with any of the factors listed in paragraph (1) of this subsection may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

(4) The owner of a wind power generation facility approved under Section (a) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(5) The criteria in Section (b), below are satisfied.

b. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described in ORS 195.300(10), it must be found that:

(1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and

(2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and

(3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil

compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

c. For nonarable lands, meaning lands that are not suitable for cultivation, it must be found that the requirements of Subsection (b)(4) above are satisfied.

d. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Sections (b) and (c) above, the approval criteria of Section (b) shall apply to the entire project.

SECTION 3.220 "F-F" FOREST-FARM(NON-RESOURCE)

A. Purpose: The purpose of the "F-F (10)" Forest-Farm(Non-Resource) zone is to permit low-density residential development in suitable locations while reducing potential conflicts with agriculture uses, forestry uses and open space. ~~those lands which have not been in commercial agriculture or timber production to be used for small scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.~~

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-F (10)" Forest-Farm(Non-Resource) zone shall comply with the following regulations.

(This zone was given non-resource determination by the Department of Land Conservation and Development Department in 1995. While it was not given a Goal 4 exception it was determined the area was committed to non-resource use. A more detailed description of this is located in the Comp Plan.)

B. Uses Permitted Without Review ~~Permitted Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "F-F (10)" Forest-Farm(Non-Resource) zone without review ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards~~

1. Farm use, as defined in ORS 215.203(2).

2. Forest use, including the propagation or harvesting of forest products.

~~The breeding, boarding and training of horses for profit~~. *(This is now included in the definition of "Farm Use")*

1. Utility Facilities (Minor)

2. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. ~~(added 2-89)~~

3. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. ~~(added 2-89)~~

4. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. ~~(added 2-89)~~

7. Minor Home occupation that:

   d. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   e. Does not serve clients or customers on-site;

   f. Does not produce odor, dust, glare, flashing lights or noise;

   g. Does not occupy more than 25 percent of the floor area of the dwelling; and

   h. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(10) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm(Non-Resource) zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

   This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

   1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   2. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

   3. Additions to, and replacement of, a lawfully established building or structure.

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

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

6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.

7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous publicy-owned property utilized to support the operation and maintenance of public roads and highways. ~~(added 2-89)~~

~~Utility facilities necessary for public service~~.*(Replaced by Utility Facility (Minor) and Utility Facility (Major))*

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

1. One single-family dwelling ~~and other buildings and accessory uses~~ provided in conjunction with a forest or farm use, including mobile home subject to Chapter 4 - Supplemental Provisions - Section 4.12~~6~~0 provided the following are met: ~~(Revised 1-92)~~

   a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record. ~~(Added 1-92)~~

   b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor. ~~(Added 1-92)~~

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

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

4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.

5. Agricultural Produce Stand subject to ~~Chapter 20~~ the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. ~~(Revised 1-92)~~

E. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "F-F (10)" Forest-Farm(Non-Resource) zone subject to subsection F - Property Development

Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.
~~and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in, Chapter 5, Chapter 10 – Fire Safety Standards, and this Section:~~

RESIDENTIAL USES

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

2. Additional single-family dwellings, including mobile homes, in conjunction with a commercial farm or forest use subject to income requirements in Section 3.210 - Exclusive Farm Use Zone. ~~D.2. or D.3. (amended 6-98).~~

ENERGY/UTILITY FACILITIES

3. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.

5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

6. Utility Facilities (Major).

~~Solid waste disposal site as provided in ORS 215.283(2)(j).~~ *(Included in Utility Facility Major)*

~~Sanitary landfill.~~ *(Included in Utility Facility Major)*

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

7. Private parks, playgrounds, hunting and fishing preserves and campgrounds.

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

9. Public or private schools.

9. Churches.

COMMERICAL/AGRICULTURAL /INDUSTRIAL USES

10. Major Home occupations subject to Chapter 20 - Site Plan Review - Section 20.090.

11. Kennels.

12. Commercial activities that are in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone.

13. Facilities to manufacture alcohol from farm or timber waste.

14. The propagation, cultivation, maintenance and harvest of aquatic species. ~~(added 2-89)~~

15. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

TRANSPORTATION

16. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.

17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. ~~(added 2-89)~~

18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. ~~(added 2-89)~~

19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. ~~(added 2-89)~~

F. Property Development Standards

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.

2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section. ~~(added 2-89)~~

3. Setbacks - ~~In the "F-F (10)" zone~~ No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard),

twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.

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

5. Height - Maximum height for all structures shall be thirty-five (35) feet.

6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.

9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. ~~(Added 5-93)~~

SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE

A. Purpose: The purpose of the "A-R" Agricultural-Recreational zone is to provide areas for outdoor recreation and to allow controlled growth to continue in existing rural communities and rural exception areas. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-R" Agricultural-Recreational zone shall comply with the following regulations:

B. Uses Permitted Without Review ~~Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "A-R" Agricultural-Recreational zone without review. ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm use, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

2. Forest uses, including the propagation and harvesting of forest products.

3. Utility Facilities (Minor)

4. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "A-R" Agricultural-Recreation zone subject to subsection F

- Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling ~~on any legally created parcel,~~ including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.12~~6~~0, ~~provided proper sanitation approval is obtained~~. *(This is not needed because it is part of the review process)*

   ~~Recreational vehicles provided such vehicles are not attached to the land and proper sanitation is maintained.~~ *(Recreational Vehicles can meet the standard of a dwelling above if they choose to be reviewed as such. The definition of Recreational Vehicle provides* specifics of how their placement is allowed and limited if they are not approved as a dwelling.)

2. ~~Accessory structures customarily provided in conjunction with the primary use.~~ Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

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

1. Guest house subject to ~~standards in~~ Chapter 4 - Supplemental Provisions -Section 4.13~~7~~0.

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

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

4. Mobile home parks subject to ~~in accordance with~~ Chapter 16 – Mobile Home Parks ~~with a density that meets or exceeds the minimum lot size for the zone~~*(this deleted language is included in the Chapter 16),* and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

5. Recreational vehicle parks subject to ~~in accordance with~~ Chapter 17 – Recreational Vehicle Parks, ~~with a density that meets or exceeds the minimum lot size for the zone,~~ *(Chapter 17 references Chapter 16 which includes the deleted language)* and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

6. Dude ranches and hunting and fishing lodges, including overnight facilities in ~~accordance with Chapter 20 - Site Plan Review~~ and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

7. Youth/family camp demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community ~~(Added 9/97).~~

8. Parks, recreation areas, and facilities preserves and community or neighborhood centers ~~in accordance with Chapter 20 - Site Plan Review~~.

9. Any new commercial service, or retail use, permissible in this zone that will be located entirely within an existing, lawfully erected commercial building or structure. ~~(Consistent with Chapter 4)~~

10. Agricultural Produce Stand subject to ~~Chapter 20~~ the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. ~~(Revised 1-92)~~

~~Water supply and treatment facility.~~*(This is now a Utility Facility (Major)*

~~Sewage disposal and treatment facility.~~ *(This is now a Utility Facility (Major)*

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated "A-R" Agricultural Recreation zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

~~In the "A-R" Agricultural-Recreational zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this section:~~

1. Major Home Occupations, subject to chapter 20 - Site Plan Review - Section 20.090. ~~(added 2-89)~~

2. Small scale low impact retail commercial uses provided the following conditions are met:

   a. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park;

   b. The use is designed to serve the residents and their guests of the development; and

   c. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.

3. Bed and breakfast inns. ~~(added 2-89)~~

4. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~ Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

5. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030,

6. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

7. ~~Utility facilities necessary for public service.~~ Utility Facilities (Major).

8. Auditoriums, outdoor stages and entertainment areas.

   a. The use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park,

b. The use is designed to serve the residents and their guests of the development; and

c. The Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.

9. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).

10. Airports.

11. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. Property Size - Minimum parcel size for residential lots in the AR zone inside an unincorporated community boundary is 2 acres with a minimum lot width of 150 feet. Other uses shall be located on parcels determined to be sufficient to support the proposed use based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.

2. Structure Size - A size limitation is applicable to all small scale low impact commercial uses. The total cumulative floor area of a commercial structure or structures, built to accommodate or support any of the commercial uses listed in the AR zone, shall not exceed 3,500 square feet in an exception area zoned AR

3. Setbacks

a. Front Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches, or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

b. Side Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

c. Rear Yard

(1) For properties not located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a fence or retaining wall less than forty-eight (48) inches shall be located closer than seven (7) feet from the rear property line

(2) For properties located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a retaining wall less than forty-eight (48) inches shall be located closer than twenty (25) feet from the rear yard property line.

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

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

6. Stream or Lake Setbacks -

   a. Pine Hollow and Rock Creek Reservoirs are both subject to Section 3.900 - Reservoir Overlay Zone ~~the Environmental Protection District (EPD) provisions of~~ (EPD-6).

   b. All structures, or similar permanent fixtures (except hydroelectric facilities and docks), proposed in areas not mapped in the EPD-6, shall be set back from the high water line or mark along any streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non reflective, opaque materials.

11. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

SECTION 3.240 "R-R (5)" RURAL RESIDENTIAL

A. Purpose: To provide for low density residential and agricultural uses in a rural atmosphere which will not conflict with commercial agricultural operations.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RR" Rural Residential zone shall comply with the following provisions:

B. Uses Permitted Without Review ~~Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "R-R (5)" Rural Residential zone without review. ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

2. Forest uses, including the propagation and harvesting of forest products.

3. Utility Facilities (Minor)

4. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not

require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling ~~on any legally created parcel,~~ including mobile homes at least eighteen (18) feet wide, subject to Chapter 4 - Supplemental Provisions - Section 4.12~~6~~0, ~~provided proper sanitation approval is obtained~~. *(This is not needed because it is part of the review process)*

2. ~~Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.~~ Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Guest house subject to ~~standards in~~ Chapter 4 - Supplemental Provisions -Section 4.13~~7~~0.

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

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

4. Planned Unit Developments (PUD) subject to Chapter 18 - Planned Unit Development.

5. Agricultural Produce Stand subject to Chapter 20 - Site Plan Review, and the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone. ~~(Revised 1-92)~~

6. Cemetery.

~~E.~~ Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated "R-R (5)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards. ~~In the "RR" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this section:~~

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090.

2. Bed and breakfast inns. ~~(added 2-89)~~

3. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

5. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

6. Utility Facilities (Major).

7. Mobile home parks subject to Chapter 16 - Mobile Home Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

8. Recreational vehicle parks subject to Chapter 17 - Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

9. Dude ranches subject to Chapter 20 - Site Plan Review. ~~(added 2-89)~~

10. Parks, playgrounds and recreation areas and community or neighborhood centers.

11. Private schools or day nursery centers.

12. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.

13. Kennels.

14. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.

15. Personal-use airports for airplanes and helicopter pads, including seasonal hangars, maintenance and service facilities, where approach zones will not constitute hazards to adjoining residential properties.

16. Temporary tract office for the sale of lots in subdivision or Planned Development in which the office is located.

17. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. Property Size - The minimum property size for new parcels is five (5) acres with a three hundred (300) foot minimum average lot width.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.

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

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

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

5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

a. Signs shall not be illuminated or capable of movement.

b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.

10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

SECTION 3.250 "R-R(10)" RURAL RESIDENTIAL

A. Purpose: The purpose of the "R-R (10)" Rural Residential ~~(10)~~ zone is to provide for low density residential and small scale, part time agricultural and forest uses in a rural atmosphere which will not conflict with commercial agricultural operations, while preserving open space and other forest uses.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (10)" Rural Residential zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "R-R (10)" Rural Residential zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm use, as defined in ORS 215.203(2).

~~The breeding, boarding and training of horses for profit~~. *(This is now included in the definition of "Farm Use")*

2. Forest Uses, including the propagation or harvesting of forest products.

5. Utility Facilities (Minor)

4. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

5. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

6. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

7. Minor Home occupation that:

a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

b. Does not serve clients or customers on-site;

c. Does not produce odor, dust, glare, flashing lights or noise;

d. Does not occupy more than 25 percent of the floor area of the dwelling; and

e. Does not include the on-premises display or sale of stock in trade.

Any Home Occupation that exceeds these standards is Major and subject to Section E(8) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection G - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

2. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Additions to, and replacement of, a lawfully established building or structure.

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

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

6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.

7. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

~~Utility facilities necessary for public service~~.*(Replaced by Utility Facility (Minor) and Utility Facility (Major))*

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

1. One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to subsections (F~~D~~) and (G~~E~~) of this section.

2. Guest house subject to Chapter 4 - Supplemental Provisions - Section 4.13~~7~~0.

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

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

5. Agricultural Produce Stand subject to ~~Chapter 20~~ the Farm Stand requirements of Section 3.210 - Exclusive Farm Use Zone.

E. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "R-R (10)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards. ~~and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this Section:~~

ENERGY/UTILITY FACILITIES

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

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards of Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility Facilities (Major).

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

5. Private parks, playgrounds, hunting and fishing preserves and campgrounds.

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

7. Public or private schools.

8. Churches.

COMMERICAL/AGRICULTURAL /INDUSTRIAL USES

9. Major Home occupations, subject to Chapter 20 - Site Plan Review - Section 20.090.

10. Kennels.

11. Commercial activities that are in conjunction with farm use as defined in ORS 215.203(2) including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone.

12. Facilities to manufacture alcohol from farm or timber waste.

13. The propagation, cultivation, maintenance and harvest of aquatic species.

14. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

TRANSPORTATION

15. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.

16. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

17. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

18. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

F. Standards for Establishment of a Dwelling and Accessory Structures

1. Scenic Development Standards including:

a. Dwellings should be sited and landscaped to blend with their surroundings.

b. House and roof colors that are non-reflective, preferably earth tone colors, that blend with surrounding vegetation or landscape, should be used on all exterior surfaces.

c. Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.

d. Existing landforms will be preserved and utilized for screening where applicable.

e. Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing landforms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and reseeded with natural vegetation.

f. All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.

g. Fences should be constructed of non-reflective materials and/or painted with non-reflective colors. Placement and alignment should be done to minimize their visibility.

2. In areas of parcels characterized by a predominance of oak or oak woodlands, native vegetation shall be retained to the greatest extent possible.

