



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 05, 2016
Jurisdiction: Hood River County
Local file no.: P-15-0017
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/30/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-15 {23790}
Received: 12/30/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Hood River County

Local file no.: ~~P-15-0067~~ P-15-0201

Date of adoption: 12/21/2015 Date sent: 12/30/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): May 5, 2015
No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Yes. The three main articles/chapters were identified in the Notice of Proposed Change, as well as a new proposed article to address cell towers. Eight (8) additional articles that were incidental to the proposed major changes were thereafter included, and the cell tower article bifurcated.

Local contact (name and title): John Roberts, Community Development Director

Phone: 541.387.6868

E-mail: john.roberts@co.hood-river.or.us

Street address: 601 State St.

City: Hood River

Zip: 97031

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article 3 (Definitions); Article 5 (Forest Zones); Article 7 (Exclusive Farm Use Zone); Article 10 (Residential Zone, R-1); Article 12 (Residential Zone, R-2); Article 15 (Rural Center Zone, RC), Article 18 (Subdivision); Article 21 (Commercial Zone, C-1); Article 23 (Rural Residential Zone, RR); Article 27 (Mt. Hood Unincorporated Community Commerical Zone, MH-C1); and Article 53 (Home Occupations).

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: A list of the more than forty (40) agencies and individuals who received notice is available. Includes, but not limited to: county building, forestry, public works, records, clerk, environmental health departments; cooperative extension; City of Hood River; Department of Agriculture; DLCD Representative, Department of Fish & Wildlife; State Parks and Recreation; Department of Forestry; Mt. Hood National Forest; all local fires and water agencies; Columbia Gorge Fruit Growers; and more.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Supplementary Materials Included: 1) December 21, 2015 signed Ordinance; 2) November 10, 2015 - Staff Report to Board of Commissioners; 3) December 21, 2015 - Addendum to Staff Report to Board of Commissioners; and 4) Changes to the respective 11 articles identified at the November 10th and December 21st hearings and adopted.

Summary: Hood River County participated in a multi-county model code update project sponsored by the State of Oregon Department of Land Conservation and Development.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

<http://www.oregon.gov/LCD/Pages/forms.aspx>

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

HOOD RIVER COUNTY

ORDINANCE NO. 329

**AN ORDINANCE TO ADOPT MULTIPLE AMENDMENTS THE HOOD RIVER
COUNTY ZONING ORDINANCE**

WHEREAS, the Hood River County Board of Commissioners (“Board”) adopted Resolution #1998 stating their interest and commitment in carrying through with a state sponsored project to adopt updates to the county’s resource zones.

WHEREAS, the Board initiated the legislative actions pursuant to Article 62 (“Legislative Amendments”) of the Hood River County Zoning Ordinance.

WHEREAS, the legislative process focused on amendments to incorporate the mandatory (non-discretionary) elements of state statutes and administrative rules that regulate land use, land divisions and standards in the Hood River County Zoning Ordinance Article 7 (Exclusive Farm Use Zone) and Article 5 (Forest Zones).

WHEREAS, the legislative updates also provided an opportunity to update nine other Articles of the Hood River County Zoning Ordinance directly related to the resources zones, specifically: Article 3 (Definitions), Article 10 (Residential Zone, R-1), Article 12 (Residential Zone, R-2), Article 15 (Rural Residential Zone, RR), Article 18 (Subdivisions), Article 21 (Commercial Zone, C-1), Article 22 (Rural Center Zone, RC), Article 27 (Mt. Hood Unincorporated Community Commercial Zone, MH-C1), and Article 53 (Home Occupations).

WHEREAS, the County Planning Commission held a public hearing on September 9th, 2015 and September 23rd, 2015, and thereupon voted to refer the proposed changes incorporated in the Staff Report and accompanying exhibits presented to the Board’s at the November 10th, 2015 public hearing for adoption.

WHEREAS, the above matter came before the Board for a public hearing on November 10th, 2015 and December 21st, 2015 in the County Board of Commissioner Conference Room (1st floor), 601 State Street, Hood River, Oregon to consider the ordinance changes recommended by the County Planning Commission. Due notice was given of the hearing before the Board and opportunity provided to allow testimony to all parties.

WHEREAS, at the December 21st, 2015 public hearing the Board voted to approve the amendments presented in the Staff Report dated November 10th, 2015 and the Addendum to

Staff Report dated December 21st, 2015 in their entirety, and incorporated herein; and


NOW, THEREFORE, the Board of County Commissioners for Hood River County adopts this Ordinance, as set forth below:

I. **IT IS HEREBY ORDAINED** that the Hood River Zoning Ordinance Article 5 (Forest Zones) and Article 7 (Exclusive Farm Use Zone) be repealed in their entirety and restated as set forth in the Staff Report dated November 10th, 2015 and the Addendum to Staff Report dated December 21st, 2015, and by this reference incorporated herein.

II. **IT IS HEREBY ORDAINED** that the Hood River County Zoning Ordinance be amended to incorporate modifications to nine other Articles directly related the resources zones as set forth in the Staff Report dated November 10th, 2015 and the Addendum to Staff Report dated December 21st, 2015, specifically: Article 3 (Definitions), Article 10 (Residential Zone, R-1), Article 12 (Residential Zone, R-2), Article 15 (Rural Residential Zone, RR), Article 18 (Subdivisions), Article 21 (Commercial Zone, C-1), Article 22 (Rural Center Zone, RC), Article 27 (Mt. Hood Unincorporated Community Commercial Zone, MH-C1), and Article 53 (Home Occupations), and by this reference incorporated herein.

DATED THIS 21th DAY OF DECEMBER, 2015

HOOD RIVER COUNTY BOARD OF COMMISSIONERS



Ron River, Chair



Les Perkins, Commissioner

Maui Meyers, Commissioner

Karen Joplin, Commissioner



Bob Benton, Commissioner

Approved as to Form: _____
Wilford K. Carey, County Counsel



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River OR 97031

JOHN ROBERTS, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

Addendum to Staff Report: Multi County Resource Zone Update Project

FILE NUMBER: P-15-0017

DATE: Prepared for December 21, 2015 Public Hearing

STAFF CONTACT: John Roberts, Community Development Director

RECOMMENDATION: Approve amendments and attached Ordinance

ATTACHED: Ordinance adopting proposed text amendments

The following is an addendum to the staff report provided to the Board of County Commissioners ("Board") for the November 10th public hearing. The addendum is intended identify changes recommended by the Board at the November hearing. Additional recommendations or *//Editor's notes//* by staff are also provided in some instances to provide background, clarity or additional recommendations. The substantive proposed changes to text are identified through ~~strikethrough~~ and **bold underline**.

I. ARTICLE 3 – Definitions

AGRICULTURAL BUILDING:

(***)

Agricultural Buildings (aka "Ag-Exempt" Buildings) that are intended for agricultural use, but unable to meet the minimum requirements for an agricultural building, may be permitted as an accessory building subject to applicable permits and building codes. **A greenhouse is a type of agricultural building, and is a structure or building primarily composed of glass or other transparent or translucent material, in which protection or cultivation of delicate or out-of-season plants can be regulated.**

//Editor's note: Not addressing greenhouses as part of this definition was an oversight by the planning director. A greenhouse is a type of agricultural building used to grow crops, not store them. There are some instances greenhouses are needed to establish a farm use in the EFU or Rural Residential zones, and, as such, not necessarily subject to parcel specific farm tax deferral requirements.//

BUILDING HEIGHT: The vertical distance between the ~~average lowest~~ **average lowest** final grade to the highest

point of a building, exclusive of chimneys.