**Referenced publication is "Wildlife on White Oak Woodland", a Woodland Fish and Wildlife Project Publication available from the Wasco County Planning Office and ODFW in The Dalles.*

(Washington Department of Fish and Wildlife has a draft report with additional quantifiable standards for accomplishing the above management goals. The recommendations are as of yet strictly draft recommendations and not to be cited as this time. Staff can follow up with ODFW to confirm if and when their recommendations become final and work with ODFW to verify their applicability to sites in the TLSA. In the meantime Oly Helgerson, OSU Extension Agent operating out of Stevenson, Washington will be able to provide guidance to individuals wishing to manage their oak woodlands.)

G. Property Development Standards

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.

2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.

3. Setbacks - ~~In the "R-R (10)" zone~~ No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.

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

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

6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

7. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

8. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.

9. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

10. Road Disclosure Acknowledgement - Prior to the issuance of required permits for development, disclosure of the type of road which accesses the development shall be made known to the applicant/owner. If the road is determined to be a public road of local access and which does not meet county road access standards, the applicant shall sign a road Disclosure Acknowledgement which will be recorded in the deed records of Wasco County and which sets forth the following:

    a. A statement that the property is served by a sub-standard road which does not meet the standards for safe access for emergency vehicles.

    b. A statement that the property owner/applicant is aware of the type and extent of hazards present associated with the development of the subject property; and

c. A statement acknowledging that the property owner assumes all risk associated with the development of the subject property.

11. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.

12. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

SECTION 3.310 "R-R (2)" RURAL RESIDENTIAL ~~2 ACRE~~ ZONE

A. Purpose: The purpose of the "R-R (2)" Rural Residential ~~2 acre~~ zone is to provide for single-family residential use plus related compatible uses such as schools and parks. This zone is designed for those areas outside an Urban Growth Boundary or acknowledged Unincorporated Community Boundary, subject to a resource land goal exception prior to November 4, 2000, and not necessarily served by a public water or public sewer system. Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-R (2)" Rural Residential ~~2 acre~~ zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "R-R (2)" Rural Residential zone without review.~~, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

2. Forest uses, including the propagation and harvesting of forest products.

3. Utility Facilities (Minor)

4. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not

require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling on any legally created parcel including mobile homes at least eighteen (18) feet wide subject to Chapter 4 - Supplemental Provisions - Section 4.1260, ~~provided proper sanitation approval is obtained.~~ *(This is not needed because it is part of the review process)*

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.
~~accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.~~

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

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

1. Guest house subject to Chapter 4 - Supplemental Provisions - Section 4.1370 - Development Standards for Guest Houses.

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

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

4. Agricultural Produce Stands ~~in accordance with Chapter 20 - Site Plan Review~~.

5. Cemetery.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "R-R (2)" Rural Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, as well as any other listed, referenced or applicable standards. ~~and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards and this Section:~~

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090.

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

3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030,

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

5. Utility Facilities (Major).

6. Bed and breakfast inns.

7. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries ~~subject to chapter 20~~.

8. Private schools or day nursery centers.

9. Parks, playgrounds and recreation areas and community or neighborhood centers ~~subject to chapter 20~~.

10. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club ~~subject to chapter 20~~.

11. Dude ranches and hunting and fishing lodges, including overnight facilities ~~in accordance with Chapter 20, Site Plan Review~~ and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

12. Temporary tract office for the sale of lots in subdivision in which the office is located.

F. Property Development Standards

1. Property Size - The minimum property size is two (2) acres with a one hundred twenty five (125) foot average lot width.

2. Setbacks:

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

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

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. Height is measured from average grade. Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. ~~(Added 1-92)~~

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and

waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.

10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

SECTION 3.410 "RC" Rural Commercial

A. Purpose: The "RC" Rural Commercial Zone is intended to provide for a wide variety of commercial housing and related activities. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC" Rural Commercial Zone shall make application for a site plan review, and comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "RC" Rural Commercial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-C" Rural Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.
~~Permitted Uses: In the "RC" Rural Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. Any new commercial service, or retail use, listed in section ~~C~~ D of this zone that will be located entirely within an existing, lawfully erected commercial building or structure, demonstrating compliance with off-street ~~and public~~ parking, off-street loading and bicycle parking requirements ~~area~~ requirements in Chapter ~~4~~ 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 3,500 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

~~D.~~ Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory~~

~~uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RC" Rural Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft:

3. Retail or service business.

4. Eating or drinking establishment.

5. Offices.

6. Veterinary clinic and kennel entirely within an enclosed building.

7. Studio.

8. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A-1" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A-1" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.

9. Residential use in the same building as an allowed use.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RC" Rural Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section

19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030,

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~, except landfill.

   ~~Water supply or treatment facility.~~ *(This is covered by Utility Facility (Major)*

5. Recreational Vehicle Park subject to Chapter 17 – Recreational Vehicle Parks and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

6. Church.

7. Public or semi public buildings.

8. Public or private school.

9. Parks, athletic fields, playgrounds or community centers owned by a governmental or non profit agency or community organization.

10. Medical center.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq ft:

11. Automobile service stations.

12. Place of public assembly, stadium, auditorium, recreation building or natatorium.

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

14. Child care center.

F. Property Development Standards

1. Property Size - The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks:

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

b. Side Yard - Where the side of a lot or parcel in a "C-1" zone abuts the side of an "A-1" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

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

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

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

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

   a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.

   b. No sign shall project above the building.

   c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

   d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.

   e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

   f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   g. Signs capable of movement shall be prohibited.

h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off-street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.

10. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

SECTION 3.510 "RI" RURAL INDUSTRIAL ZONE

A. Purpose: The "RI" Rural Industrial Zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RI" Rural Industrial Zone shall make application for a site plan review and comply with the following regulations.

B. Uses Permitted Without Review: The following uses are permitted on lands designated "RI" Rural Industrial zone without review.

1. Utility Facilities (Minor)

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "R-I" Rural Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.
~~Permitted Uses: In the "RI" Rural Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:~~

1. Any new industrial use listed in ~~C~~ D of this zone, that will be located entirely within an existing, lawfully erected commercial or industrial building or structure demonstrating compliance with off-street ~~and public~~ parking, off-street loading and bicycle parking requirements ~~area~~ requirements in Chapter ~~4~~ 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 3,500 or 35,000 sq. ft respectively.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~industrial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "RI" Rural Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 35,000 sq. ft. and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 35,000 sq. ft. of floor space when authorized by the Approving Authority upon~~

~~satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 – Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards ~~Chapter 20 - Site Plan Review and this Chapter:~~

1. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 35,000 sq ft:

3. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process.

4. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.

5. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.

6. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

7. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

8. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.

9. Transfer company and trucking companies.

10. Laundry and cleaning service industries.

11. Circus, rodeo or like activity.

12. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

13. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.

14. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact rural commercial and industrial uses or any combination of these uses and their accessory uses may be permitted on a legal parcel on lands designated In the "RI" Rural Industrial Zone are permitted in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. for commercial and 35,000 sq. ft. for industrial when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in subject to subsection F - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) necessary for public service.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 3,500 sq. ft. for commercial and 35,000 sq. ft. for industrial:

5. Any use permitted subject to standards site plan review or conditionally in the Rural Commercial zone.

6. Primary or value added processing and/or sale of raw material produced in the rural vicinity of the proposal (NOTE: this type of activity is exempt from any small scale low impact commercial or industrial size limitation but may be subject to conditions imposed through the Conditional Use Review).

7. Junk yard or automotive wrecking yard, enclosed in a view obscuring fence or wall.

8. Recreation areas and facilities, including but not limited to: golf courses.

9. Bulk storage of petroleum or gas.

10. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

11. Concrete batching plants and the manufacture and sale of concrete products.

12. Campground as defined by OAR 660-033-0130.

F. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

   b. Side Yards - Where the side or rear of a lot or parcel in an "M-1" zone abuts a residential zone, there shall be a side or rear yard of not less than fifty (50) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of at least ten (10) feet from exterior side property lines for corner building sites. Where the side of a lot or parcel in the "RI" zone abuts the side of an "A-1" zone, there shall be a side or rear lot setback of 100 feet from the common property line. In other cases, a side yard shall not be required.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line unless a greater setback is required next to an adjoining agricultural or residential zone in 2.b. above.

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

4. Height - Maximum height for all structures shall be forty-five (45) feet. Height is measured from average grade.

5. Stream Setback - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

   a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.

   b. No sign shall project above the building.

c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.

e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

g. Signs capable of movement shall be prohibited.

h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways waterways. The exterior of shielding and hooding materials shall be composed of non reflective opaque materials.

10. New Driveways - All new driveways which access a County road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

11. Outdoor Storage – Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

SECTION 3.601 "~~RC-~~TV-R" TYGH VALLEY RESIDENTIAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-R" Tygh Valley Residential zone is to provide for single family residential use where single family dwellings, including manufactured homes, may be located on single-family lots/parcels, where manufactured home parks may be established conditionally if designed in accordance with zoning density standards and where single-family residential uses plus related compatible uses can be sited. This zone is designed for parcels not necessarily served by a public water or public sewer system.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-R" Tygh Valley Residential zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "TV-R" Tygh Valley Residential zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Minor Home occupation that:

   a. Is carried on within a dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling;

   e. Does not include the on-premises display of sale of stock in trade; and

   f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.

2. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "TV-R" Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to

Chapter 4 – Supplemental Provisions - Section 4.1260. Pre-existing sub standard lots/parcels must provide proof of adequate sewer and water subject to DEQ standards. New lots/parcels which have tested to a higher density (see property development standards) shall adhere to the well and/or sub-surface septic system location requirements approved in conjunction with a partition and concurrent binding site plan.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Additions to, and replacement of, a lawfully established building or structure.

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

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

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

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

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ may be permitted on a legal parcel on lands designated "~~RC-~~TV-R" Tygh Valley Residential zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to chapter 20 - Site Plan Review - Section 20.090.

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

3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject

to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

5. Utility facilities (Major), ~~necessary for public service~~ except landfills.

6. Public parks, recreation areas and community or neighborhood centers.

7. Public and semi-public buildings and uses not otherwise specified in this section.

8. Golf courses.

9. Mobile home parks subject to the density of the "~~RC-~~TV-R" zone and the provisions of Chapter 16 - Mobile Home Parks.

10. Bed and breakfast inns.

11. Multi-family dwelling complex.

11. Planned Unit Developments subject to ~~section~~ Chapter 18 – Planned Unit Development.

12. Retirement Center or nursing home.

13. Church.

F. Property Development Standards

1. Property Size - The purpose of this section is to ensure compliance with state rules and statutes requiring that unincorporated communities be zoned in a manner ensuring that when fully built out development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

   a. New lots or parcels served by an approved community, municipal or public water system shall have a minimum average width of 250 feet and a minimum area of 2 acres.

      Lot/parcel owners can elect to test to a higher density, up to .5 acres, with a minimum average lot width of 100', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of ~~Section~~ Chapter 21 – Land Divisions. This site plan shall indicate an approved location for sub-surface septic system(s) which shall not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic facilities from adjoining properties to ensure the full well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and

Watermaster prior to acceptance by the Planning Department.

b. New lots or parcels not served by an approved community, municipal or public water system, evaluated in accordance with state laws governing review of public facilities plans in rural communities, shall a have a minimum average width of 250 feet and a minimum area of 4 acres.

Lot or parcel owners can elect to test to a higher density, up to 1.5 acres with a minimum average lot width of 150', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of ~~Section~~ Chapter 21 – Land Divisions. This site plan shall indicate an approved location for well(s) and sub-surface septic system(s) which will not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic and well facilities from adjoining properties to ensure the full septic and well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Watermaster prior to acceptance by the Planning Department.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

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

4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

   a. Signs shall not extend over a public right-of-way or project beyond the property line.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size for the intended purpose.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

   d. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   e. Signs capable of movement shall be prohibited.

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Building Orientation - New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.

10. Garage/Carport Placement - Garages and carports are encouraged to be located on the side of the single family dwelling.

11. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division, manufactured dwellings shall:

    a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.

    b. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. If the home is placed on a basement, the 12 inch limitation shall not apply.

    c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.

d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

e. Be encouraged to have an attached or detached garage or a carport.

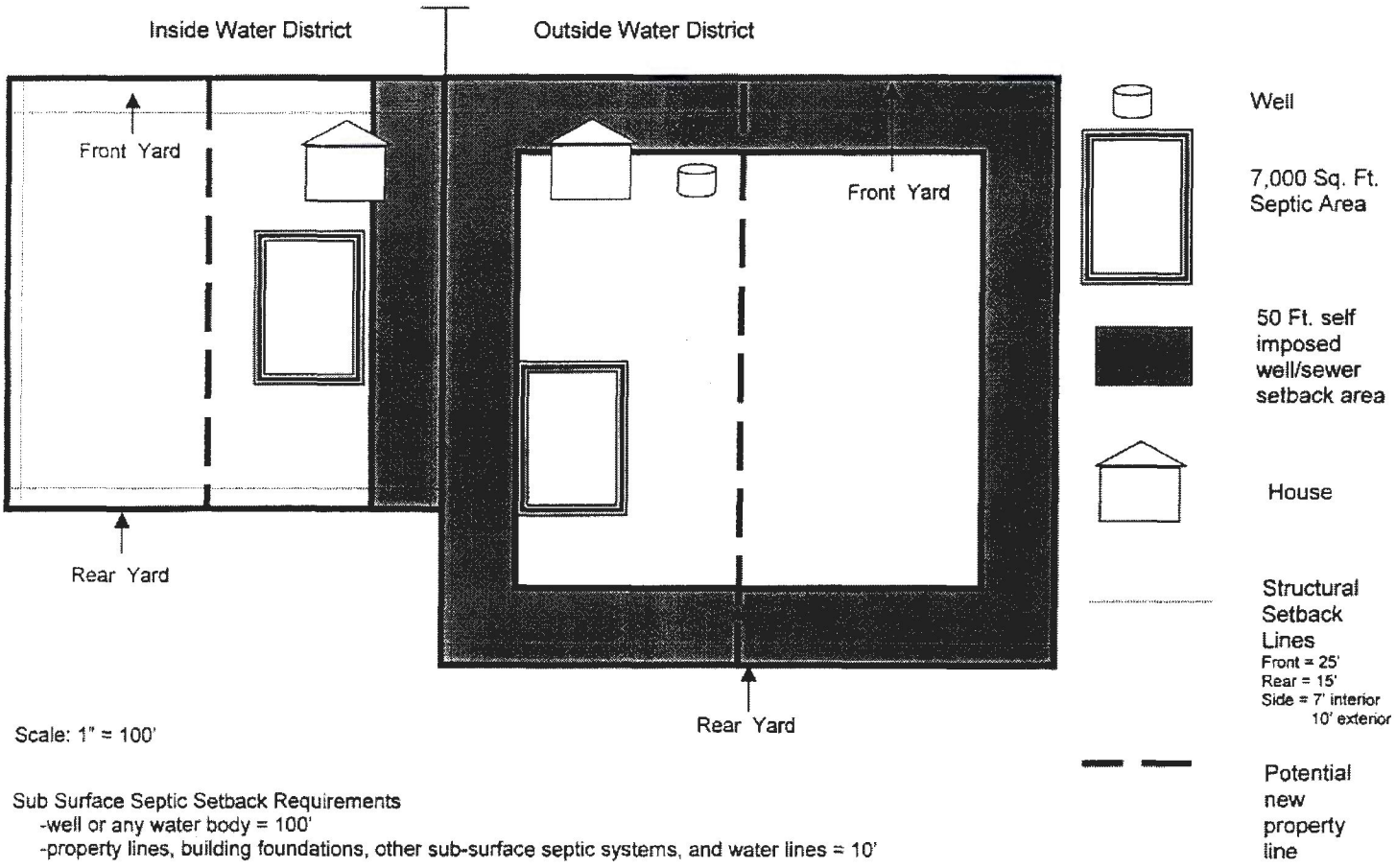
12. Access

a. No access will be allowed off of US Highway 197.

b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.

c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

Diagram 1. Two Acre Density Test Model



Scale: 1" = 100'

Sub Surface Septic Setback Requirements
-well or any water body = 100'
-property lines, building foundations, other sub-surface septic systems, and water lines = 10'

SECTION 3.602 "~~RC-~~TV-C" TYGH VALLEY COMMERCIAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-C" Tygh Valley Commercial zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance a wide range of retail sales and service establishments serving both the long and short term needs of Tygh Valley and its surrounding area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-C" Tygh Valley Commercial zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses are permitted on lands designated "TV-C" Tygh Valley Commercial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "TV-C" Tygh Valley Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-C" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new commercial service, or retail use, listed in Section D ~~C~~ of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "TV-C" Tygh Valley Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 4,000 sq.~~

~~ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review, as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

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

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

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

3. Retail or service business.

4. Eating or drinking establishment.

5. Offices.

6. Veterinary clinic and kennel entirely within an enclosed building.

7. Studio.

8. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.

9. Residential use in the same building as an allowed use.

E. Uses Permitted Subject to Conditional~~ly~~ Use Review/Type II or Type III: The following small scale low impact ~~commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "TV-C" Tygh Valley Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of~~ 4,000 ~~sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject

to Chapter 19 – Standards for Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~, except landfill.

   ~~Water supply or treatment facility~~. *(Replaced by Utility Facility (Major)*

5. Church.

6. Public or semi public buildings.

7. Public or private school.

8. Medical center.

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

10. Automobile service stations.

11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.

12. Place of public assemble, stadium, auditorium, recreation building or natatorium.

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

14. Child care center.

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

F. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses. If no use is proposed the minimum lot size shall be 2 acres.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

b. Side Yard - Where the side of a lot or parcel in a "C-2" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet.

In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

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

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

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

4. Height - Maximum height for all structures shall be thirty-five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

a. Signs shall pertain only to goods and services sold on the premises.

b. No sign shall project above the building.

c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

g. Signs capable of movement shall be prohibited

h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.

   a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.

   b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

10. Outdoor Storage - outdoor storage must be enclosed by a sight obscuring fence, wall or landscaping; all of which shall be maintained.

11. Access

    a. No access will be allowed off of US Highway 197.

    b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.

    c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

    d. Any commercial use generating in excess of 200 trips per day shall be required to prepare a traffic impact study demonstrating that traffic generated can be accommodated within Oregon Department of Transportation Standards or necessary improvements, identified by the traffic study, to the affected highway will be made prior to commencement of the commercial operation.

SECTION 3.603 ~~"RC-~~TV-M1" TYGH VALLEY LIGHT INDUSTRIAL/COMMERCIAL ZONE

A. Purpose: The "~~RC-~~TV-M1" Tygh Valley Light Industrial/Commercial zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and commercial uses with limited external impact.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-M1" Tygh Valley Light Industrial/Commercial zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses are permitted on lands designated TV-M1" Tygh Valley Light Industrial/Commercial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "TV-M1" Tygh Valley Light Industrial/Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-M1" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new industrial use listed in D ~~C~~ of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial or industrial use the combined footprint of all commercial or industrial buildings and all accessory buildings shall not exceed 4,000 or 10,000 sq. ft respectively.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~industrial~~ uses ~~and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~TV-M1" Tygh Valley Light Industrial/Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F -

Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

1. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

3. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process.

4. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.

5. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.

6. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

7. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

8. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.

9. Transfer company and trucking companies.

10. Laundry and cleaning service industries.

11. Circus, rodeo or like activity.

12. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

13. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.

14. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact ~~industrial and commercial~~ uses ~~or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "TV-M1" Tygh Valley Light Industrial/Commercial Zone ~~are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Utility facilities (Major) ~~necessary for public service~~, except landfill.

   ~~Water supply or treatment facility~~. *(Replaced by Utility Facility (Major)*

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

5. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

6. Church.

7. Public or semi public buildings.

8. Public or private school.

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

10. Medical center.

11. Junk yard or automotive wrecking yard.

12. Recreation areas and facilities, including but not limited to: golf courses.

13. Bulk storage of petroleum or gas.

14. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources, subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

Any combination of the following in a building or buildings not exceeding a cumulative floor

area of 4,000 sq ft:

~~A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:~~

15. Retail or service business.

16. Eating or drinking establishment.

17. Offices.

18. Veterinary clinic and kennel entirely within an enclosed building.

19. Studio.

20. Public garage, including usual automobile repairs and servicing enclosed within the building that when within fifty (50) feet of an "A" or an "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.

21. Residential use in the same building as an allowed use in 14 ~~a.~~ through 19 ~~f.~~ above.

22. Automobile service station ~~in a building or buildings not exceeding 4,000 square feet of floor space~~.

23. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.

24. Place of public assembly, stadium, auditorium, recreation building or natatorium ~~in a building or buildings not exceeding 4,000 square feet of floor space~~.

25. Commercial amusement establishments (stadium, theatre, bowling alley, theatre). Limited in size only when enclosed ~~in a building or buildings not exceeding 4,000 square feet of floor space~~.

26. Child care center.

E. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

b. Side Yards - Where the side of a lot or parcel in an "M-1" zone abuts the side of an "R"

zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard shall not be required.

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

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

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

4. Height - Maximum height for all structures shall be forty-five (45) feet.

5. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

a. Signs shall pertain only to goods and services sold on the premises.

b. No sign shall project above the building.

c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

g. Signs capable of movement shall be prohibited.

h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Outdoor Storage - Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

10. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.

    a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.

    b. Windows should allow views into working areas, lobbies, pedestrian entrances, or displays.

SECTION 3.604 "~~RC-~~TV-M2" TYGH VALLEY MEDIUM INDUSTRIAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-M2" Tygh Valley Medium Industrial zone is to provide for the location of needed industrial uses which are not dependent upon urban services. The "RC-TV-M2" zone encourages orderly and compatible development of industrial uses while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~TV-M2" Tygh Valley Medium Industrial zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "TV-M2" Tygh Valley Medium Industrial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "TV-M2" Tygh Valley Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-M2" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new industrial use listed in D ~~C~~ of this zone, that will be located entirely within an existing, lawfully erected building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to an industrial use the combined footprint of all industrial buildings and all accessory buildings shall not exceed 10,000 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact uses ~~and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~TV-M2" Tygh Valley Medium Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

1. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

   ~~Utility facilities necessary for public service, except landfill.~~ *(Replaced by Utility Facility Major in CUP Section)*

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

3. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats.

4. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process.

5. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.

6. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.

7. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

8. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

9. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.

10. Transfer company and trucking companies.

11. Laundry and cleaning service industries.

12. Circus, rodeo or like activity.

13. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

    Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.

14. Veterinary clinic or kennel.

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following small scale low impact uses may be permitted on a legal parcel on lands designated In the "TV-M2" Tygh Valley Medium Industrial Zone in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

2. Utility facilities (Major) except landfill.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

5. Concrete batching plants and the manufacture and sale of concrete products.

6. One mobile home or watchman's quarters accessory to a permitted or conditional use.

7. Mobile homes or recreational vehicles, as defined in Section 1.090, accessory to a permitted industrial use for the purpose of providing housing for personnel subject to the following additional criteria:

   a. The request for the mobile home or recreational vehicle shall be submitted in writing. Such request shall state the roles of the persons who will occupy the mobile home or recreational vehicle and provide documentation of employment with the permitted industrial use by at least one member of the household.

   b. The request shall meet all applicable County health and sanitation requirements.

   c. The location and use of the mobile home or recreational vehicle shall meet all other requirements of the zoning district.

   d. No conditional use for a mobile home or recreational vehicle shall be transferable to any other owner or occupant.

   e. Upon termination of the permitted industrial use or conditional use holders termination of employment with the permitted industrial use the conditional use mobile home or recreational vehicle shall be removed within sixty (60) days.

8. Automobile Service Stations.

9. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.

10. Recreation areas and facilities, including but not limited to: golf courses.

11. Bulk storage of petroleum or gas.

12. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

13. A campground as defined by OAR 660-033-0130.

E. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, maintenance of setbacks and compatibility with adjacent areas.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.

   b. Side Yard - Where the side of a lot in the Medium Industrial Zone abuts the side of a lot in an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

      On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

      Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

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

   d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

   e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

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

4. Height - Maximum height for all structures shall be seventy-five (75) feet.

5. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

   a. Signs shall pertain only to goods and services sold on the premises.

   b. No sign shall project above the building.

   c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

   d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

   e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

   f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   g. Signs capable of movement shall be prohibited

   h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Outdoor Storage - All outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

SECTION 3.605 "~~RC-~~TV-RR" TYGH VALLEY RURAL RESERVE ZONE

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

B. Uses Permitted Without Review: The following uses are permitted on lands designated TV-RR" Tygh Rural Reserve zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "TV-RR" Tygh Valley Rural Reserve zone subject to subsection E - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-TV-RR" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

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

D. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following uses may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~TV-RR" Tygh Valley Rural Reserve Zone ~~are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance~~ as required in subject to subsection E - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Suitable community facilities to accommodate community gatherings and/or appropriate levels of recreational activities such as, community buildings, trails, waterfront access, cemeteries, athletic fields and parks.

2. Utility facilities (Major), except landfill.

3. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

4. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

E. Property Development Standards

1. Property Size - No new parcels.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

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

4. Height - Maximum height for all structures shall be twenty five (25) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

   a. Signs shall not extend over a public right-of-way or project beyond the property line.

   b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   c. Signs capable of movement shall be prohibited.

   d. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

   e. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

SECTION 3.606 "~~RC-~~TV-AG" TYGH VALLEY AGRICULTURAL ZONE

A. Purpose: The purpose of the "~~RC-~~TV-AG" Tygh Valley Agriculture zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.

B. Uses Permitted Without Review ~~Permitted Uses~~: The following uses ~~and activities and their accessory buildings and uses~~ are permitted on lands designated "TV-AG" Tygh Valley Agriculture zone without review ~~subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards~~

1. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Section 1.080 (Definitions).

2. Forest uses, including the propagation and harvesting of forest products.

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

4. Minor Home occupation that:

   a. Is carried on within a dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display of sale of stock in trade.

   f. If the home occupation does not meet the standards above it shall be reviewed pursuant to subsection E(1) below.

5. Utility Facilities (Minor)

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "TV-AG" Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not

require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Chapter 4 - Supplemental Provisions - Section 4.120

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Agricultural buildings and structures provided in conjunction with a "Farm Use" as evidenced by a "Farm Management Plan". This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

4. Additions to, and replacement of, a lawfully established building or structure.

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

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

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

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

3. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers ~~in accordance with Chapter 20 (Site Plan Review).~~

4. Dude ranches and hunting and fishing lodges ~~in accordance with Chapter 20 (Site Plan Review).~~

5. Creation, restoration or enhancement of wilflife habitat or wetlands that includes development as defined by Section 3.741 in a FEMA designated floodplain subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

E. Uses Permitted Subject to Conditionally Use Review/Type II or Type III: The following uses ~~and activities~~ may be permitted on a legal parcel on lands designated "TV-AG" Tygh Valley Agriculture zone subject to subsection F - Property Development Standards, Chapter 5 -

Conditional Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. Major Home Occupations, subject to Chapter 20 - Site Plan Review - Section 20.090.

2. Bed and breakfast Inn in an existing residence, ~~subject to Chapter 20 (Site Plan Review).~~

3. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use subject to the Commercial Activities in Conjunction with a Farm Use requirements of Section 3.210 - Exclusive Farm Use Zone.

4. Dog kennels, except that such uses are prohibited on high value farmland.

5. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.

6. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).

7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and ~~WCLUDO~~ Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

8. ~~Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.~~Non-commercial/stand alone power generating facilities and Meteorological Towers subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

9. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

10. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 9 - Standards for Energy Facilities - Section 19.030.

11. Utility facilities ~~"necessary" for public service~~(Major).

~~Water supply and treatment facility.~~ *(Replaced by Utility Facility (Major))*

~~Sewage disposal and treatment facility.~~ *(Replaced by Utility Facility (Major))*

F. Property Development Standards

1. Property Size - New lots or parcels shall have a minimum average width of 500 feet and a minimum area of 20 acres.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than

twenty-five (25) feet from the right-of-way of a public road.

b. Side Yard - No structure other than a fence shall be located closer than twenty-five (25) feet from side property.

c. Rear Yard - No structure other than a fence shall be located closer than forty (40) feet from the rear property line.