II. ARTICLE 7 – Exclusive Farm Use (EFU) Zone

Table 7.2 Use Table for Exclusive Farm Use (EFU) Zone

Table 7.2: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited	Review Type		SUBJECT TO
	HV	All Other	
Use			
Commercial Uses			
Agri-tourism single event (i.e., not to exceed 16 hrs and 50 400 attendees)	<u>TYPE I</u>	<u>TYPE I</u>	<u>Section 7.12.A</u>
<i>//Editor’s note: The Board recommended allowing the single event through a Type I (instead of Type II) review and not to exceed 50 attendees.//</i>			
Agri-tourism single event (i.e., not to exceed 72 hrs and 250 500 attendees).	<u>TYPE II</u>	<u>TYPE II</u>	<u>Section 7.05</u> <u>Section 7.12.B</u>
<i>//Editor’s note: The Board recommended allowing this single event through a Type II review (requiring notice to neighbors) and not to exceed 250 attendees.//</i>			
Agri-tourism for up to 6 events or activities <u>in a calendar year</u> or not to exceed 18 events or activities on 80 acres.	<u>TYPE II</u>	<u>TYPE II</u>	<u>Section 7.05</u> <u>Section 7.12.C</u>
<i>//Editor’s note: The Board recommended allowing for up to 6 events not to exceed 250 attendees. The state provisions allow for the permit to be renewed every 2-years. The Board suggested to have it reviewed and renewed every-year. The recommended language reflects that suggestion.//</i>			
<u>Agri-tourism: Other more frequent or longer events on 80 acres</u> or not to exceed 18 events or activities on 80 acres.	<u>P</u>	<u>P</u>	
<i>//Editor’s note: Statute allows for longer and more frequent events on tracts 80 acres in size (up to 18 events in a year). The Board recommended to not allowing these events.//</i>			
Parks/Public/Quasi-public Uses			
Publicly owned parks, playgrounds, and campgrounds	<u>P</u> <u>€</u> <u>(TYPE III)</u>	<u>C</u> <u>(TYPE III)</u>	<u>Section 7.04.T</u> <u>Section 7.05</u>
<i>//Editor’s note: The Board recommended to allow publicly owned parks, through a CUP process, on Non-HV farmland.//</i>			

Proposed Text Language - Section 7.12 (Agri-tourism and Other Commercial Events)

//Editor’s note: Agri-tourism is specifically defined in Article 3 and excludes other commercial activities and events like celebratory events and weddings. In light of the definition and wanting to provide less ambiguity, it makes sense to remove the terminology “other commercial events” throughout the proposed agri-tourism provisions.//

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

- A. In the alternative to 7.12 Subsections B and C, the county may authorize, through an expedited, single-event license, a single agri-tourism ~~or other commercial~~ event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance

of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism ~~or other commercial~~ event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

1. Must be incidental and subordinate to existing farm use on the tract;
 2. May not begin before 6 a.m. or end after 10 p.m.;
 3. May not involve more than **50 attendees** or **25** ~~50~~ vehicles; *//Editor's note: This recognizes the Board's recommendation to decrease attendees from 100 to 50. Moreover, if attendees are reduced, a linear thought and recommendation would be to reduce parking, too.//*
 4. May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
 5. May not require or involve the construction or use of any new permanent structure in connection with the agri-tourism ~~or other commercial~~ event or activity;
 6. Must be located on a tract of at least 10-acres unless the owners or residents of adjoining properties consent, in writing, to the location; and *//Editor's note: This is an important criteria and provides for a variance based on neighborhood relations and/or sentiments, which indirectly helps regulate and better manage events and activities. In the context of Hood River County, this criteria would likely reduce the number of requests for these types of events//.*
 7. Must comply with applicable health and fire and life safety requirements.
- B. A single agri-tourism ~~or other commercial~~ event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and: *//Editor's note: This recognizes the permit is only valid for 1-year.//*
1. The agri-tourism ~~or other commercial~~ event or activity is incidental and subordinate to existing farm use on the tract;
 2. The duration of the agri-tourism ~~or other commercial~~ event or activity does not exceed 72 consecutive hours;

3. The maximum attendance at the agri-tourism ~~or other commercial~~ event or activity does not exceed **250 people**; *//Editor's note: This recognizes the Board's recommendation to decrease attendees from 500 to 250.//*
4. The maximum number of motor vehicles parked at the site of the agri-tourism ~~or other commercial~~ event or activity does not exceed **125 250** vehicles; *//Editor's note: If attendees are reduce by half it is suggested parking is reduced, too.//*
5. The agri-tourism ~~or other commercial~~ event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements;
6. Must comply with the Conditional Use Review Standards described in Section 7.05; and *//Editor's note: This criteria of will ensure a thorough review of impacts to farm and forest practices, adjacent properties, and general compatibility with vicinity uses.//*
7. The agri-tourism ~~or other commercial~~ event or activity complies with conditions established for:
 - a. Planned hours of operation;
 - b. Access, egress and parking;
 - c. A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and
 - d. Sanitation and solid waste; and
8. **Must be located on a tract of at least 10-acres unless the owners or residents of adjoining properties consent, in writing, to the location; and** *//Editor's note: As mentioned above, this criteria applies to the first type of agri-tourism event. Staff recommends the Board consider applying it to the second tier of agri-tourism events, too. The criterion provides for a variance based on neighborhood relations and/or sentiments, which indirectly helps regulate and better manage events and activities. In the context of Hood River County, this criterion could reduce the number of requests for these types of events.//*
9. **A permit authorized by this subsection shall be valid for one-calendar year. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection B, any local standards that apply and conditions that apply to the permit or to the agri-tourism events or activities authorized by the permit.** *//Editor's note: The state created this provision for the third tier of agri-*

tourism events below. Staff feels that clearing allowing the application to be renewed annually is reasonable and necessary. A renewal is necessary because said application for a CUP can be a challenging, time consuming and an expensive process.//

- C. In the alternative to Subsections A and B, the county may authorize up to six agri-tourism ~~or other commercial~~ events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism ~~or other commercial~~ events or activities must meet any local standards that apply, and the agri-tourism ~~or other commercial~~ events or activities:
1. Must be incidental and subordinate to existing farm use on the tract;
 2. May not, individually, exceed a duration of 72 consecutive hours, **exceed 250 attendees and 125 vehicles**; and *//Editor's note: This recognizes the Board's recommendation to cap attendees at 250 people. Statute does not have a cap for attendees for this tier of agri-tourism event.//*
 3. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism ~~or other commercial~~ events or activities;
 4. Must comply with the Conditional Use Review Standards described in Section 7.05; *//Editor's note: This criteria of will ensure a thorough review of impacts to resources, adjacent properties, and general compatibility with vicinity uses.//*
 5. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
 6. Must comply with conditions established for:
 - a. The types of agri-tourism ~~or other commercial~~ events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism ~~or other commercial~~ events and activities, the anticipated daily attendance and the hours of operation;
 - b. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism ~~or other commercial~~ events or activities;
 - c. The location of access and egress and parking facilities to be used in connection with the agri-tourism ~~or other commercial~~ events or activities;

- d. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - e. Sanitation and solid waste.
7. **Must be located on a tract of at least 10-acres unless the owners or residents of adjoining properties consent, in writing, to the location; and** *//Editor's note: As mentioned above, this criteria applies to the first type of agri-tourism event and recommended to apply to the second type as well. Staff recommends the Board consider applying it to the third tier of agri-tourism events, too. The criteria provides for a variance based on neighborhood relations and/or sentiments, which indirectly helps regulate and better manage events and activities.//*
8. A permit authorized by this subsection shall be valid for **one-calendar year**. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection C, any local standards that apply and conditions that apply to the permit or to the agri-tourism ~~or other commercial~~ events or activities authorized by the permit. *//Editor's note: The state provisions allow for this type of permit to be renewed every 2-years. The Board recommended having it reviewed and renewed every year. The recommended language reflects that suggestion.//*
- D. Temporary structures established in connection with agri-tourism ~~or other commercial~~ events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism ~~or other~~ event or activity. Alteration to the land in connection with an agri-tourism ~~or other commercial~~ event or activity including, but not limited to, grading, filling or paving, are not permitted.
- E. The authorizations provided by this section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism ~~or other commercial~~ events and activities.

Other Miscellaneous Concerns and Feedback Received (Agri-tourism)

After the November 10th public hearing, staff continued to receive feedback and thoughts regarding the agri-tourism provisions. An abbreviated synopsis of the feedback is as follows:

- A number of planning commissioners recommended to the planning director the 10-acre minimum and one-year limit apply to all permits.
- Hood River Valley Residents Committee are generally uncomfortable with the agri-tourism would like them to be remanded to the planning commission for further deliberation. The notion of adding an entirely new use on farmland "without a lot of

thought” could have negative impacts on the farm zone. Furthermore, the header “Agri-tourism and Other Commercial Events could be misleading. *//Editor’s note: Agri-tourism is a temporary use that can only have temporary structures. Having the terminology “Other Commercial Events” could be misleading.//*

- Add event hours for B and C. *//Editor’s note: B and C refer to multi-day type of events, where people might be staying on the property, might not (i.e., up to 72 hour duration). When issuing multi-day types of permits usually a time when the music or noise must end is conditioned. There are criteria imbedded within the proposed conditions to adequately address hours of operation and noise.//*
- Add maximum daily attendance of 250 people and 125 cars to C. *//Editor’s note: This is an issue the Board could discuss. However, the third tier of agri-tourism events (“C”) has more review criteria involved to mitigate potential impacts. The legislative intent of these provisions was to allow bigger events to be proffered through the respective provisions.//*
- Add "compliance with ORS 215.296" to B and C. It is a requirement of state law anyway, but we think it's helpful to have in the county's code to remind applicants that they must minimally impact costs/practices of surrounding farmers. *//Editor’s note: The CUP criteria required for agri-tourism events outlined in “B” and “C” address: a) significant changes in accepted farm or forest practices on surrounding lands devoted to farm or forest use; b) not significantly increasing the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and c) compatibility with vicinity uses. Furthermore, in agri-tourism events under “C” stability of land use patterns in the area must be further evaluated.//*
- Add a requirement to C that applicants on a private road, get permission from other landowners if that road is needed for access. *//Editor’s note: This is an issue the Board could discuss. However, if the event was going to be on a property less than 10-acres access would likely resolve itself, as consent would be needed from neighbors.//*
- What about the cumulative effects and avoiding event saturation either from lots of events occurring at the same time or in a small geographic area? It looks like the section 7.12 (C)(10) ("May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area) was put in the ORS to deal with that, but wondered if the county had thought through how you would monitor or regulate that in practice. *//Editor’s note: It is a fair assessment the proposed agri-tourism regulations are actually too onerous and would inadvertently discourage people from seeking to legally conduct their agri-tourism event or activity. At this time and based on experience, it is hard to imagine getting more than two (2) or three (3) requests a year for agri-tourism events or activities. There are criteria in place to address event saturation, as that would invariably trigger a number of different potential impacts. All the more reason agri-tourism events or activities would be required to be issued or renewed annually.//*

- Overall, the code strikes a decent balance between allowing a new revenue stream for some farmers while minimizing negative effects on their neighbor farmers. We are supportive of events that help farmers stay in farming--our concern would be events that make farming more difficult for neighboring farmers. Requiring annual permits for C is a great way to start as the county learns more about the kind of events that will take place. *//Editor's note: Good comment and insight.//*

III. ARTICLE 15 – Rural Residential (RR) Zone

Section 15.10 – Permitted Uses

- C. Farm uses, excepting any poultry, animal raising, ~~stabling~~ or breeding enterprise conducted on a commercial basis. *//Editor's note: The Board recommended allowing stabling enterprises (e.g., horses) to be allowed and reviewed through a CUP.//*

Section 15.30 - Conditional Uses Permitted

N. Stabling enterprise (e.g., horses).

IV. ARTICLE 18 - Subdivisions

E.5.

Physical Limitations exist, such as **setbacks, buffers,** roads, rivers, canals, steep terrain, etc., that would restrict the reasonable access and/or use of the adjusted property by the current property owner; or *//Editor's note: The Board recommended allowing a non-conforming parcel size to be enlarged if it was to accommodate a mandatory setback or buffer imposed to protect adjacent agricultural resources or farming practices from a lawfully placed dwelling.//*

///



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

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STAFF REPORT: Multi County Resource Zone Update Project

FILE NUMBER: P-15-0017 **DATE:** November 10th, 2015 Public Hearing

APPLICANT Hood River County Community Development Department

REQUEST: Text amendments to the Hood River County Zoning Ordinance (“HRCZO”) to conform to current state statutes and administrative rules, focused on: (1) amending Article 3 (Definitions) to modernize existing definitions and incorporate new definitions to improve the administration of HRCZO; (2) amending Article 5 (Forest Zones) and Article 7 (Exclusive Farm Use or “EFU” Zone) to incorporate the mandatory (non-discretionary) elements of Oregon Revised Statutes (ORS) and Oregon Administration Rules (OAR) that regulate land use, land divisions and standards; (3) updating procedures addressing ministerial, administrative and quasi-judicial permits, and similar use determinations; (4) amending Article 15 (Rural Residential Zone, RR) and Article 22 (Rural Center Zone, RC) to modify farm stand provisions and for consistency; (5) amending Article 53 (Home Occupations) to customize home occupations standards; (6) amending Article 10 (Residential Zone, R-1), Article 12 (Residential Zone, R-2), Article 15, Article 21 (Commercial Zone, C-1), Article 27 (Mt. Hood Unincorporated Community Commercial Zone, MH-C1) to create consistent temporary hardship dwelling standards; modifying Article 18 (Subdivision) to clarify property line adjustment standards; and (7) additional amendments to accomplish the foregoing.

STAFF CONTACT: John Roberts, Community Development Director

RECOMMENDATION: Accept public testimony, advise staff of additional changes and approve.

EXHIBITS: Proposed Amendments to HRCZO:

- Article 3 – Definitions
- Article 5 – Forest (F-1 & F-2) Zones (*Replace in entirety*)
- Article 7 - Exclusive Farm Use (EFU) Zone (*Replace in entirety*)
- Article 10 – Residential (R-1) Zone
- Article 12 – Residential (R-2) Zone
- Article 15 – Rural Residential (RR) Zone
- Article 18 – Subdivisions
- Article 21 – Commercial (C-1) Zone
- Article 22 – Rural Center (RC) Zone
- Article 27 – Mt. Hood Unincorporated Community Commercial (MH-C1) Zone
- Article 53 – Home Occupation

I. PURPOSE: NOVEMBER 10th, 2015 PUBLIC HEARING

The planning commission conducted seven planning sessions to overview updates to the HRCZO resources zones as part of the model code update project sponsored by the Oregon Department of Land Conservation and Development (DLCD). The sessions involved a lot of hard work and resulted in amendments recommended by the planning commission for adoption by the Board of County Commissioners (“Board”).

The planning commission was aware that since amendments to the HRCZO are a legislative process they were not the final approval authority. The purpose of the November 10th public hearing is to formally review the record and proposed amendments, consider the planning commission recommendation, receive public testimony, and possibly adopt the proposed amendments. However, it is recognized more than one public hearing might be necessary. If approved by the Board, the decision will then be forwarded to DLCD for review and acknowledgement.

II. INTENT: MODEL CODE UPDATE PROJECT

There are a number of reasons to update local land use ordinances, such as:

- Bringing zoning ordinances into compliance with current State statutes and regulations.
- Including the basis for specific regulatory criteria within the ordinance for greater public understanding and buy-in.
- Reviewing current zoning regulations to better determine their long range fiscal impact on county resources.
- Offering ordinance provisions that provide incentives to achieve public goals (reducing water consumption, increasing open space, etc.).
- Increasing the amount of clear and objective application criteria within the zoning ordinance.
- Implementing local flexibility in land use decisions.
- Rephrasing ordinance language into plain English.
- Removing unnecessary regulations that increase cost to the citizens.

The proposed amendments, to some degree, accomplish all of these identified reasons to update a land use ordinance.

Many sections of the HRCZO have been updated over the years. However, the county’s resources zones (Forest and Farm zones) have not been significant been updated over the last couple decades to keep current with the various changes in state law. Consequently the underlying and main reason for these proposed legislative amendments were to bring the Forest and EFU zones contained in the HRCZO into compliance with current State statutes and regulations. In addition to updating key provisions of the resource zones to conform to current law, it is also an opportunity to update requirements and procedures to be consistent with

current practices and to generally improve the structure and content of other Articles impacted by the recommended changes to the resource zones.

III. BACKGROUND: MULTI-COUNTY RESOURCE ZONE UPDATE PROJECT

Earlier in 2014 DLCD provided funding to allow DLCD, some planning directors and the Angelo Planning Group to develop model zoning code for resources zones (i.e., farm, forest and mixed farm and forest zones). The project was referred to as the Multi County Resource Zone Update Project (“Project”) or “Phase I.” The primary purpose of Phase I of the Project was to identify all the uses and restrictions that are in the current Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs) so that counties could simply adopt the model codes with minimal research.

Phase II of the project was to select counties to participate with assistance from Angelo Planning Group updating their respective zoning codes for the resource zones. The Board adopted Resolution # 1998 stating their interest and commitment in carrying through with adopting updates to the county’s resource zones. In January 2015, Hood River County was selected as a participant, along with Union, Coos and Lake counties. DLCD selection of counties to receive the code drafting assistance was based on those counties with the most out-of-date resource zones. Hood River County was a high priority as its EFU and Forest zoning articles have not been fully updated in recent years to incorporate all changes mandated by the Oregon Legislature. The county adopted provisions to zone the High Value farmland in 1996, which was when the current EFU Zone was adopted (almost 20-years ago). The county adopted a revised Forest Zone in 2001 (almost 15-years ago).