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks - Any new structures requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

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

4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

5. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

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

a. Signs shall not extend over a public right-of-way or project beyond the property line.

b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

c. Signs capable of movement shall be prohibited

d. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

e. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a

manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division manufactured dwellings shall:

   a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.

   b. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. If the home is placed on a basement, the 12 inch limitation shall not apply.

   c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.

   d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

SECTION 3.611 "~~RC-~~Wam-R-2" WAMIC RESIDENTIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-R-2" Wamic Residential 2 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-R-2" Wamic Residential 2 zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "Wam-R-2" Wamic Residential 2 zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Utility Facilities (Minor).

2. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "Wam-R-2" Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling, including mobile homes except single-wides on each legal lot/parcel provided that the minimum average density is maintained ~~and proper sanitation approvals are obtained~~. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.

2. Buildings accessory to ~~a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.~~ a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Additions to, and replacement of, a lawfully established building or structure.

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

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

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

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

3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

E. Uses Permitted Subject to Conditional~~ly~~ Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ may be permitted on a legal parcel on lands designated "Wam-R-2" Wamic Residential 2 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090.

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

3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

4. Public parks, recreation areas and community or neighborhood centers.

5. Public and semi-public buildings and uses not otherwise specified in this section.

6. Golf courses.

7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

9. Utility facilities (Major) ~~necessary for public service~~ except landfill.

~~10.~~ Bed and breakfast inns.

F. Property Development Standards

1. Property Size

   a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of two (2) acre with a one hundred twenty-five (125) foot average lot width.

   b. New lots or parcels served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum property size of two (2) acres with a one hundred twenty-five (125) foot average lot width.

   c. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres In addition, an applicant shall demonstrate that:

      (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

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

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River.

SECTION 3.612 "~~RC-~~Wam-R-5" WAMIC RESIDENTIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-R-5" Wamic Residential 5 zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-R-5" Wamic Residential 5 zone shall comply with the following regulations.

B. Uses Permitted Without Review ~~Uses~~: The following uses are permitted on lands designated ~~In the~~ "Wam-R-5" Wamic Residential 5 zone without review. ~~the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance and Chapter 10 – Fire Safety Standards:~~

1. Utility Facilities (Minor).

2. Minor Home occupation that:

   a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

   b. Does not serve clients or customers on-site;

   c. Does not produce odor, dust, glare, flashing lights or noise;

   d. Does not occupy more than 25 percent of the floor area of the dwelling; and

   e. Does not include the on-premises display or sale of stock in trade.

   Any Home Occupation that exceeds these standards is Major and subject to Section E(1) below.

C. Uses Permitted Subject to Ministerial/Type I Review: The following uses are permitted on a legal parcel on lands designated "Wam-R-5" Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

This review involves an evaluation by Planning Department staff but only requires formal zoning approval if the use is required to be reviewed by Building Codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate ministerial review fee.

1. One single-family dwelling, including mobile homes except single-wides, on each legal lot/parcel including mobile homes with a minimum of eight hundred (800) square feet of floor area subject to Chapter 4 - Supplemental Provisions - Section 4.160 provided that the minimum average density is maintained ~~and proper sanitation approvals are obtained~~. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.

2. Buildings accessory to ~~a single family dwelling such as garages, store rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.~~ a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "Wam-R-5" Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

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

3. Planned Unit Development subject to Chapter 18 – Planned Unit Development.

E. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following uses ~~and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ may be permitted on a legal parcel on lands designated "~~RC-~~Wam-R-5" Wamic Residential 5 zone subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well any other listed, referenced or applicable standards.

1. Major Home occupation, subject to Chapter 20 - Site Plan Review - Section 20.090.

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

3. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

4. Public parks, recreation areas and community or neighborhood centers.

5. Public and semi-public buildings and uses not otherwise specified in this section.

6. Golf courses.

7. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

8. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

9. Utility facilities (Major) ~~necessary for public service~~ except landfill.

~~10.~~ Bed and breakfast inns.

F. Property Development Standards

1. Property Size

   a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of five (5) acres with a three hundred (300) foot average lot width.

   b. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres. In addition, an applicant shall demonstrate that:

      (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

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

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

   a. Signs shall not be illuminated or capable of movement.

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

SECTION 3.613 ~~"RC-~~Wam C-2" WAMIC COMMERCIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-C-2" Wamic Commercial Zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-C-2" Wamic Commercial Zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "Wam-C-2" Commercial Zone zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-C-2" Wamic Commercial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards. ~~Permitted Uses: In the "RC-Wam-M-2" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:~~

1. Any new commercial service, or retail use that will be located within an existing building or structure demonstrating compliance with off-street parking, off-street loading and bicycle parking requirements in Chapter 20 - Site Plan Review.

2. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to a commercial use the combined footprint of all commercial buildings and all accessory buildings shall not exceed 4,000 sq. ft.

3. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact ~~commercial uses or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "Wam-C-2" Wamic Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property

Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter:~~

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

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

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. ~~square feet of floor space to be used by~~

3. Retail or service business

4. Eating or drinking establishment

5. Offices

6. Veterinary clinic and kennel entirely within an enclosed building

7. Public garage, including usual automobile repairs and servicing enclosed within the building that:

8. When within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.

9. Residential use in the same building as a use permitted in this subsection (B)

E. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following small scale low impact ~~commercial uses or any combination of these uses and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "Wam-C-2" Wamic Commercial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

1. ~~Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).~~ Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) ~~necessary for public service~~.

   ~~Water supply or treatment facility~~. *(Replaced by Utility Facility (Major))*

5. Church.

6. Public or semi public buildings.

7. Public or private school.

8. Medical center ~~in a building or buildings not exceeding 4,000 square feet of floor space.~~

Any combination of the following uses in a building or buildings not exceeding a cumulative floor area of 4,000 sq. ft:

9. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

10. Automobile service stations.

11. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.

12. Place of public assembly (stadium, auditorium, recreation building or natatorium).

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

14. Child care center.

15. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization. ~~(Goal 3).~~

F. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, landscaped area, maintenance of setbacks and compatibility with adjacent uses.

2. Sewer and water requirements - Applicant must obtain approval for an on-site sewage disposal system or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.

3. The county shall notify the Wamic Water and Sewer District of land use action made under this chapter.

4. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - Where the side of a lot or parcel in a "~~RC~~-Wam-C-2" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

      In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

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

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

6. Height - Maximum height for all structures shall be thirty-five (35) feet.

7. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

8. Floodplain – Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

9. Signs - Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

11. Site Plan Review - Provisions of Chapter 20 shall apply to Subsections B and C of this section.

12. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

SECTION 3.614 "~~RC-~~Wam-M-2" WAMIC MEDIUM INDUSTRIAL ZONE

A. Purpose: The purpose of the "~~RC-~~Wam-M-2" Medium Industrial Zone is to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "~~RC-~~Wam-M-2" Medium Industrial Zone shall comply with the following regulations.

B. Uses Permitted Without Review: The following uses and activities are permitted on lands designated "Wam-M2" Wamic Medium Industrial zone without review.

1. Utility Facilities (Minor).

C. Uses Permitted Subject to Ministerial/Type I Review: The following small scale low impact uses are permitted on a legal parcel on lands designated "Wam-M-2" Wamic Medium Industrial zone subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.

1. Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground. If the building(s) is accessory to an industrial use the combined footprint of all buildings and all accessory buildings shall not exceed 10,000 sq. ft.

2. Additions to, and replacement of, a lawfully established building or structure.

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

D. Uses Permitted Subject to Standards/Type II Review ~~Site Plan~~ Review: The following small scale low impact uses ~~and their accessory uses~~ may be permitted on a legal parcel on lands designated ~~In the~~ "~~RC-~~Wam-M-2" Wamic Medium Industrial Zone ~~are permitted in a building or buildings not exceeding a cumulative floor area of 10,000 sq. ft. when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review as well as any other listed, referenced or applicable standards.~~, and this Chapter~~:

1. Non-commercial/stand alone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale

commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

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

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

3. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats.

4. Railroad yard, shipyard and barge docking facilities.

5. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.

6. Wholesale business, storage warehousing, transfer company and trucking companies.

7. Contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

8. Light manufacturing, compounding or assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process.

9. Welding and machine shop.

10. Laundry and cleaning service industries.

11. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.

12. Retail or combination retail whole lumber and building materials yard, not including concrete mix.

13. Outdoor storage when enclosed by a fence, wall or sight obscuring landscaping; all of which shall be maintained.

14. Circus, rodeo or like activity.

15. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

E. Uses Permitted Subject to Conditionall~~y~~ Use Review/Type II or Type III: The following small scale low impact uses may be permitted on a legal parcel on lands designated ~~In the~~ "Wam-M-2" Wamic Medium Industrial Zone ~~in a building or buildings not exceeding a cumulative~~

~~floor area of 10,000 sq. ft. are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in~~ subject to subsection F - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.

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

2. Electrical Transmission Facilities & Natural Gas or Petroleum Product Pipelines subject to Chapter 19 – Standards for Energy Facilities - Section 19.030.

3. Related or Supporting Facilities to a Commercial Power Generating Facility subject to Chapter 19 - Standards for Energy Facilities - Section 19.030.

4. Utility facilities (Major) except landfill.

Any combination of the following in a building or buildings not exceeding a cumulative floor area of 10,000 sq ft:

5. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.

6. Concrete batching plants and the manufacture and sale of concrete products.

7. Automobile Service Stations.

8. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.

9. Recreation areas and facilities, including but not limited to golf courses.

10. Bulk storage of petroleum or gas.

11. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources subject to Section 3.800 - Mineral & Aggregate Overlay (EPD 5).

F. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, landscaped area, maintenance of setbacks and compatibility with adjacent areas.

2. Sewer and water requirements – Applicant must obtain approval for an on-site disposal system or if applicable obtain a Department of Environmental Quality (DEQ) Waste water

Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.

3. The County shall notify the Wamic Water and Sewer District of land use actions made under this chapter.

4. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.

   b. Side Yard - Where the side of a lot in the "~~RC~~-Wam-M-2" Medium Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

      On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

      Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

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

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

6. Height - Maximum height for all structures shall be seventy-five (75) feet.

7. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.

8. Floodplain - Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).

9. Signs - No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.

10. Parking - Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.

11. Site Plan Review - Provisions of Chapter 20 shall apply.

12. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

SECTION 3.910 DIVISION 7 - NATURAL AREAS OVERLAY

A. Purpose: This overlay district is intended to pre-empt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. This overlay applies to all natural areas identified in the Wasco County Comprehensive Plan and to the Wasco County portions of the Deschutes, ~~and~~ John Day, and White Rivers designated as Wild & Scenic Rivers ~~Areas~~ as defined and protected in ORS 390.805 & 390.825 or USFC & CFR.

B. Permitted Uses: Uses allowed in the underlying zone shall be subject to the conditional use review permit pursuant to Section 2.060(A) of this Ordinance.

C. Approval Standards: In the evaluation of any use subject to the Natural Area Overlay, finding shall be required demonstrating that the designated natural value will not be damaged by the use or activity. If a proposed use or activity would result in the permanent destruction of natural value, then the request shall be denied.

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CHAPTER 4 SUPPLEMENTAL PROVISIONS

SECTION 4.010 Authorization of Similar Uses

The Director may permit in a particular zone a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted there by this Ordinance. The decision of the Director may be reviewed by the Planning Commission on its own motion or appealed to the Commission pursuant to Section 2.060 (C)(10) of this Ordinance. Notice of Administrative Action shall be given as prescribed by Section 2.080(A) of this ordinance. Notice of a final decision shall be given as prescribed in Section 2.120(A) and (B).

SECTION 4.020 Exceptions

The Director of Planning shall be authorized to grant exceptions to the provisions of this Ordinance to any government agency that requests in writing an exception to a specific requirement or procedure; provided that the following circumstances exist:

A. The proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Land Use and Development Ordinance; and,

B. The proposed use would serve an immediate public need; and,

C. There is inadequate time available for a review of the use through normal procedures, and delays would impair project implementation or pose hazards to property or public health, safety or welfare.

SECTION 4.030 Impact Review

To ensure that adequate information is available to determine potential conflicts or detrimental effects, the Director of Planning may require the submission of an impact assessment, upon forms prescribed by the Director, before an exception shall be granted.

SECTION 4.040 Exemptions

Nothing in this Ordinance shall be deemed to apply to the construction, reconstruction, or alteration by a government agency of road or highway systems, or to the use of materials or sources within rights-of-way. In addition, maintenance rehabilitation, repair and minor betterment activities, not considered to have land use impacts, by a governmental agency on public property or facilities, shall also be exempt from the provisions of this Ordinance. Public works projects or land uses, authorized or approved by the County Governing_Body and determined by the Director to be consistent with the long-term objectives of the Comprehensive Plan, shall be exempt from the current provisions of this Ordinance.

SECTION 4.050 Maintenance of Open Space

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this Ordinance for one use shall

be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots. Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this Ordinance.

SECTION 4.060 General Exceptions to Yard Requirements

The following exception to yard requirements is authorized for a lot in any zone:

If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting yards.

SECTION 4.070 General Exceptions to Building Height Requirements

Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, ~~energy facilities and commercial energy facilities~~ uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand alone power generating facilities) , communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. ~~Transmission towers~~ All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

SECTION 4.080 Projections Into Yards

Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

A. Accessory buildings where permitted.

B. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than eighteen (18) inches or into front and rear yards not more than twenty-four (24) inches.

C. Chimneys may project into any required yard not more than eighteen (18) inches.

D. Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.

E. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

SECTION 4.090 Vision Clearance

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

A. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the appropriate zone, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

B. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area removed to a height of eight (8) feet above the grade.

C. The following measurements shall establish vision areas:

1. In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.

2. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

SECTION 4.100 Fences

No fence shall exceed six (6) feet in height or two and one-half (2 1/2) feet in a vision clearance area. Game fences designed to protect agricultural crops from game animals shall be included in the definition of fence (protective), however, they are exempt from the height limit.

SECTION 4.110 Through Lots

A. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.

B. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the greater height shall not extend more than one hundred fifty (150) feet from that street.

C. Through lots having a frontage on two streets shall provide the required front yard on each street.

SECTION 4.120 Exterior Finishing of Mobile Homes

A. All mobile homes located on any lot or parcel in Wasco County shall be skirted with fire-proof, non-decaying and non-corroding materials or shall be provided with a cement or concrete block exterior foundation. If metal skirting is employed, it shall be painted and formed in a pattern complementary to the siding of the mobile home.