The project has focused on amendments to incorporate the mandatory (non-discretionary) elements of ORS and OAR that regulate land use, land divisions and standards in the county’s resources zones. However, the update project invariably has also provided an opportunity to update other sections of the HRCZO directly related to the resources zones, particularly the Definition and Home Occupations articles. Overall, the following eleven Articles are proposed to be amended as part of the project:

- Article 3 – Definitions
- Article 5 – Forest (F-1 & F-2) Zones (*Replace in entirety*)
- Article 7 - Exclusive Farm Use (EFU) Zone (*Replace in entirety*)
- Article 10 – Residential (R-1) Zone
- Article 12 – Residential (R-2) Zone
- Article 15 – Rural Residential (RR) Zone
- Article 18 – Subdivisions
- Article 21 – Commercial (C-1) Zone
- Article 22 – Rural Center (RC) Zone
- Article 27 – Mt. Hood Unincorporated Community Commercial (MH-C1) Zone
- Article 53 – Home Occupation

For more information regarding the DLCD Multi County Code Update Project visit:
http://www.oregon.gov/LCD/Pages/Multi_County_Code_Update_Project.aspx

IV. GUIDING PRINCIPLE: EMPHASIZE GOALS 3 & 4

The Oregon Statewide Planning Program (SWPP) has 14 goals implemented by Hood River County through its Comprehensive Plan and HRCZO. In the process of making decisions related to land use, the planning commission emphasized SWPP Goals 3 and 4 (protecting Agricultural and Forest lands). The planning commission felt that resource land preservation, as stated in Goals 3 and 4, is a very important community priority. Moreover, other goals, such as Goal 8 - Recreational Needs, Goal 9 - Economic Development and Goal 10 – Housing can be adequately addressed in other locations in the county. Simply, the planning commission emphasized protection of resource zoned lands over non-resource land related goals. This emphasis affected the updates, which led the planning commission to being more restrictive with some uses. An example includes not providing opportunities in the EFU zones for public or private parks and campgrounds. Overall, this emphasis created a tendency by the commission to explore being more restrictive when discussing uses on valued resource lands like agri-tourism, destination resorts, room and board arrangements, and firework stands.

V. SUMMARY OF PROPOSED AMENDMENTS

As mentioned, the proposed amendments are primarily intended to incorporate mandatory (non-discretionary) elements of Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) that regulate land use, land divisions and standards into the county's farm and forest zones. The changes proposed to the HRCZO specifically identified required notice to affected property owners included:

- Adding and modifying definitions that apply to land use, farm use, development standards, building specifications, and agricultural and equine structures to improve the HRCZO.
- Updating procedures addressing ministerial, administrative and quasi-judicial permits and similar use determinations.
- Revising conditional use permit review criteria, approval period and time extensions in the EFU and Forest Zones.
- Prohibiting destination resorts in the Forest Zones.
- Prohibiting community centers, publicly owned parks and campgrounds, and private parks on EFU zoned land.
- Prohibiting room and board arrangements and aerial fireworks display businesses on all EFU zoned land.
- Limiting agri-tourism and other commercial events related to agriculture.
- Modifying and updating farm stand, home occupation, temporary hardship dwelling, and dimensional and site development standards found in multiple zoning articles.

- Amending property line adjustment provisions in the subdivision ordinance.

Whereas the amendments to Articles 5 and 7 are a complete rewrite and replacement, changes to the other nine Articles are less substantial and focus on creating consistency between zoning Articles. Specifically, modifying and updating farm stand, agricultural buildings, home occupation, temporary hardship dwelling, and dimensional and site development standards found in multiple zoning articles.

Attached for review are the most recent drafts of all eleven articles associated with the update project. Except for Articles 5 and 7, all the proposed amendments are noted in **Bold and Underline** and ~~strikethrough~~. Also contained in all the Articles are “Editor’s notes” identified in *italicized yellow highlighting*. The purpose of the “*Editor’s notes*” are to identify and provide more detail surrounding issues that received attention and discussion from the planning commission or staff during the seven planning sessions. These issues identify a provision that is proposed to deviate from the existing ordinance (i.e., become more restrictive or become less restrictive). From staff’s perspective, the following provides a concise summary of each Article regarding the important changes that the planning commission recommends:

A. Article 3 – Definitions

- Modernized existing definitions and incorporated new definitions to improve the administration of the HRCZO.
- Farm Use: New and updated definitions specific to the EFU zone were incorporated, such as: Agricultural Building and Farm Use.
- Mobile Homes: Updated definitions related to Manufactured Housing, Recreational and Camping Vehicles were developed.
- Farm Stand: A new definition of Farm Stand was developed to align more with the state’s definition.
- Parcel: The definition of Parcel was updated to address the notion of lawfully created divisions of land.
- Home Occupation: A new definition and standards for Home Occupation were developed. The new standards were moved to Article 53 (Home Occupations).

B. Article 5: Forest (F-1 & F-2) Zones (*Replace in entirety*)

- Updated procedures addressing ministerial, administrative and quasi-judicial permits.
- Use Table: Similar to the EFU zone, a provision has been inserted to authorize a use not listed in the zone district based on a “similar use” determination by the Planning Director (which is appealable).
- Destination Resorts: Currently destination resorts are allowed in the Forest zones. In light of how unlikely it would be currently for a destination resort to meet the required state siting standards and criteria to be approved, the planning commission recommends prohibiting them.
- Outdoor Mass Gathering: The planning commission unanimously agreed to prohibit the larger tier of outdoor mass gatherings allow by statute.

C. Article 7 - Exclusive Farm Use (EFU) Zone (*Replace in entirety*)

- Updated procedures addressing ministerial, administrative and quasi-judicial permits, similar use determinations, and permit cold storage facilities as a commercial activity in conjunction with farm use.
- Agri-tourism: There is an opportunity to permit four types of agri-tourism events. The planning commission elected to allow the single agri-tourism event provision (i.e., not to exceed 16 hrs and 100 attendees) through a Type II review, and prohibit the larger single events, six events and up to 18-events per year.
- Publicly Owned Parks: Currently publicly owned parks are permitted on all EFU farmland (including High Value "HV"). Although not unanimous, the planning commission elected to prohibit publicly owned parks on all EFU zoned land.
- Publicly Owned Campgrounds: Currently private campgrounds are Prohibited on HV farmland and allowed on Non-HV farmland. Although not unanimous, the planning commission elected to prohibit publicly owned campgrounds on Non-HV farmland, too.
- Private Parks: Currently, private parks are prohibited on HV farmland and allowed on Non-HV farmland. The planning commission elected to prohibit private parks on Non-HV farmland, too.
- Other: In addition, the planning commission elected to prohibit: aerial fireworks display business, room and board arrangements, living history museum, community centers, and large scale outdoor mass gatherings allow by statute.

D. Article 10 – Residential (R-1) Zone

- Temporary Hardship Dwellings: To be consistent between all zones and to improve consistency within the HRCZO, amended temporary hardship dwellings standards are proposed in the R-1 Zone.
- UGB: The references to the City of Hood Urban Growth Boundary are proposed to be removed as they are no longer applicable.
- Siting Standards: Setbacks are proposed to be change to be uniform between the other zoning Articles.

E. Article 12 – Residential (R-2) Zone (*Eliminate in Entirety*)

- Eliminate: It is recommended to repeal and eliminate the entire R-2 zoning article from the HRCZO. The zone no longer exists as it was intended for lands within the Urban Growth Boundary or Area (UGB). When the city's zoning districts were adopted within the UGB the R-2 Zone was no longer applied to any properties within unincorporated portions of Hood River County. It has remained in the HRCZO because the C-1 (Commercial) Zone references the uses in the R-2 Zone instead of explicitly listing them. The C-1 Zone is proposed to be updated to list the specific uses the R-2 Zone identified.

F. Article 15 – Rural Residential (RR) Zone

- Agriculture Buildings: The agriculture building provisions from Article 7 (EFU) were inserted for clarity and consistency. However, in light of the existing restriction on

raising animals on a commercial basis in the RR Zone, the references to “equine facilities” were deleted.

- Farm Standards: The farm stand provisions contained in Article 7 (EFU) were reevaluated and amended. Farm stands are allowed in three (3) zones: EFU, RR and RC. The farm stand provisions developed for Article 7 are recommended to be used in both the RR and RC zones.
- Temporary Hardship Dwellings: Including the temporary hardship dwellings standards proposed in the EFU and R-1 zones is recommended.
- Site Development Standards: Updated buffer requirements and setbacks are recommended to create consistency between zoning Articles.

G. Article 18 – Subdivisions

- Cold Storage: Standards are proposed to address issues related to cold storage on EFU zoned lands.
- ORS: Provisions directly taken from ORS 92.192 and HB 2831 are recommended to be inserted (Property line adjustment; zoning ordinances; lot or parcel size),

H. Article 21 – Commercial (C-1) Zone

- Temporary Hardship Dwellings: The amended and updated temporary hardship dwellings standards are proposed to be included in the C-1 Zone.
- Site Development Standards: Updated buffer requirements and setbacks are recommended to create consistency between zoning Articles.

I. Article 22 – Rural Center (RC) Zone

- Farm Standards: The farm stand provisions contained in Article 7 (EFU) were reevaluated and amended. Farm stands are allowed in three (3) zones: EFU, RR and RC. The farm stand provisions developed for Article 7 are recommended to be used in both the RR and RC zones.
- Site Development Standards: Updated buffer requirements and setbacks are recommended to create consistency between zoning Articles.

J. Article 27 – Mt. Hood Unincorporated Community Commercial (MH-C1) Zone

- Temporary Hardship Dwellings: The amended temporary hardship dwellings standards are recommended in the MH-C1 Zone.
- Site Development Standards: Updated buffer requirements and setbacks are recommended to create consistency between zoning Articles.

K. Article 53 – Home Occupation

- State Standards: The proposed changes are intended to represent a hybrid and balance between state standards and the existing HRCZO home occupations standards.
- Specific Standards: Proposed changes to 1) identify what type of home occupations do not need a land use or conditional use permit, 2) allow for 3 more employees on site, and 3) allow for home occupations in accessory buildings that did not exist prior to the

adoption of the HRCZO in 1976.

VI. ORGANIZATION & USE OF MODEL ZONES for ZONING ARTICLES 5 & 7

The organization and content of the amended resource zone articles is a significant deviation from the existing articles contained in HRCZO. The draft zoning article's sections incorporate the mandatory (non-discretionary) elements of ORS and OAR that regulate land uses and land divisions in resource zones. In this context, the proposed amendments create lengthened articles. However, this is preferred as it is felt more content provides better customer service, particularly through providing more clarity to staff, community and applicants. The organization of the articles makes for the content to be easily found due to a reference table and conversely the need to do less cross-referencing between HRCZO, ORS and OAR provisions. Organizationally, the biggest change is presenting the code in a tabular form first and list second.

Another change is how the amendments address ministerial, administrative and quasi-judicial permits. The draft amendments use the term "subject to" meaning subject to county review, which is intended to include any review mechanism a county chooses to employ – a land use permit, an administrative review or hearings officer or planning commission hearing – as long as it complies with relevant statutes. Where the draft zones do not indicate the need for notice and review, a county may nevertheless choose to require them for its own purposes, such as for a site design review required by another section of the HRCZO.

Lastly, per the law, the uses listed in ORS 215.283(1) are either farm-related or are generally compatible with farm uses and must therefore be authorized uses in EFU zones. These uses are included in the "Uses Allowed," in Table 7.1 and a county is not permitted to add approval criteria to these uses beyond those included therein. Permitted uses may, however, be subject to a local jurisdiction's siting and design standards. The uses listed in the "Conditional Uses" section of the proposed amendments are from ORS 215.283(2), and a county may introduce local approval criteria (i.e., local discretion) for these uses.

VII. APPLICABLE PLANNING GOALS & OTHER CRITERIA

The proposed amendments will not impact the statewide planning goals, county's comprehensive plan or policy document. The proposed changes are a legislative amendment initiated by the Board of County Commissioners and Planning Department.

A. GOAL 1 – CITIZEN INVOLVEMENT

GOAL: Maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

POLICIES:

- 1. Improve and use existing citizen participation programs to insure ongoing citizen involvement in plan and land use regulation revisions now and after Plan*

acknowledgement.

2. *Establish, maintain and encourage use of an ongoing citizen involvement program for the County.*

STRATEGIES - The County shall:

1. *Encourage public participation in the planning process by continuing support of existing programs. The Planning Commission shall advise the Board of the effectiveness of these programs and changes to improve these programs;*
2. *Improve the availability of planning information to citizens and agencies;*
3. *Establish other special purpose committees to facilitate citizen involvement during plan review update or as otherwise needed;*

*(***)*

FINDING: A special purpose committee (i.e., Citizen Advisory Committee) was not formed to assist in the code update project and proposed amendments. The citizen advisory committee formed to oversee the update project and forward a recommendation to the Board was the planning commission. It is staff's opinion the make-up and experience of the planning commission made for an ideal working group of individuals to represent the public interests and provide constructive feedback. Per the Planning Commission Bylaws Purpose and Responsibilities:

- B.1 - "The Planning Commission is designated and serves as the County's Citizens Advisory Committee (CAC) under Goal 1 of the Oregon Land Use Planning Program."
- B.2 - "The Planning Commission shall be responsible for making recommendation to the Board of County Commissioners ("Board") on matters of planning, plan implementation, and community development."
- B.8 - "The Planning Commission shall make recommendations to the Board regarding the following items:
 - a. Adoption of Comprehensive Plan amendments.
 - b. Adoption of Zoning Ordinances designed to carry out the Comprehensive Plan.
 - c. Legislative changes to the text of Zoning Ordinances and map changes."

Overall, the planning commission conducting seven (7) planning sessions on the update project and two (2) public hearings. At each planning sessions issues were identified and discussed. The dates of the planning sessions included: May 13, May 27, June 10, June 24, July 8, July 20 and July 22, 2015. The May 13 meeting was a presentation by Angelo Planning Group (i.e., consultant) to kick-off the project. The July 20th planning session was a joint meeting between the planning commission and Board. At each of these planning sessions, the public has had opportunities to provide comments and recommendations associated with the project and proposed amendments. For example, Hood River Valley Residents Committee submitted written comments at the July 8th planning session (letter attached). The Hood River Valley Parks and Recreation District also participated at some of the planning sessions.

Additionally, two (2) public hearing were conducted on September 9th and 23rd, 2015. The September 9th hearing, focused on the EFU zone, was particularly well attended, and public testimony was provided by approximately 24-individuals. The September 23rd hearing, which focused on the Forest zones and other nine (9) articles, was attended by approximately a dozen individuals. Citizen involvement was encouraged as part of the process to ensure opportunities for citizens and different entities to be involved.

B. APPLICABLE STATE LAW

ORS 197.610 and OAR 660-018-0020 – Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation – 20 - 35 day notice to DLCD, prior to 1st evidentiary hearing

FINDING: Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulations at least 35-days before the first evidentiary hearing. Consistent with the above rules, staff provided notice of the proposed amendments to Articles 3, 5 and 7 to DLCD on May 5, 2015. This is more than 35-days prior to the first evidentiary hearing, which was originally scheduled before the planning commission on Wednesday, June 10, 2015 and rescheduled for September 9, 2015. The proposed amendments to the eight (8) other zoning Articles have not been submitted to DLCD, as the amendments are incidental to the resource zone updates. Updates adopted by the Board will be forwarded to DLCD for review and acknowledgement.

The first planning commission public hearing was originally scheduled for June 10, 2015 per the request of DLCD. A deliverable of the Technical Assistance grant awarded to Hood River County for the Multi-County Resource Zone Update Project was to conduct a public hearing by the end of June. The funds DLCD had dedicated for the update project, and support from Angelo Planning Group to facilitate the project, had to be used by the end of the Fiscal Year.

ORS 215.223 - 215.223 Procedure for adopting zoning ordinances; notice. (1) No zoning ordinance enacted by the county governing body may have legal effect unless prior to its enactment the governing body or the planning commission conducts one or more public hearings on the ordinance and unless 10 days' advance public notice of each hearing is published in a newspaper of general circulation in the county or, in case the ordinance applies to only a part of the county, is so published in that part of the county.

FINDING: Consistent with the above rule, notice of the June 10, 2015 Planning Commission Public Hearing was published in the *Hood River News* on May 30, 2015, more than 10 days before the hearing. Although the June 10th Public Hearing was continued by the planning commission to a date and time certain since then, the project invariably evolved. As such, a notice of the September 9, 2015 Public Hearing was published in the *Hood River News* on Wednesday, August 26 and Saturday, August 29, 2015. This was more than 10 days before the hearing.