B. All awnings carports, ramadas, cabanas, and garages shall be painted and designed in a style complementary to the design of the mobile home.

C. Wheels shall be removed from all mobile homes at the time of installation on property. In addition, tongues, and hitches shall be removed from all mobile homes wider than ten (10) feet that are installed on any parcel of land, exclusive of licensed mobile home parks. The Director of Planning may exempt certain mobile homes from the last requirement when removal would damage the frame and weaken the structure.

SECTION 4.130 Development Standards for Guest Houses (Added 1-92)

A guest house may be allowed as listed in specific zones ("F-F", "R-R", "R-R(10)", "A-R", "R-1", "R-2", "R-3", "R-4", and "R-C") on a legally created lot or parcel on which a primary dwelling is situated, subject to the setback requirements of the underlying district, and the provisions of this section;

A. Only one (1) guest house shall be allowed on a lot-of-record.

B. The maximum floor area of a guest house, including all levels and basement floor areas shall not exceed six-hundred (600) square feet. Garage area shall not count toward the total floor area.

C. A guest house shall be located within one-hundred (100) feet of the primary dwelling on the subject lot-of-record. This distance shall be measured from the closest portion of each structure.

D. Occupants of a guest house and the primary dwelling shall live together as one house keeping unit, sharing one kitchen and one laundry facility, to be located in the primary dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.

E. All public water, electricity, natural gas and sewer services for the guest house shall be extended from the primary dwelling service. No separate meters for the guest house shall be allowed. A separate telephone line for the guest house may be provided.

F. A guest house shall use the same septic system as the primary dwelling. Approval from the County Sanitarian shall be required.

SECTION 4.140 Traffic Impact Analysis (TIA)

A. Purpose - The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the Study.

B. Typical Average Daily Trips - The latest edition of the Trip Generation Report, published by the Institute of Transportation Engineers (ITE), or a source deemed acceptable to the City Engineer through the pre-application process (Section 4.140(D)(.3)) shall be used to gauge the trip generation potential of future development.

C. When Required - A Traffic Impact Analysis shall be required to be submitted to the County

with a land use application when the following conditions apply:

1. The development application involves one or more of the following actions:

   a. A change in zoning or a plan amendment designation; or

   b. Any proposed development or land use action that ODOT states may result in operational or safety concerns along a state highway; and

   c. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

      (1) An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or

      (2) An increase in intersection traffic volume by 50 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or

      (3) An increase in use of adjacent roads by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

      (4) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the adjacent roadway, creating a safety hazard; or

      (5) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or

      (6) A change in internal traffic patterns that may cause safety problems, such as back up onto the roadway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements

1. Preparation - A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.

2. Transportation Planning Rule Compliance - See Section 9.059 Transportation Planning Rule Compliance.

3. Pre-application Conference - The applicant will meet with the County Roadmaster prior to submitting an application that requires a Traffic Impact Analysis. ODOT will be invited to participate in the pre-application conference if a proposal is expected to have impacts to a state transportation facility. The objective of this meeting is to prepare a scope of the TIA, including the required elements of the TIA and the level of analysis expected.

E. Approval Criteria

1. Criteria - When a Traffic Impact Analysis is required, approval of the development

proposal requires satisfaction of the following criteria:

a. The Traffic Impact Analysis was prepared by a registered professional engineer in the State or Oregon; and

b. If the proposed development shall cause one or more of the effects in Section C(1)(c), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet County's volume-to-capacity ratio of 0.85 and satisfactory to the County Road Master, and ODOT when applicable; and

c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(1) Have the least negative impact on all applicable transportation facilities; and

(2) Accommodate and encourage non-motorized vehicular modes of transportation to the extent practicable; and

(3) Make the most efficient use of land and public facilities as practicable; and

(4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

(5) Otherwise comply with applicable requirements of the Wasco County Land Development Ordinance.

F. Conditions of Approval. The County may deny, approve, or approve the proposal with appropriate conditions.

1. Dedication of land for streets/roadways, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

2. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets/roadways that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

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CHAPTER 15 ADMINISTRATION AND ENFORCEMENT

SECTION 15.010 Administration

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within Wasco County, Oregon, under the jurisdiction of this Ordinance.

SECTION 15.020 ~~Building Permits~~ Zoning Approval

~~No permit shall be issued by the Building Official or any government agency for the construction, erection, location, maintenance, repair, alteration or enlargement, or the change of use of a structure or property that does not conform to the requirements of this Ordinance.~~

A. The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.

B. Zoning approval may be authorized if:

1. It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

2. It is necessary to protect public safety; or

3. It is for work related to and within a valid easement over, on or under an affected property.

SECTION 15.030 Authority

Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue ~~warning notices and citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.~~ compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

SECTION 15.040 Civil Relief

When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of this Ordinance, the County Court, the District Attorney or any person whose interest in real property within the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit

instituted by a person who is not exempt from furnishing bonds or undertakings as provided under O.R.S. 32.010 to 32.060, the person shall furnish undertakings as provided under O.R.S. 32.010 to 32.060.

SECTION 15.050 Violation of Ordinance

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property or shall transfer any property in violation of this Ordinance.

SECTION 15.060 Violation of Ordinance as a Nuisance

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 15.070 Wasco County Code Compliance and Nuisance Abatement Ordinance

The Wasco County Code Compliance and Nuisance Ordinance is a separate Board of County Commissioner adopted ordinance that implements land use, nuisance and health violations. Please refer to that ordinance for further details related to enforcement of the provisions of the Wasco County Land Use and Development Ordinance.

~~**SECTION 15.070 Penalties**~~

~~Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance shall be guilty of a violation and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100.00) for each day of violation where the offense is a continuing offense, but such fine may not exceed one thousand dollars ($1,000.00) for each occurrence of the continuing offense or a fine of five hundred dollars ($500.00) where the offense is not a continuing offense. (amended 2-89)~~

~~**SECTION 15.080 Jurisdiction**~~

~~The Circuit Court for the State of Oregon for the County of Wasco has jurisdiction over any and all violations of this Ordinance.~~

~~**SECTION 15.090 Issuance of Warning Notice**~~

~~No citation shall be issued pursuant to this Ordinance unless, at least fifteen (15) days prior to service of such citation, a warning notice delivered by certified mail giving a brief description of the violation alleged to exist is first served upon the person accused of the offense or posted on the property where the violation is alleged to exist. The warning notice shall further contain the name of the County department to contact regarding the violation, the name of the person issuing the warning notice, the date the warning was issued and a statement that failure to correct the alleged violation or to contact the appropriate County department may result in issuance of a formal citation to the Wasco County Circuit Court.~~

~~SECTION 15.100 Requirements of Citation; Form and Content~~

~~A. A citation conforming to the requirements of this Ordinance may be used for all Land Use Development and Solid Waste Ordinance violations committed in the presence of the complainant and which occur in the unincorporated areas of Wasco County, Oregon.~~

~~B. The citation shall consist of at least three (3) parts. Additional parts may be inserted for administrative use. The required parts are:~~

~~1. Complaint;~~

~~2. Planning Department's or Health Department's record of violation;~~

~~3. Summons.~~

~~C. Each of the parts shall contain the following information or blanks in which such information shall be entered:~~

~~1. Name of the Court and the Court's docket or file number;~~

~~2. Name of the person cited;~~

~~3. Section of the Ordinance violated;~~

~~4. Brief description of the violation of which the person is charged in such manner as can be readily understood by a person making a reasonable effort to do so, the date and place at which the violation occurred, the date on which the citation was issued, and the name of the complainant;~~

~~5. The time and place where the person cited is to appear in Court;~~

~~6. The bail, if any, fixed for the violation;~~

~~7. The designation of the method of service and certification that such service has been made;~~

~~a. The certification, if made by a Planning Department employee or Health Department employee, need not be made before a magistrate or any other person. A private person shall certify before a Circuit Court Judge, Clerk or Deputy Clerk of the Circuit Court of Wasco County, and this action will be entered in the Court record.~~

~~b. When such service is by certified mail, return receipt requested as described in Section 15.120 (A) of this Chapter, such shall be stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after filing of the complaint. The complaint shall contain a form of certificate by the complainant to the effect that he certifies that he has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to the Land Use and Development or Solid Waste ordinance made and provided by Wasco County, Oregon.~~

~~The reverse side of the complaint shall contain the Court record and contain the substance of the matter appearing on the reverse side of all uniform complaints used in the Circuit Court of Oregon in Wasco County or otherwise directed by the Circuit Court.~~

A certificate conforming to this section shall be deemed equivalent to a sworn statement. In addition, the summons shall contain a notice to the person that the complaint will be filed with the Circuit Court of the State of Oregon in and for the County of Wasco. The reverse side of the summons shall contain the following in a form substantially as follows:

READ CAREFULLY

You have been charged with a violation of the Wasco County (Land Use Development, Solid Waste) Ordinance. You MUST do ONE of the following:

A. Appear in Court at the time mentioned in this summons and request a hearing. The Court will then set a time for a hearing; or,

B. Mail to the Court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the Court you request a hearing. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. If you do not want a hearing, but wish to explain your side, send your explanation with the summons and bail. The Court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the complainant tells the Court; or,

C. Sign the plea of guilty below and send this summons to the Court, together with check or money order in the amount of bail indicated on the other side of this summons. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of Court. I do, hereby PLEAD GUILTY to said violation as charged, WAIVE my right to a HEARING by the Court, and agree to pay the penalty prescribed for my violation.

_____

_____ (Defendant's Name)

_____

_____ (Defendant's Address)

MAIL YOUR REMITTANCE TO:

Wasco County Circuit Court
511 Washington Street

The Dalles, Oregon 97058

NOTICE

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST.

IF YOU FAIL TO DO ONE OF THE THREE FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR TRIAL AT THE TIME SET BY THE COURT YOU MAY BE CHARGED WITH THE ADDITIONAL AND SEPARATE VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

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8. Any error in transcribing information into the blanks provided in the citation form when determined by the Court to be non-prejudicial to the Defendant's defense, may be corrected at the time of trial or prior to time of trial with notice being given to the Defendant.

9. Except as provided in Section 15.100(8) above, the complaint shall be set aside by the Court only upon the motion of the Defendant before plea, if it does not conform to the requirements of this Section.

SECTION 15.110 Commencement of Action for Ordinance Violations

A. The Planning Director, Sanitarian, or their designee, may issue a citation for violation of the Wasco County (Land Use Development, or Solid Waste) Ordinances committed in his presence and when committed at any location within the unincorporated area of Wasco County, Oregon, after consulting with the office of the District Attorney.

B. A private person may only commence an action for an Ordinance violation as provided in Section 15.100 of this Chapter and under the same conditions as provided in subsection (A) of this Section. The commencement of all actions by private persons for violations committed in their presence shall be upon the Ordinance citation form and shall be at the discretion and in the judgment of the office of the District Attorney, and conform to the procedures for certification and service as required in Sections 15.100 and 15.120 of this chapter, respectively.

SECTION 15.120 Service of Citation

A. If a citation is commenced as described in Section 15.110 (A), or (B), the Planning Director, Sanitarian, or their designee or peace officer, respectively, shall serve or cause to be served, the summons portion of such citation in one of the following manners:

1. To personally serve the summons portion of the citation on the Defendant. If the Defendant cannot be found personally at his usual abode, then service may be made to a member of his family over fourteen (14) years of age who resides at that abode.

2. If the Defendant is unknown or unavailable for personal service by the citing officer, then the summons portion of the citation, prepared by the Planning Director, Sanitarian, or their

designee may be personally served upon the Defendant by any peace officer authorized to serve such citations.

3. If, after reasonable and due diligence, the Defendant cannot be served in the manner prescribed in subsections (1) and (2) hereinabove, service of the summons portion of said citation may be made by registered mail, return receipt requested, mailed to such person at his last known address with postage prepaid thereon. For the purposes of this Ordinance, service by mail shall be deemed perfected upon filing with the Court the return receipt endorsed by said Defendant. As soon as reasonably possible, provided, however, in no event later that the appearance date, the complainant shall file the complaint portion of the citation with the Clerk of the District Court. When service is not made at the time of commencement of the complaint, proof of service shall be filed immediately after service has been made.

SECTION 15.130 Minimum Requirements for Summons

A summons for an Ordinance violation is sufficient if it contains the following:

A. The name of the Court, name of the person cited, date on which the citation was issued, name of the complainant and the time and place at which the person cited is to appear in Court.

B. A brief description or designation of the offense in such a manner that can be readily understood by a person making a reasonable effort to do so and the date and place in which the violation is alleged to have occurred.

C. A copy of the complaint as set forth in Section 15.100.

SECTION 15.140 Appearance by Defendant

The Defendant shall either appear in Court at the time indicated in the summons, or prior to such time shall deliver to the Court the summons, together with check or money order in the amount of the bail set forth on the summons, together with:

A. A request for a hearing; or

B. A statement of matters and explanation of mitigation of the offense charged; or

C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons.

SECTION 15.150 Effect of Statement and Explanation in Mitigation

If a Defendant has submitted to the Court a written statement as provided in Section 15.140(A)(2), it constitutes a waiver of hearing and consent to judgment by the Court declaring a forfeiture of all or any part of the bail as determined by the Court on the basis of such statement or complainant or other witness who may be presented to the Court.

SECTION 15.160 Fixing Hearing Dates; Notice to Defendant; Failure to Appear; the Separate Offense of Failing to Appear in Court Pursuant to Citation, Summons, Court Order or at the Time Set for Trial of Case

A. If the Defendant requests a hearing, or pursuant to this Section, the Court directs that a hearing

be held, the Court shall fix a date and time for hearing and, unless notice is waived, shall be at least (5) days in advance of hearing, mail to Defendant a notice of the date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing, the Defendant may be charged with a separate and additional offense of failure to appear in Court pursuant to Court order, citation or summons, or at time set for trial of the case.

B. Notice to the Defendant required pursuant to Section 15.160 (A) shall be made in the form of a Court "Notice to Appear" and be placed in the United States mail addressed to the Defendant at his last known address with postage prepaid thereon.

C. Failure of the Defendant to make appearance as set forth in subsection (A) of this Section, will constitute a failure to appear for hearing. If the Defendant fails to appear when notified by the Court to appear pursuant to subsection (B) of this Section, he may be charged with a separate and additional offense of failing to appear in Court pursuant to a Court order, or a citation or summons or at time set for trial of the case. Upon a finding by the Court that Defendant did not make appearance as required pursuant to this Ordinance without due and good cause, the Defendant shall be guilty of failure to appear.

SECTION 15.170 Hearing Discretionary with Court; Exception

A. For any Ordinance violation for which citation has been issued, the Court may direct that a hearing be held. Otherwise, the Court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the Defendant and return any amount by which the bail exceeds the fine.

B. No fine may be imposed in excess of the amount of bail deposited by Defendant unless a hearing is held.

SECTION 15.180 Warrant for Arrest

A. If a person cited fails to comply with the provisions of Section 15.130, or if he fails to appear at any time fixed by the Court, a warrant for his arrest may be issued by a judge of the Wasco County Circuit Court pursuant to O.R.S. 133.060.

B. No warrant of arrest may be issued pursuant to this section after a period of sixty days from the date of entry of an order declaring a forfeiture of bail or other security given by the arrested person, unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

SECTION 15.190 Penalty for Failure to Appear

Upon conviction of any person under Section 15.160(C) of failure to appear without due and good cause, he shall be punished by a fine in addition to the fine and Court costs of the violation for which he failed to appear and such additional fine shall not be more than two hundred and fifty dollars ($250.00).

SECTION 15.200 Planning Commission Membership

The Commission shall consist of seven (7) County residents appointed by the County Court to serve as members for a term of four (4) years or for the unexpired portion of the term of a member whom the appointee succeeds, provided that members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses, and members of the

Commission shall be residents of the various geographic areas of the County. No more than two (2) voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

SECTION 15.220 Disqualification

Each appointed member shall serve until his successor is appointed and qualified except that no member of the Commission shall participate in any consideration of matter in which he is directly or indirectly interested in a personal or financial sense.

SECTION 15.230 Officers

The Commission shall:

A. At the first meeting of each calendar year elect from among their appointed members, to serve for no longer than twelve (12) months, a Chairman for their body. He shall preside at all meetings, shall appoint and serve ex officio upon all committees, shall compel the attendance of members and witnesses, shall administer oaths, and sign the minutes of meetings after the same be approved by the body.

B. At said meeting, select from among their appointed members, to serve no longer than twelve (12) months, as Vice-Chairman for their body. He shall perform the duties of Chairman whenever that officer is absent, ill, disqualified or otherwise unable to act.

SECTION 15.240 Legal Advisor

The District Attorney or his deputy shall act as legal advisor to the Commission and represent them in all litigation, provided that when he determines a conflict of interest prevents such service, he may authorize either body to retain other counsel.

SECTION 15.250 Meetings

The Commission shall meet upon call of the Chairman pursuant to such rules as they may from time to time adopt. Meetings of the Commission shall normally be held monthly or as required, in which case the Commission shall decide upon the day to meet at its previous meeting. All meetings shall be public. All meetings of the Commission shall be publicized by giving notice thereof in a newspaper of general circulation not less than fifteen (15) days before the meeting.

WASCO COUNTY LAND USE & DEVELOPMENT CODE CHAPTER 19

Adopted April 4, 2012

STANDARDS FOR NON COMMIERCIAL ENERGY FACILITIES, COMMERCIAL ENERGY FACILITIES & RELATED USES

SECTION 19.010 Purposes

This chapter describes the requirements for establishing non-commercial energy facilities, commercial energy facilities and related uses (as included) in Wasco County. The goals of this chapter are to:

- Encourage renewable energy production;
- Utilize clear and objective standards;
- Establish a clear, consistent and accountable application process;
- Collaborate and coordinate with agencies and other stakeholders;
- Minimize conflict with other permitted uses through compatibility review;
- Protect resources identified in the Wasco County Comprehensive Plan; and
- Protect the public health, safety and general welfare of the citizens of Wasco County.

The uses described in this chapter are only allowed if listed in the zoning section in Chapter 3 applicable to the subject property.

SECTION 19.020 Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review Processes & Approval Standards

A. Review Processes - Non-commercial/Stand Alone Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Towers - This shall include free standing (Wind Turbine & Meteorological) or roof mounted towers/turbines.

Tower Height	Property Size			
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	> = 10 Acres
Non-Resource Zones				
< = 35'	*Type I	*Type I	Type I	Type I
> 35' - < 50'	Type II – STS	Type II – STS	Type I	Type I
50' - < 100'	Type II – CUP	Type II – STS	Type II - STS	Type II - STS
100' - 150'	Type II - CUP	Type II – CUP	Type II - CUP	Type II - STS
Resource Zones				
< 35'	*Type I	*Type I	Type I	Type I
35' - < 50'	Type II - STS	Type II – STS	Type I	Type I
50' - < 100'	Type II -	Type II – STS	Type II - STS	Type II - STS

Tower Height	Property Size			
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	> = 10 Acres
	CUP			
100' - < 200'	Type II - CUP	Type II – CUP	Type II - STS	Type II - STS
> = 200'	Type II - CUP	Type II – CUP	Type II - CUP	Type II - CUP

*The 4th tower sited on the property shall elevate the review from a Type I to an STS.

Wind turbines that are attached to other lawful uses (excluding roof mounted turbines) including but not limited to street lamps and telephone poles are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are attached as outlined in the applicable zone.

2. Solar Systems

System Size	Property Size				
	<2 Acres	2 - < 5 Acres	5 - < 10 Acres	10 - < 40 Acres	> = 40 Acres
Roof Mounted < = 35' in height	Type I	Type I	Type I	Type I	Type I
*Roof Mounted > 35' in height	STS	STS	STS	Ministerial	Ministerial
**Ground Array < 500 sq. ft.	Type I	Type I	Type I	Type I	Type I
**Ground Array 500 - < 1,500 sq. ft.	Type II – STS	Type II - STS	Type II – STS	Type II - STS	Type I
**Ground Array > = 1,500 sq. ft.	Type II – CUP	Type II - CUP	Type II – CUP	Type II - CUP	Type II - STS

*Roof mounted systems exceeding 35' in height shall be allowed without a variance pursuant to either Chapter 6 or 7.
**Ground Arrays are limited to 35' in height. Ground Arrays exceeding 35' in height will be required to apply for a variance pursuant to either Chapter 6 or 7.

Small solar systems (less than 10 square feet) that are accessory to other lawful uses including but not limited to gates, electric fences & lights are not subject to the standards of chapter 19. They shall be subject to the same standards and review process as the use to which they are accessory as outlined in the applicable zone.

Multiple panels, multiple arrays and supporting equipment providing energy to the same structure or use shall be considered one (1) system in determining the applicable review process. If a portion of the system is already installed and the permit holder is creating an addition to the system, the applicable review process shall be based on the total size of the system.

3. OWRD -Hydroelectric Facilities:

   a. Not Located within an Area of Special Flood Hazard - Hydroelectric energy projects not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-

resource zone they are allowed without any review by the planning department as long as they are being reviewed by the OWRD. If located in a resource zone they are required to be reviewed as a "utility facilities necessary for a public use", "reservoir", or water impoundment".

b. Located within an Area of Special Flood Hazard – In addition to a. above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the planning department even if they are being reviewed by the OWRD.

4. Additional Non-Commercial/Stand Alone Power Generating Facilities - The review process for energy facilities other than those previously described will be decided by the planning department based on an evaluation of the primary purpose of the zone, the size of the subject property and surrounding properties, the proposed location of the use and its potential impact to adjacent properties. Impacts include but are not limited to noise, vibration, smell, emissions, visibility, or physical footprint.

B. Type I Review Standards - The following are applicable to energy facilities in addition to meeting the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities:

a. Lawful Use - Power will be for a lawfully established use or use that is in the process of being reviewed by the planning department.

b. Interconnect Agreement (Net Metering Only) - The applicant shall provide an interconnect agreement with a local utility or copy of a submitted application requesting an interconnect agreement with a local utility.

c. Closed System (Non-Commercial Stand Alone Only) - The applicant shall provide a plan or diagram that proves the proposal is a closed system and will not tie into a utility.

d. Setback/Buffers - Unless otherwise specified in this chapter, all energy facilities shall meet the property line setbacks of the zone in which they are located, natural resource buffers, as well as any additional setbacks required below.

e. Height - Unless otherwise specified in this Chapter, Pursuant to Section 4.070, General Exceptions to Building Height Requirements, energy facilities shall be exempt from the height limits of the zone in which they are located.

f. Color/Visibility - Energy facilities and their accessory electrical control equipment shall be a non-reflective, unobtrusive color that blends in with the surrounding environment unless otherwise required by the Federal Aviation Administration or Oregon Department of Aviation.

g. Noise – Manufacturer's sound power level shall not exceed 60 dBA.

h. Air Quality - Manufacturer's emissions estimate shall be in compliance with Oregon Department of Environmental Quality in OAR Chapter 340, Division 200.

i. Vibration - Vibrations shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

j. Odor – To the extent practicable, odors shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

k. Health & Safety:

(1) All uses or structures shall be designed and constructed to limit access.

(2) Warning and safety signs, up to three square feet in area, are allowed.

(3) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(4) The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled.

(5) Utility facility service lines, electrical lines and other wires associated with the energy facility that are not underground shall be kept clear along the route and have a single point of access to the building to the maximum extent practicable while still complying with local, state, and federal electrical codes.

(6) Uses and structures shall be designed and constructed to not impair emergency response. Contact local emergency responder for specific requirements and guidance.

(7) Energy facilities shall be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

l. Advertising - No commercial or advertising markings shall be allowed except those of the manufacturer & installer.

m. Interference with Communication - Energy facilities shall not create any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the property owner must develop and implement a mitigation plan in consultation with the planning department.

n. Decommissioning/Removal - Any facility that is inoperable for more than 12 months shall be deemed discontinued. Removal of the equipment and facilities shall occur within six (6) months of the discontinuance time frame or other time frame approved by the planning department unless all or a portion of the equipment and facilities are converted to an approved use within this same time frame.

o. Other Authority - All necessary local, state and federal authorizations/permits shall be obtained prior to constructing the use.

2. Specific Standards:

a. Tower Standards

(1) Setbacks

(a) The base of the tower shall be set back from all property lines, public-rights-of-ways, and above ground public utility lines a distance equal to the height of the tower (i.e., fall height). The setback shall be measured to the center of the tower's base.

(b) Notwithstanding receiving permission from an affected property owner(s), road authority or utility, towers shall still be required to meet the property lines setbacks of the zone in which they are located and all natural resource buffer requirements unless a variance is granted pursuant to either Chapter 6 or 7.

(c) Any guy wires associated with a tower shall be required to meet the property and buffer setbacks of the zone in which they are located unless a variance is granted pursuant to either Chapter 6 or 7.

(2) Safety:

(a) Blade Reach - The lowest extension of any exposed blade or other exposed moving component shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies, that are located directly below the blade.

The minimum height may be reduced if a safety fence is installed around the area of the exposed blade or other moving component that would prevent access and direct contact with the exposed blade or other moving component. The minimum height may also be reduced through the Type II/STS review process in subsection C below.

(b) Wind turbines shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

(c) Towers shall be equipped with lightning protection.

(d) Towers shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

(e) "Danger" signs shall be posted at the height of five feet on the tower if it has a climbing apparatus.

(f) Permit holders are encouraged to sheath guy wires in a covering that would increase their visibility from a height of three feet above ground to eight feet

above ground.

(3) Avian Protections - Perch deterrents shall be placed on all surfaces that would attract birds to a location where they could be struck by a moving component on the tower such as the sweep of a wind turbine blade.

(4) Lighting - Lighting of towers subject to only a Type I review is not allowed.

b. Solar System Standards:

(1) Safety

(a) Roof mounted solar panels shall be installed in a manner that maintains adequate fire department access to the roof, with an unobstructed path from the structures eaves to structure components located on the roof (i.e., chimney, stove pipe, other roof mounted appliances). Contact local fire official for specific requirements and guidance.

(b) Ground arrays shall maintain a ten feet (10') perimeter of fire fuel break. Refer to Section 10.120 of the Fire Safety Standards for a description of a fire fuel break.

(2) Solar Access Rights - The establishment of a solar system consistent with the requirements of this ordinance **shall not** constitute solar access rights that are protected by this ordinance.

C. Type II Review Standards - The following are applicable to energy facilities in addition to meeting the Type I Review Standards in subsection B above, the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities

a. General Compatibility - The proposed use is compatible with adjacent surrounding properties taking into consideration the following:

(1) Scale
(2) Odors
(3) Vibration

b. Noise - If the manufacturer's sound power level exceeds 60 db(A) or there is no manufacturer's stated sound power level, the applicant shall submit an analysis from a qualified consultant or individual and written report to prove operation of the energy facility shall be in compliance with sound pressure noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35 with regard to any existing dwellings on non-participating landowners property. These regulations shall govern notwithstanding the energy facility is neither a commercial or industrial use.

2. Specific Standards:

a. Tower Standards:

(1) Aviation Notification - Planning staff shall notify the following groups or agencies as to the location of the proposed tower(s). Comments received regarding safety may be included as safety features required in subsection (2) below.

(a) Aerial Sprayers and operators who have requested to be notified - All towers over 50' in height.

(b) Oregon Department of Aviation (ODA) & Federal Aviation Administration (FAA) - All towers over 200 feet in height or as prescribed by OAR 738-070-0110.

(2) Aircraft Safety Plan - A safety plan shall be submitted that will ensure aircraft safety is maintained for all towers 50' in height or greater. Unless a determination of no hazard is made, safety features will be required as necessary to ensure aircraft safety based on the location, height, and type of tower. Any safety features required as part of an approval shall be completed at the time the tower is installed. Safety features, if required, could include but are not limited to the following:

(a) Placing an aviation device or equivalent visible marker at each of the outermost guy wire anchors.

(b) Painting the top 30 feet of each tower with 5 foot bands of alternating colors of Aviation Orange and Aviation White.

(c) Lighting - Lighting of towers shall be evaluated on a case-by-case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall minimize the amount of lighting to the extent feasible under the law, which may include consideration of radar triggered lighting.

(3) Minimum Height - The lowest extension of any exposed blade or other exposed moving component may be allowed less than (15) feet above the ground as required by subsection B(2)(a)(2) if based on the proposed location and site specific circumstances, the tower will not represent a safety hazard.