Consistent with the above rule, notice of the November 10th, 2015 Board Public Hearing was

published in the *Hood River News* on October 29th, October 31st and November 4th, 2015, more than 10-days before the hearing.

215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.

(***)

(3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(***)

(9) For purposes of this section, property is rezoned when the governing body of the county:
(a) Changes the base zoning classification of the property; or
(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

FINDING: Consistent with the above rules, it was determined a Measure 56 notice had to be conducted to notify property owners the county is proposing to modify existing land use regulations that may affect the permissible uses of their property and value. The notice was mailed to all affected property owners who own Forest and EFU zoned property on Friday, August 14, 2015. This was more than 20, but less than 40 days, before the September 9, 2015 Public Hearing. The total number of resource zoned (i.e., Forest and Farm lands) properties affected was approximately 3,500. After removing duplicate properties (different properties owned by the same individual) approximately 1,800 Measure 56 notices were mailed.

C. Legislative Review - Article 62 (“Legislative Amendments”), HRCZO

Section 62.00 - Initiation: An amendment, supplement or change to the text or maps of this ordinance may be initiated by: A. The Board of Commissioners. B. The Planning Commission. C. The Planning Director.

FINDING: The legislative action was initiated by the Board through Resolution 1998 on December 15, 2014. The Resolution expressed the county’s desire to participate in DLCD’s

Multi-County Resource Zone Update Project and commitment to carrying the process through a code update and adoption process.

Section 62.02 – Procedures

FINDING: As mentioned, a public hearing was originally scheduled before the planning commission to review the amendments on June 10, 2015. The hearing was continued to a date and time certain since that hearing. However, in light of changes to the amendments and ongoing planning sessions, a new public hearing was scheduled and re-noticed for September 9, 2015. Within 30 days from receipt of the recommendation by the planning commission, a request was forwarded to the Board on both September 21st and October 19th, 2015 to conduct a public hearing. The planning commission’s recommendation was forwarded to the Board on October 19, 2015 (**the planning commission recommendation is included as part of this staff report at the end**).

Section 62.04 – Notice

FINDING: Notice of the June 10, 2015 Public Hearing was published in the *Hood River News* on Saturday, May 30, 2015, more than 10 days prior to the June 10, 2015 hearing. Although continued by the planning commission repeatedly to a date and time certain, the June 10 hearing was rescheduled for September 9, 2015. Notice of that hearing was published in the *Hood River News* on Wednesday, August 26 and Saturday, August 29, 2015, more than 10 days prior to the hearing.

Measure 56 notification was sent by mail to approximately 1,800 affected properties owners in the Forest and EFU zones on August 14, 2015.

Notification was sent by mail to affected local and state agencies, the City of Hood River, and individuals who indicated an interest in the legislative action. A list of the more than forty (40) agencies and individuals who received notice of the planning commission September 9th public hearing and staff report is available at the county planning department.

Consistent with the above rule, notice of the November 10th, 2015 Board Public Hearing was published in the *Hood River News* on October 29th, October 31st and November 4th, 2015, more than 10-days before the hearing.

VIII. MISCELLANEOUS

Board & Planning Commission – July 20th Joint Planning Session:

A joint meeting between the planning commission and Board was conducted on July 20th to overview and discuss the update project. Having dialogue between the Board and planning commission helped facilitate questions and concerns in relation to the significant issues identified by the planning commission and staff. Additionally, the meeting enabled the Board to

provide guidance to the planning commission to decrease the number of ambiguities in moving forward with the hearing's process. An abridged recap of some of the feedback from the joint meeting is as follows:

Forest Zones

- In considering if Destination Resorts should be prohibited, garner feedback through the public process.
- The Board is comfortable with allowing opportunities for publicly owned parks and campgrounds on properties zoned Forest (F-1 & F-2).

EFU Zone

- Once provisions for agri-tourism are established it could be challenging to curtail them.
- Exploring if prohibiting publicly owned parks and campgrounds on HV farmland has merit. The planning commission should be amendable to allowing publicly owned parks and campgrounds on non-HV farmland.
- Standards to review publicly owned parks and accompanying uses should match the state's standards.
- To protect farmland, private parks could be prohibited.

Other

- Emphasizing EFU and Forest uses and resource protection more than other goals like Recreation, Economic Development and Housing is an important guiding principle.
- The planning commission should examine provisions to facilitate cold storage facilities on EFU zoned property.

Katherine Daniels, DLCD Farm and Forest Specialist: Ms. Daniels thoroughly reviewed the draft Articles 3, 5 and 7 in early June. On June 10th and 11th Ms. Daniels provided specific and insightful comments and recommendations. All these recommendations were incorporated into the draft documents and are available for inspection at the county planning department.

IX. BOARD OF COMMISSIONER OPTIONS

- A. Accept** the amendments as proposed in the attached exhibits.
- B. Recommend changes** to the attached exhibits and **approve**.
- C. Continue** the public hearing to a date and time certain.
- D. Recommend denial** of the proposed amendments identified in attached exhibits.

X. STAFF RECOMMENDATION

Staff concludes that all criteria have been met for this request. Based on the findings of fact and other relevant information contained within this staff report and exhibits, staff recommends that the Board:

- 1) Accept public testimony and deliberate.
- 2) Direct staff to make additional changes.
- 3) If applicable, identify issues that need additional research.
- 4) If additional research or public testimony is deemed necessary, continue the public hearing to a date and time certain.
- 5) **Approve** the proposed amendments.

EXHIBITS: Proposed Amendments to HRCZO:

- Article 3 – Definitions
- Article 5 – Forest (F-1 & F-2) Zones (*Replace in entirety*)
- Article 7 - Exclusive Farm Use (EFU) Zone (*Replace in entirety*)
- Article 10 – Residential (R-1) Zone
- Article 12 – Residential (R-2) Zone (*Eliminate*)
- Article 15 – Rural Residential (RR) Zone
- Article 18 – Subdivisions
- Article 21 – Commercial (C-1) Zone
- Article 22 – Rural Center (RC) Zone
- Article 27 – Mt. Hood Unincorporated Community Commercial (MH-C1) Zone
- Article 53 – Home Occupation

Staff Report and proposed amendments are available for review on the Community Development Department website: <http://www.co.hood-river.or.us/>.

They are also available for review or purchase (at 0.25¢/sheet) at County Community Development at 601 State Street, Hood River, OR 97031.

Planning Commission Recommendation

HOOD RIVER COUNTY PLANNING COMMISSION

RECOMMENDATION TO THE BOARD OF COMMISSIONERS TO ADOPT MULTIPLE AMENDMENTS TO THE HOOD RIVER COUNTY ZONING ORDINANCE

WHEREAS, the Hood River County Board of Commissioners elected to participate in a multi-county code update project sponsored by the State of Oregon Department of Land Conservation and Development to update resource zones to conform to current state statutes and administrative rules, and better serve the citizens of the county; and

WHEREAS, the Hood River County Board of Commissioners (“Board”) adopted Resolution # 1998 stating their interest and commitment in carrying through with state sponsored project to adopt updates to the county’s resource zones; and

WHEREAS, the Hood River County Planning Director initiated a legislative process focused on amendments to incorporate the mandatory (non-discretionary) elements of state statutes and administrative rules that regulate land use, land divisions and standards in the county’s Exclusive Farm Use (EFU) and Forest zones; and

WHEREAS, the legislative updates also provided an opportunity to update nine other Articles of the Hood River County Zoning Ordinance directly related to the resources zones, particularly Article 3 (Definitions) and Article 53 (Home Occupations); and

WHEREAS, the above matter came before the Hood River County Planning Commission on seven planning sessions: May 13, May 27, June 10, June 24, July 8, July 20 and July 22, 2015. The July 20th session was held jointly between the planning commission and Board; and

WHEREAS, a public hearing was held by the Hood River County Planning Commission on September 9th and September 23, 2015; and

Planning Commission Recommendation

WHEREAS, due notice was given of the hearings before the planning commission and opportunity provided to allow testimony to all parties; and

WHEREAS, notification was sent by mail to approximately 1,800 affected properties owners in the Forest and EFU zones on August 14, 2015; and

WHEREAS, notification was sent by mail to affected local and state agencies, the City of Hood River, and individuals who indicated an interest in the legislative action; and

WHEREAS, the planning commission, based on the staff report, addendum to staff report, testimony and its own deliberations, concurred with the Amendments proposed by staff in its staff report(s).

The general and more notable changes include:

1. Amend Article 3 (Definitions) to modernize existing definitions and incorporate new definitions to improve the administration of the Hood River County Zoning Ordinance; and
2. Amend Article 5 (Forest Zones) to update procedures addressing ministerial, administrative and quasi-judicial permits, and similar use determinations. The planning commission unanimously agreed to prohibit destination resorts and the larger tier of outdoor mass gatherings allow by statute; and
3. Amend Article 7 (EFU Zone) to update procedures addressing ministerial, administrative and quasi-judicial permits, similar use determinations, and cold storage facilities as a commercial activity in conjunction with farm use. Although not unanimous on all the following, the planning commission agreed to prohibit: aerial fireworks display business, room and board arrangements, three types of agri-tourism events, living history museum, community centers, public parks and campgrounds, private parks and campgrounds, and large scale outdoor mass gatherings allow by statute; and

Planning Commission Recommendation

4. Amend Article 10 (Residential Zone, R-1) to create consistent temporary hardship dwelling and siting standards, and recognize the references to the City's Urban Growth Boundary are no longer applicable; and
5. Amend Article 12 (Residential Zone, R-2) to eliminate it in its entirety; and
6. Amend Article 15 (Rural Residential Zone, RR) to more uniformly address agricultural buildings, farm standards, temporary hardship dwellings and site development standards; and
7. Amend Article 18 (Subdivisions) to clarify properly line adjustment standards, address issues related to cold storage facilities on EFU zoned lands, and modify provisions as provided by ORS 92.192 and HB 2831; and
8. Amend Article 21 (Commercial Zone, C-1) to more uniformly recognize temporary hardship dwelling and site development standards; and
9. Amend Article 22 (Rural Center Zone, RC) to acknowledge emergency services, and consistent farm stand and dimensional standards; and
10. Amend Article 27 (Mt. Hood Unincorporated Community Commercial Zone, MH-C1) to create consistent temporary hardship dwelling standards; and
11. Amend Article 53 (Home Occupations) to customize home occupations standards; and

NOW, THEREFORE, IT IS HEREBY RECOMMENDED by the Hood River County Planning Commission that the Hood River County Board of Commissioners adopt the Amendments to the Hood River County Zoning Ordinance listed above, along with other amendments presented in the Staff Report dated September 9, 2015, and Addendum to Staff Report dated September 23, 2015 in their entirety.

Planning Commission Recommendation

DATED this 29th day of September 2015.

HOOD RIVER COUNTY PLANNING COMMISSION

By: _____
Bob Schuppe, Chair

Date

APPROVED AS TO FORM: _____
Wilford K. Carey, County Counsel

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 3 – Definitions

**Amendments identified at the
November 10th & December 21st
Public Hearings**

Proposed Amendments to Article 3 – Definitions

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

Incorrect numbering and references will be revised in the adopted version.

ARTICLE 3 - DEFINITIONS

As used in this Ordinance, the masculine includes the feminine and neuter and the singular include the plural. The following words and phrases, unless the context otherwise requires, shall mean:

ACCEPTED FARM PRACTICE: As used in this Ordinance, farming practice means a mode or 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.

ACCEPTED TIMBER PRACTICE: **In compliance with the Oregon Forest Practices Act,** the propagation, growing and harvesting of trees for commercial or non-commercial use; the use of equipment customarily utilized in conjunction with these uses and the maintenance of renewable forest resource production, retention of watershed productivity.

ACCESSORY BUILDING OR USE: A building or use which (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principle use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory uses are private garages, storage sheds, carports or patio covers.

AGRICULTURAL BUILDING: **A structure that is not subject to building code and permit requirements of the state structural specialty code (i.e., ORS 455.315), and that is located on a farm and used in the operation of such farm for:**

- 1. Storage, maintenance or repair of farm or forest machinery and equipment;**
- 2. The raising, harvesting and selling of crops or forest products;**
- 3. The feeding, breeding, management and sale of, or the production of, livestock; poultry, fur-bearing animals or honeybees;**
- 4. Dairying and the sale of dairy products; or**
- 5. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm product or forest products.**

Agricultural Buildings (aka “Ag-Exempt” Buildings) that are intended for agricultural use, but unable to meet the minimum requirements for an agricultural building, may be permitted as an accessory building subject to applicable permits and building codes. A greenhouse is a type agricultural building, and is a structure or building primarily composed of glass or other transparent or translucent material, in which protection or cultivation of delicate or out-of-season plants can be regulated.

Proposed Amendments to Article 3 – Definitions

AREA-LOT OR PARCEL: The total net area within the property lines of a lot or parcel including that area within any right-of-way, as described in a recorded deed.

AWNING: Any stationary structure, permanent or demountable, used in conjunction with a mobile home or trailer, other than a window awning for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall. (~~Amended—May 6, 1974~~)

BED AND BREAKFAST FACILITY: A Bed and Breakfast Facility is an accessory use, located in a single-family dwelling or historic landmark building where guests are lodged for sleeping purposes and a morning meal is provided for compensation. A Bed and Breakfast Facility can contain up to 5 rooms for rent on a daily basis and have a maximum of 10 guests and shall be owner or lessee occupied. The primary use of the residence remains as a single-family dwelling. Bed and Breakfast Facilities do not include motels, health or limited care facilities, boarding houses, group quarters, hostels or rescue missions.

1. Breakfast Meal: The meal served to guests during the a.m. or morning hours each day.
2. Dwelling Unit: One or more rooms designated for occupancy by one family and not having more than one cooking facility.
3. Single Family Dwelling: A detached building containing one dwelling unit.

BERM: A linear mound of earth at least six-feet in height planted with grass and/or other plant material intended to help prevent land uses on either side of the berm from conflicting with each other. (Planting shrubs or trees on top of the berm will help achieve this purpose.)

BREEZEWAY: A roofed, open-sided passageway connecting two structures, such as a house and a garage. Two buildings connected by a breezeway are not considered attached.

BUFFER: A setback, berm, fence, elevation rise, planting, and/or other technique(s) used to reduce any potential conflict between neighboring land uses and zones.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING/STRUCTURE, DETACHED: A free-standing building or structure that does not share a common wall with any other building or structure. For the purposes of this Ordinance, a detached building/structure also includes a building or structure that shares a common wall with another building or structure, but does not have a shared interior entrance. Two or more buildings connected by a breezeway are considered detached buildings.

BUILDING FOOTPRINT: The area within the perimeter of a building measured at the foundation and including such features as attached roofed areas; cantilevered floor areas and attached decks greater than 30-inches above grade. The term "building footprint" shall not include uncovered patios, decks less than 30-inches above grade, uncovered stoops

Proposed Amendments to Article 3 – Definitions

or stairs, or roof eaves.

BUILDING HEIGHT: The vertical distance between the average final grade to the highest point of a building, exclusive of chimneys.

CABANA: A stationary, lightweight structure, which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

CAMPGROUND: Any area or tract of land used to accommodate two or more camping parties, including but not limited to; cabins, tents, house trailers, or other camping outfits for a period not to exceed 30 days in 365 days. **An area designated for overnight temporary use for recreational, seasonal or emergency purposes, but not for residential purposes. Overnight temporary use in the same campground shall not exceed a total of 30 days during any consecutive six-month period.**

CONTIGUOUS: Connected in such a manner as to form a single block of land, but does not include parcels that meet only at a single point.

COUNTY: The County of Hood River.

DATE OF CREATION AND EXISTENCE: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, 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.**

DWELLING, DUPLEX: A building containing two dwelling units.

DWELLING, MULTI-FAMILY: A building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit **or a manufactured dwelling.** (amended)

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility.

EQUINE FACILITY: A building located on a farm and used by the farm owner or the public for stabling or training equines or providing riding lessons and training clinics.

FAMILY: An individual, or two or more persons related by blood, marriage, legal adoption or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit. **One or more persons, related or unrelated, living together as a single integrated household in a dwelling unit. For purposes of this definition, an “integrated household”**

Proposed Amendments to Article 3 – Definitions

functions as a united group and often shares household responsibilities and activities, such as living expenses, chores, and eating meals together.

FARMING, FARM USE: The cultivation of the ground; the raising or harvesting of crops; or other plants including trees; the feeding, breeding or management of animals, including fowl, fish and bees; or any combination thereof and including uses and structures incidental thereto.