(4) Shadow Flicker – Upon the non-participating owner's request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if written permission from the property owner and an adjustment is granted under Section 19.030(D)(1)(c). Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Solar Standards:

(1) Ground Leveling - The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

(2) Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public.

(3) Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways.

(4) Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

D. CUP/Type II Review Standards - Energy facilities subject to conditional use review shall meet the standards of Chapter 5, Conditional Use Review, the Type I Review Standards in subsection B above, the Type II Review Standards in subsection C above, the property development standards of the zone, unless otherwise specified and any other listed or referenced standards.

SECTION 19.030 Commercial Power Generating Facilities Review Processes & Approval Standards

A. Review Processes - Commercial Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Review Authority:

a. Planning Commission Review – Notwithstanding applications reviewed by EFSC and unless otherwise specified all energy facilities reviewed pursuant to this section shall be initially heard and decided upon by the Planning Commission in a public hearing.

b. Planning Department Review:

(1) Small Scale Commercial Power Generating Facilities - A commercial power generating facility shall be considered small scale if it falls within either the tower or solar matrix listed in Section 19.020, Non-Commercial Power Generating Facilities and shall be reviewed by the planning department pursuant to the standards of Section 19.020 and not this section.

For non-resource zones, solar arrays shall be limited to ¼ acre and towers to no more than 150' in height and no more than 4 towers per property. For resource zones solar arrays shall be limited to ½ acre and towers to under 200' in height and

no more than 4 towers per property shall be reviewed by the planning department. Beyond these limits the energy facility will not be considered small scale and will only be allowed pursuant to the standards in this section.

(2) Community Projects - Renewable projects of 10MW or less which include a partnership between a local land owner and a community (public) organization such as Wasco County, Mid-Columbia Council of Governments, a city, or a school district, shall be reviewed by the planning department.

(3) Post EFSC Review - Pursuant to ORS 469.401, after issuance of a site certificate by EFSC pursuant to subsection c. below, and subject to receiving the proper fees, Wasco County will issue in an expedited manner any permits, licenses and certificates addressed in the site certificate subject only to conditions set forth in the site certificate but without hearings or other proceeding (i.e., Type I review).

(4) Hydroelectric Energy Facilities - See subsection d. below.

c. EFSC Review:

(1) EFSC has regulatory authority over all energy facilities designated by ORS 469.300. However, pursuant to ORS 469.480 EFSC shall designate the BOC as a Special Advisory Group. As such and at their discretion the BOC may participate in the siting process pursuant to the role established in ORS 469 and OAR 345, which includes recommending substantive criteria applicable to the proposed energy facility.

(2) Pursuant to ORS 469.320(8), notwithstanding the threshold limits in ORS 469.300, an applicant can elect to have EFSC review an energy facility that may otherwise be subject to Wasco County's jurisdiction.

(3) If for any reason the BOC desires, they may defer regulatory authority of energy facility to EFSC notwithstanding it is less than the threshold designated by ORS 469.300.

d. OWRD Review - Hydroelectric Energy Facilities:

(1) Not Located within an Area of Special Flood Hazard - Hydroelectric energy facilities not located within an Area of Special Flood Hazard are not required to meet property development standards within the zone they are being located. If located in a non-resource zone they are allowed without any review by the planning department as long as they are being reviewed by OWRD or FERC. If located in a resource zone they are required to be reviewed as a "utility facilities necessary for a public use".

(2) Located within an Area of Special Flood Hazard - In addition to (d)(1) above, hydroelectric energy facilities located within an Area of Special Flood Hazard are subject to Section 3.740, Flood Hazard Overlay by the planning department even if they are being reviewed by the OWRD or FERC.

e. FERC Review - FERC has regulatory authority over all energy or related projects of a size, scale or interest to the federal government pursuant to Title 18, Conservation of

Power and Water Resources, of the Code of Federal Regulations.

2. County Decision Options - As part of the application materials the applicant shall indicate if they are requesting tentative or final approval. For facilities sited through EFSC, this section does not apply.

   a. Tentative Approval - A tentative approval may be issued when the applicant has submitted most of the required application materials but defers completion of one or more required discretionary elements such as the wildlife plan and all of its required baseline studies. Any deferred discretionary elements will be the only elements reviewed and decided upon during the final approval process.

      A tentative approval shall specify a time limit or expiration date within which all deferred discretionary review elements or plans shall be reviewed for final approval. Pursuant to Section 2.125, Time Limits for Permits and Extensions of Time, the combined time for both the tentative and final approval shall be limited to 2 years with the opportunity for a onetime 2 year extension. This time frame shall start on the date of the tentative approval.

   b. Final Approval - Final approval occurs when the applicant has submitted all of the required application materials, Wasco County has issued a decision which includes conditions of approval that can be submitted for staff review and verification, and the appeal period has concluded.

3. Modifications - An amendment to the conditional use permit shall be required if the proposed facility changes would:

   a. Require an expansion of the established facility boundaries where the original facility was sited or constructed;
   b. Increase the number of towers; or
   c. Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity.

B. Non-Resource Zone Standards:

1. Small Scale Commercial Power Generating Facilities - Pursuant to Subsection A(1)(b)(1) above, commercial power generating facilities that are considered small scale will be allowed in non-resource zones subject to the standards of Section 19.020.

2. Large Scale Commercial Power Generating Facilities - Except for related or supporting facilities, large scale commercial power generating facilities shall not be allowed in non-resource zones.

3. Related or Supporting Facilities (Reasonable Alternatives Analysis) - Related or supporting facilities to a commercial power generating facility may be allowed in non-resource zones subject to Conditional Use Review upon a showing that such related or supporting facilities are necessary for siting the commercial power generating facility. To the extent practicable, any related or supporting facilities must be consistent in size, scale, and impact as other existing or allowed uses in the non-resource zone. Related or Supporting Facilities shall be reviewed as part of the Commercial Power Generating

Facility and not subject to a separate Conditional Use Review. To demonstrate the related or supporting facilities are necessary within the meaning of this section, an applicant must show that reasonable alternatives have been considered and that the related or supporting facilities must be sited in a non-resource zone after considering the following factors:

a. Technical and engineering feasibility of siting the energy facility as a whole;

b. Availability of existing rights-of-ways and public roads and proximity to transmission lines and interconnections;

c. Environmental impacts associated with avoiding non-resource zoned land; and

d. Protection of farm and forest resources.

C. General Standards - The following standards apply to energy facilities as outlined in Section A above, in addition to meeting the Conditional Use Standards listed in Chapter 5:

1. Air Safety - All structures that are more than 200 feet above grade or, exceed airport imaginary surfaces as defined in OAR Chapter 738, Division 70, shall comply with the air hazard rules of the Oregon Department of Aviation and/or Federal Aviation Administration. The applicant shall notify the Oregon Department of Aviation and the Federal Aviation Administration of the proposed facility and shall promptly notify the planning department of the responses from the Oregon Department of Aviation and/or Federal Aviation Administration.

Aerial Sprayers and operators who have requested to be notified will receive all notifications associated with the energy facility as required by Chapter 2, Development Approval Procedures.

2. Interference with Communications - The energy facility shall be designed, constructed and operated so as to avoid any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the permit holder must develop and implement a mitigation plan in consultation with the planning department.

3. Noise - The energy facility shall comply with the noise regulations in OAR Chapter 340, Division 35. The applicant may be required to submit a qualified expert's analysis and written report.

4. Visual Impact

a. Scenic Resources – To issue a conditional use permit for an energy facility, the county must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources or values identified as significant or important in the Wasco County Comprehensive Plan.

b. Protected Areas - Except as provided in subsections (b) and (c) below, an energy facility shall not be located in the areas listed below:

(1) National recreation and scenic areas, including but not limited to the Columbia River Gorge National Scenic Area;

(2) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(3) State parks and waysides as listed by the Oregon Department of Parks and Recreation;

(4) State wildlife areas and management areas identified in OAR chapter 635, division 8.

(5) National and state fish hatcheries or national and state wildlife refuges;

(6) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(7) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782; and

a. Exceptions to Protected Areas - Except where the following uses are regulated by federal, state or local laws, including but not limited to the Columbia River Gorge National Scenic Area Act and implement land use ordinances, the following may be approve in a protected area identified in subsection (b) above if other alternative routes or sites have been studied and been determined to have greater impacts

- An electrical transmission line;
- A natural gas pipeline; or
- An energy facility located outside a protected area that includes an electrical transmission line or natural gas or water pipeline as a related or supporting facility located within a protected area.

b. Transmission Line & Pipeline Exception - The provisions of subsection (b) above do not apply to electrical transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line or one natural gas pipeline.

c. Additional Visual Mitigation Impacts for all Facilities - The design, construction and operation of the energy facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified in subsection (b) above. Methods to mitigate adverse visual impacts could include but are not limited to:

(1) Building the energy facility near the edge of contiguous timber areas or using the natural topography to obscure the energy facility;

(2) Using materials and colors that blend with the background unless otherwise

required by the Federal Aviation Administration or the Oregon Department of Aviation; and

(3) Retaining or planting vegetation to obscure views of the energy facility.

5. Natural Resource/Wildlife Protection - Taking into account mitigation, siting, design, construction and operation the energy facility will not cause significant adverse impact to important or significant natural resources identified in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance or by any jurisdictional wildlife agency resource management plan adopted and in effect on the date the application is submitted. As appropriate, the permit holder agrees to implement monitoring and mitigation actions that Wasco County determines appropriate after consultation with the Oregon Department of Fish and Wildlife, or other jurisdictional wildlife or natural resource agency. Measures to reduce significant impacts may include, but are not limited to the following:

   a. Providing information pertaining to the energy facility's potential impacts and measures to avoid impacts on:

      (1) Wildlife (all potential species of reasonable concern);
      (2) Wildlife Habitat;
      (3) Endangered Plants; and
      (4) Wetlands & Other Water Resources.

   b. Conducting biologically appropriate baseline surveys in the areas affected by the proposed energy facility to determine natural resources present and patterns of habitat use.

   c. Selecting locations to reduce the likelihood of significant adverse impacts on natural resources based on expert analysis of baseline data.

   d. Utilizing turbine towers that are smooth steel structures that lack features that would allow avian perching. Where horizontal surfaces cannot be avoided, anti-perching devices shall be installed where it is determined necessary to reduce bird mortality.

   e. Designing and installing all aboveground transmission line support structures following the current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

   f. Utilizing towers and transmission line support structures designed so the foundation area and supports avoid the creation of artificial habitat or shelter for raptor prey.

   g. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey such as spreading gravel on turbine pad.

   h. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no construction buffers around known nest sites.

   i. Locating transmission lines or associated transmission lines with the energy facility to minimize potential impacts (e.g., 50 feet from the edge of the nearest wetland or

water body except where the line is required to cross the wetland or water body; or separating transmission lines or associated transmission lines with the energy facility from the nearest wetland or water body by topography or substantial vegetation to the extent practical, except where the line is required to cross the wetland or water body).

j. Locating transmission towers or associated transmission towers outside of Class I or II streams unless:

(1) Adjoining towers and conductors cannot safely and economically support the line(s) that span the stream without an in-stream tower; and

(2) The lines cannot be safely and economically placed under the water or streambed.

(3) Developing a plan for post-construction monitoring of the facility site using appropriate survey protocols to measure the impact of the project on identified natural resources in the area.

6. Protection of Historical and Cultural Resources - The applicant shall complete a cultural resources survey of areas where there will be temporary or permanent disturbance. During construction, cultural resources included in the Wasco County Comprehensive Plan shall be flagged and avoided in areas of potential temporary or permanent disturbance, and construction activities monitored to ensure all cultural resources in such areas are avoided, unless appropriate permits are obtained from the Oregon State Historic Preservation Office. Prior to construction an Inadvertent Discovery Plan (IDP) shall be developed that must outline the procedures to be followed in the case previously undiscovered archeological, historical or cultural artifacts are encountered during construction or operation of the energy facility, in compliance with ORS 358.905-358.955 and any other applicable local, state and federal law.

7. Fire Protection & Emergency Response - A fire protection and emergency response plan shall be developed and implemented in consultation with the applicable fire district or department and/or land management agency to minimize the risk of fire and respond appropriately to any fire or emergency that occurs onsite for all phases of the life of the facility. In developing the plan the applicant shall take into account, among other things, the terrain, dry nature of the region, address risks on a seasonal basis, and identify the locations of fire extinguishers, nearby hospitals, telephone numbers for emergency responders, and first aid techniques.

8. Public Safety - A public safety plan shall be developed and implemented to exclude members of the public from hazardous areas within the Energy Facility Project Area.

9. Transportation Plan - A transportation plan shall be developed and implemented in consultation with the Wasco County Road Department and/or the Oregon Department of Transportation (ODOT). The plan shall be consistent with any applicable requirements from the Wasco County Transportation System Plan and shall also provide or address:

a. The size, number, and location of vehicle access points off of public roads.

b. Use of existing roads to the extent practical to minimize new access roads.

c. Restoring the natural grade and revegetating all temporary road cuts, used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

d. A Road Impact Assessment/Geotechnical Report for roads to be used by the project. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. The report and any subsequent amendments shall be used as a discipline study and shall be incorporated into the Road Use Agreement between the Applicant and the County.

10. Road Use Agreement - Where applicable, the Wasco County Road Department shall require the applicant to enter into a Road Use Agreement with the County to ensure that project construction traffic is mitigated and any damage to county roads that is caused by the construction of the energy facility or its related or supporting facilities is repaired by the applicant, and such county roads are restored to pre-construction conditions or better (this includes a weed plan and providing for re-vegetation).

- General design standards for roads shall, in general, conform to policies set forth in Chapter 21.
- As part of the Road Use Agreement the applicant shall also obtain a utility permit for all project utility installation and approach permits for road approach access to county roads.

11. Onsite Access Roads and Staging Areas - The impact of onsite access roads and staging areas within the Energy Facility Project Area shall be limited by:

a. Constructing and maintaining onsite access roads for all-weather use to assure adequate, safe and efficient emergency vehicle and maintenance vehicle access to the site;

b. Using existing onsite access roads to the extent practical and avoiding construction of new on-site access roads as much as possible; and

c. Restoring the natural grade and revegetating all temporary access roads, road cuts, equipment staging areas and field office sites used during construction of the energy facility. The applicant shall specify the type and amount of native seed or plants used to revegetate the disturbed areas and a timeline to complete this work.

12. Dust Control - All approved non-paved temporary or permanent roads and staging areas within the Energy Facility Project Area shall be constructed and maintained to minimize dust, which may be addressed through the Road Use Agreement. If roads and staging areas are not construct with material that would prevent dust, the permit holder must regularly water roads and staging areas as necessary or apply an approved dust suppression agent such as Earthbind 100 to minimize dust and wind erosion.

13. Erosion and Sediment Control - All ground disturbing activities shall be conducted in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as may be required by Oregon Department of Environmental Quality. Where applicable, an NPDES permit must be obtained. The plan must include best management practices for erosion control during construction and operation and permanent drainage and erosion

control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

14. Weed Control - A weed plan shall be developed in consultation with the Wasco County Weed Department and implemented during construction and operation of the energy facility.

15. Signs - Outdoor displays, signs or billboards within the energy facility project boundary shall not be erected, except:

a. Signs required for public or employee safety or otherwise required by law; (e.g., OSHA or compliance with the Manual of Uniform Traffic Control Devices (MUTCD) administered through the County Road Department); and

b. No more than two signs relating to the name and operation of the energy facility of a size and type to identify the property for potential visitors to the site, but not to advertise the product. No signs for advertising of other products are permitted.

16. Underground Systems - Where reasonably practicable, power collector and communication systems shall be installed underground, at a minimum depth of 3 feet. Shallower depths may be authorized where notification and safety measures are taken and wires are placed in schedule 40 conduit. The cable collector system shall be installed to prevent adverse impacts on agriculture operations and natural resources.

17. Operation & Maintenance Buildings - Permanent maintenance/operations buildings shall be located in the same zone as the principal energy facility, except that such buildings may be constructed in a separate zone if:

a. The building is designed and constructed generally consistent with the character of similar buildings used in the surrounding area; and

b. The building will be removed or converted to another approved use upon decommissioning of the energy facility consistent with the provisions of this ordinance.

18. Coordination and Documentation - Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. building permit, rural address, road approach, utility and other permits from the Wasco County Public Works Department, and/or from ODOT as well as any other applicable local, state or federal permits or approvals.

19. Termination and Decommissioning. For an energy facility sited through EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with these requirements.

a. The applicant shall prepare a decommissioning plan that describes the actions to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

b. The applicant shall provide a detailed cost estimate, a comparison of that estimate with funds to be set aside, in the form of a financial assurance (bond, letter of credit, insurance policy other such form of guarantee acceptable to Wasco County), and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate and financial assurance may take into account salvage value associated with the project, and can be requested for review and update by Wasco County at their discretion (e.g., every 5 years).

c. The following shall be required as conditions of the Wasco County approval:

(1) If operation of the energy facility ceases or begins construction of the project, but does not complete it, the permit holder shall restore the site according to a plan approved by Wasco County. A plan shall be submitted that ensures the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:

(a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade (four feet if cropland). Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

(b) Removal of graveled areas and access roads and restoration of surface grade and soil.

(c) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, consistent with Wasco County's weed control plan.

(d) For any part of the energy facility on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land. Said landowner will be responsible for maintaining said facilities for purposes permitted under applicable zoning.

(e) The underground power collector and communication lines need not be removed if at a depth of three feet or greater. These cables can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(f) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.

(e) The plan must include a schedule for completion of site restoration work.

(2) Before beginning construction of the energy facility, the permit holder must submit in a form and amount satisfactory to Wasco County, assuring the availability of adequate irrevocably committed funds to restore the site to a useful, non-hazardous condition naming Wasco County as beneficiary or payee.

The form may include posting a bond, issuing an irrevocable letter of credit, purchasing a paid up insurance policy or by other means acceptable by Wasco County and shall ensure continuity between owners.

(3) The amount of the financial assurance (bond or other such form of guarantee) shall be annually adjusted for inflation using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"). The permit holder (including possible successor if sold or transferred) shall increase the amount of the financial assurance annually by the percentage increase in the Index and shall pro-rate the amount within the year to the date of retirement. If at any time the Index is no longer published, Wasco County shall select a comparable index for adjusting the amount. The amount of the financial assurance shall be prorated within the year to the date of decommissioning.

(4) Per the request of Wasco County, the permit holder (including possible successor if sold or transferred) shall describe the status of the financial assurance in a report (e.g., annual update report submitted to Wasco County).

(5) The financial assurance shall not be subject to revocation or reduction before retirement of the energy facility site.

20. Final Location - The actual latitude and longitude location or Oregon State Plane NAD83 HARN (international feet) coordinates of the energy facility and related or supporting facilities shall be provided to the County GIS Department once commercial electrical power production begins. Alternatively, this information could be provided in GIS layer consistent with the datum referenced above or any other datum deemed acceptable by the Wasco County GIS Department.

21. Power Production Reporting - The County may require a report of nonproprietary power production for any time frame after the energy facility first begins production if permitted through the County. If requested, the permit holder shall have 180 days to produce said report.

D. Specific Standards - The following standards apply to specific types of energy facilities as described, in addition to the General Standards in Section C above.

1. Wind Energy Facilities:

a. Visual Impact - To the extent practical, the proposed wind energy facility has been designed to minimize visual impact upon open space and natural landscape by:

(1) Using underground communication and power collector lines (transmission lines that connect each turbine to a substation);

(2) Using turbine towers of uniform design, color and height;

(3) Lighting - Lighting of towers shall be evaluated on a case by case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or

Federal Aviation Administration the applicant shall minimize the amount of lighting to the extent feasible under the law, which may include consideration of radar triggered lighting.

(4) Using existing roads within the Energy Facility Project Area to provide access to the site, or if new roads within the Energy Facility Project Area are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact;

(5) Using existing substations, or if new substations are needed, minimizing the number of new substations; and

(6) Shadow Flicker – Upon the non-participating owner's request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if written permission from the property owner and an adjustment is granted under Section 19.030(D)(1)(c). Said written permission shall be made part of the deed records of the non-participating landowner's property.

b. Public Safety - The wind energy facility shall be designed, constructed, and operated to protect the public by measures that may include, but are not limited to, the following:

(1) Installing the tower so at the closest point, the sweep of any exposed blade or other exposed moving component is at least 20 feet above the tallest existing or foreseeable obstruction to blade movement unless based on the proposed location and site specific circumstances, the tower will not represent a safety hazard; and

(2) Designing, constructing and operating the energy facility to exclude members of the public from close proximity to turbine blades and electrical equipment, including installing locks on turbine tower access doors; and

(3) Designing, constructing and operating the energy facility to protect against structural failure of the turbine tower or blades that could endanger members of the public's safety, including having adequate safety devices and testing procedures designed to warn members of the public of impending failure and to minimize the consequences of such failure.

c. Setbacks:

(1) Project Boundaries - If the wind energy project encompasses more than one parcel neither the wind turbine setback to non-project boundaries nor the property line setbacks of the underlying zone in which the project is located are applicable to any internal property lines within the project area.

(2) Non Project Boundaries - Wind turbines shall be set back from the property line of any abutting property not part of the project (non-project boundaries), the right-of-way of any dedicated road, and any above ground major utility facility line a minimum of 1.5 times the height of the wind turbine tower (i.e., fall-height). Wind turbines shall be set back from any above ground minor utility facility line a minimum of 1.1 times the height of the wind turbine tower.

- An applicant may request an adjustment to non-project boundaries using the process described in 19.030(D)(1)(c)(3)(C) below.
- Wind turbines shall meet the underlying zone setback requirement unless a variance is granted pursuant to either Chapter 6 or 7.

(3) Resource Zone Dwellings

a. Participating Landowners: Participating landowners are owners of legally placed resource dwellings on lands committed to the energy facility project by written contract. Participating landowners or applicant must provide evidence demonstrating that setbacks from dwellings will meet the DEQ noise standard and, prior to construction, provide evidence of any recorded noise easement obtained under OAR 345-035-0035.

b. Non-Participating Landowners: For owners of legally placed resource dwellings who are not participating landowners in the energy facility project, wind turbine setbacks shall be 3,520 feet, measured from the centerline of the turbine to the edge of the dwelling, or the distance required to comply with the DEQ noise standard (OAR 345-035-0035), whichever is greater, unless a noise easement is obtained under OAR 340-035-0035.

c. Adjustment Provision: Applicant may, as part of the wind energy permitting process, obtain an administrative adjustment to authorize a lesser setback from regulations addressing turbine setbacks from dwellings in resource zones. This may be authorized as part of the CUP pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee and upon findings that demonstrate the following criteria are met:

(1) The underlying landowner (or applicable road authority or utility as may be appropriate for non-project boundary setbacks) has consented, in writing, to an adjusted setback.
(2) The proposed adjustment complies with DEQ noise standard.
(3) The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.
(4) The proposed adjustment will not unduly burden existing infrastructure (e.g., underground utilities or leach fields).
(5) The proposed adjustment will not unduly impair safety in the area.
(6) The proposed adjustment will minimize impacts to environmental resources (e.g., wetlands or identified EPDs).

(4) Non-Resource Boundaries - Wind turbines shall be setback a minimum of 1 mile (5,280 feet) from all non-resource zoned property boundaries located outside of urban growth boundaries or urban reserves (as measured from the centerline of

the turbine to the edge of the property boundary zoned for non-resource purposes, e.g., rural residential). Adjustment provisions do not apply to these non-resource zone property boundary setbacks.

(5) City Limits and Urban Areas – Wind turbines shall be setback 3/4 mile (3,960 feet) from the established city limit, urban growth boundary or urban reserve boundary of an incorporated city (whichever is the more restrictive applies) unless a lesser setback is granted through the adjustment process under this provision.

Adjustment Provision – Applicant may, as part of the wind energy permitting process, obtain n administrative adjustment to authorize a lesser setback from regulations addressing turbine setbacks from city limits, urban growth boundaries or urban reserves. This may be authorized as part of the CUP pursuant to the Administrative Action process of Section 2.060(A) by the Director or designee and upon findings that demonstrate the following criteria are met:

(a) The incorporated city that would be affected has consented, in writing, to an adjusted setback.
(b) The proposed adjustment complies with DEQ noise standard.
(c) The proposed adjustment will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm of forest use.
(d) The proposed adjustment will not unduly burden existing infrastructure (e.g., underground utilities or leach fields).
(e) The proposed adjustment will not unduly impair safety in the area.
(f) The proposed adjustment will minimize impacts to environmental resources (e.g., wetlands or identified EPDs).

(6) Downwind Properties - The establishment of a commercial wind energy facility consistent with the requirements of this ordinance **shall not** constitute wind access rights that are protected by this ordinance beyond the following setback requirement.

If a wind turbine 200' in height or taller has been previously placed on a downwind property that is not part of the project, the closest tower on the upwind property shall be set back a minimum of fifteen rotor diameters from the downwind tower location or any lesser distance agreed to by the downwind and upwind property owners or those authorized to act on their behalf.

2. Solar Energy Facilities:

a. Ground Leveling – The solar energy facility shall be designed and constructed to minimize ground leveling and to the extent reasonably practicable, limit ground leveling to those areas needed for effective solar energy collection.

b. Misdirection of Solar Radiation - The solar energy facility shall be designed, constructed, and operated to prevent the misdirection of concentrated solar radiation onto nearby properties, public roadways or other areas accessible to the public, or mitigated accordingly.

c. Glare - The solar energy facility shall be designed, constructed and operated such that any significant or prolonged glare is directed away from any nearby properties or public roadways, or mitigated accordingly.

d. Cleaning Chemicals and Solvents - During operation of the solar energy facility, all chemicals or solvents used to clean solar panels or heliostats shall be low in volatile organic compounds and to the extent reasonably practicable, the permit holder shall use recyclable or biodegradable products.

e. Wildlife - Measures to reduce wildlife impact may include using suitable methods such as coloration or sound producing devices to discourage birds from entering areas of concentrated solar energy near solar-thermal mirrors or other devices that concentrate solar radiation.

3. Cogeneration Facilities:

a. The cogeneration facility would supply thermal energy to an existing or approved industrial or commercial use.

b. Except as allowed in this section, an electric transmission line or natural gas or petroleum pipeline necessary for the cogeneration facility must be an upgrade to an existing transmission line or pipeline or must otherwise be constructed in an existing right-of-way or utility easement. If the proposed electric transmission line or natural gas or petroleum product pipeline necessary for the proposed cogeneration project is not an upgrade to an existing transmission line or pipeline, the transmission line or pipeline must comply with the standards in subsection 4 or 5 below.

4. Electrical Transmission Facilities:

a. Use of Existing Routes/Co-Locating - The development uses available developed or approved road and utility rights-of-way, easements or transmission facilities that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.

b. Adjacent to Existing Routes - To the extent practical, any part of the proposed transmission or distribution line outside an existing route would be adjacent to an existing public road or utility right-of way or easement.

c. New Routes - If all or part of the proposed transmission line is outside an existing route or not adjacent to an existing route:

(1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or

(2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.

d. Setbacks to dwellings - Unless sited within a public road right-of-way, new electrical transmission lines shall not be constructed closer than 500 feet to an existing

dwelling without prior written approval of the owner. Said written approval shall be made part of the deed records to that property.

5. Natural Gas or Petroleum Product Pipelines:

a. Use of Existing Routes - To the extent practical, the proposed pipeline would use developed or approved road and utility rights-of way or easements that can safely accommodate the proposed line.

b. Adjacent to Existing Routes - To the extent practical, any part of the proposed pipeline outside an existing route would be adjacent to an existing public road or utility right-of-way or easement.

c. New Routes - If all of part of the proposed pipeline is outside an existing route or not adjacent to an existing route:

(1) The proposed new route would serve an existing or proposed electric generation project that is not adjacent to an existing right-of-way or easement, or

(2) The proposed new route would result in less adverse energy, environmental, economic and social consequences than would result from using an existing route.

d. Stream crossings: If the proposed pipeline would cross a stream or river that is important habitat for a state or federally-listed threatened or endangered species, the permit holder must use a crossing technique or method approved by the Oregon Department of Fish and Wildlife.

ounty Planning and Development
t 2nd Street
s OR 97058

Attention: Plan Amendment Specialist
Department Land Conservation & Development

635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

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