FARM USE: As used in this ordinance, "farm use" means the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, or to the construction and use of dwellings customarily provided in conjunction with the farm use.

As defined in ORS 215.203 and as used in this Ordinance:

- 1. "Preparation" of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and**
- 2. "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 OPERATOR: 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.

FARM OR RANCH OPERATION: All lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in ORS 215.203.

FARM STAND: A business selling agricultural produce or products. Other farm stand characteristics include: wholesale or retail sales, mail order service, refrigeration, storage, can be located in temporary or permanent structures or pre-existing structures (provided the structures comply with the County Zoning Ordinance) and provides tourist brochures and information. The farm stand does not have to be located on the same ownership growing the agricultural produce or products sold. Pursuant to compliance with the Farm Stand Development Standards listed below, Farm Stands are permitted uses in the following zones: Exclusive Farm Use, Forest and Primary Forest, Rural Residential[†], and Rural Center.

[†]Farm Stands are permitted in the Rural Residential Zone pursuant to recognition and compliance with the following: Farm uses shall not include any poultry or animal raising enterprise conducted on a commercial basis.

Proposed Amendments to Article 3 – Definitions

FARM STAND DEVELOPMENT STANDARDS:

- ~~1. Adequate off-street parking will be provided pursuant to provisions of the County Off Street Parking and Loading Ordinance.~~
- ~~2. All vehicle maneuvering will be conducted on-site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.~~
- ~~3. No building or parking will be allowed within the right of way.~~
- ~~4. All egress and access points shall be clearly marked.~~
- ~~5. Vision clearance at all street intersections shall be 35'.~~
- ~~6. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division. Approval is also required from the County Public Works Department regarding adequate egress and access.~~
- ~~7. Off premise signs to be approved by affected property owner.~~
- ~~8. Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.~~
- ~~9. Only four (4) signs are permitted. They shall be located in such a manner as to protect the public's health, safety and welfare.~~
- ~~10. Compliance with the County Sanitarian or Department of Agriculture requirements.~~
- ~~11. Obtain an approved County building permit, if necessary, or County Building Official approval.~~
- ~~12. Compliance with the development standards of the applicable zone.~~

A business selling agricultural produce or products. A farm stand structure is designed and used for the sale of farm crops and livestock (inclusive of processed crops and livestock), which could include promotional events and providing visitor brochures and information. As it applies to farm stands, "processed crops and livestock" means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption. Pursuant to compliance with the Farm Stand Development Standards, Farm Stands are permitted uses subject to review in the Exclusive Farm Use, Rural Residential and Rural Center zones.

FEEDLOT: An area designed or used for the purpose of the concentrated feeding, fattening of ten or more beef cattle, swine or fur-bearing animals, other than rabbits, for commercial food or fur purposes in lots, structures, pens or corrals which are not normally used for raising crops, and in which no vegetation, intended for animal food is growing. The definition does not include a

Proposed Amendments to Article 3 – Definitions

wintering operation for beef cattle in barns or on farming ground.

FIREBREAK (FUELBREAK), PRIMARY: A cleared area at least 30-feet wide (50-feet in the Forest zones) adjacent to and surrounding a dwelling in which native and other fire transmitting vegetation and structures are generally forbidden. A firebreak may contain a reasonable amount of ornamental shrubbery, single specimen trees, and/or similar plants used as ground cover, providing they do not provide a means of rapidly transmitting fire to and from commercial forestlands.

FIREBREAK (FUELBREAK), SECONDARY: Fuel break extending a minimum of 100-feet in all directions around the primary safety zone. The goal of the secondary fuel break should be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break should be pruned and spaced so that fire will not spread between crowns of trees. Dead fuels should be removed.

FLOOR AREA: The area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courts.

FOREST USE (COMMERCIAL): The growing and harvesting of trees for wood production on parcels 40 acres or more.

GOLF COURSE: As defined in OAR 660-033-0130(20).

GOVERNING BODY: A city council or county board of commissioners or its designate, including planning director, hearings officer, planning commission or as provided by Oregon law.

GRADE (GROUND LEVEL): The average level of the finished surface of the ground adjacent to the exterior walls of the building of the finished ground level at the center of all walls of the building. ~~In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.~~

GROSS FLOOR AREA: The total floor area of all floors of a building calculated with the external dimensions of the building, including such features as attached roofed areas; cantilevered floor areas; and attached decks greater than 30-inches above grade.

HALLWAY: An open corridor containing walls and a roof that is at least 3 feet wide and provides interior access to various parts of a building.

HEIGHT OF BUILDING: The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HOME OCCUPATION: A business or professional activity operated for income purposes, only by residents in a dwelling or a pre-existing building on the same lot or parcel as the resident's dwelling, provided the home occupation is a secondary use and is clearly incidental, accessory or subordinate

Proposed Amendments to Article 3 – Definitions

to the residential use of the pre-existing building. A home occupation shall also be in conformance with provisions in Article 53 – Home Occupations.

An occupation or profession carried out by the residents in a dwelling or in a building or other structure accessory to a dwelling; provided that the use is limited in extent and clearly incidental and subordinate to the use of the dwelling for residential purposes. (See Article 53 for Home Occupation standards.)

HOME OCCUPATION (CITY OF HOOD RIVER URBAN GROWTH BOUNDARY):

The following definition and standards apply to home occupations proposed in the City of Hood River's Urban Growth Boundary: The occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building which is incidental or secondary to residential use provided the occupation is conducted so that (1) It does not give the character of a business; (2) It does not change the character of the dwelling; (3) There is no display, except by a non-illuminated sign, no larger than one square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit; (4) No assistants are employed on the site; (5) There is no increase in noise outside the dwelling unit; and (6) There is only minor increase, if any, in the traffic traveling to and from the dwelling unit.

HOSPITAL: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

INCIDENTAL: Secondary and minor in significance and bearing a reasonable relationship with the primary building or use.

KENNEL: A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation or sale.

LOT[†]: A single unit of land that is created by a subdivision of land.

LOT, CORNER: A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

LOT, DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT: On an interior lot, the "front lot line" means the property line abutting the street. On a corner lot, the "front lot line" is the property line which the architecturally designed front of the building faces. On a flag lot, the "front lot line" is the property line closest to and most

[†] Amended on July 15, 2002, HRC Ord. #241.

Proposed Amendments to Article 3 – Definitions

nearly parallel with the street which serves the lot.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10-feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line not a front or rear lot line.

LOT WIDTH: The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

MANUFACTURED HOUSING (MOBILE HOME): A factory-built, single-family detached structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. Manufactured housing is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or an axel permanently attached to its body or frame.

~~A vehicle or structure constructed for movement on the public highway, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A mobile home includes either a mobile home manufactured after May 1, 1972, which exhibits the Oregon Department of Commerce "Insignia of Compliance" indicating it is manufactured to State Mobile Home Construction Standards, or a mobile home manufactured after June 5, 1976, which exhibits the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with the Federal Housing & Urban Development (HUD) Construction Standards. The above definition does not make a distinction between a "single wide or double wide mobile home", however Hood River County does differentiate. Some different characteristics and features include:~~

- ~~1. Single Wide: Single chassis; approximately 14+ feet wide; length, 40-70 feet; can have "tip-outs" or expansion areas for living purposes; except for mobile home parks, single wides are not permitted outright in any zoning district; they are not considered similar to conventional dwellings, nor are they allowed to replace conventional dwellings; single wides require either approval by the County Planning Department or a County conditional use permit prior to being placed on a lot or parcel in Hood River County, and must comply with the definition of Mobile Home.~~
- ~~2. Double Wide: Is the result of the combination or joining of two or more chassis or sections; length, 40-70 feet; resembles a conventional house; affixed to real property by a continuous concrete wall foundation or other appropriate foundation; are permitted uses in Hood River County; are considered conventional dwellings in Hood River County; can replace conventional dwellings and must comply with the definition of Mobile Home.~~

MANUFACTURED DWELLING PARK (MOBILE HOME PARK): Any place where four or more mobile homes are located within 500-feet of one another on a lot, tract or parcel of land under

Proposed Amendments to Article 3 – Definitions

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. **“Manufactured dwelling park”** ~~“Mobile home park”~~ does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to ~~92.192~~ 92.170 (1985).

MINISTERIAL ACTION¹ (Type I): A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon’s quasi-judicial process.

NONCONFORMING LOT OR PARCEL⁴: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.

NONCONFORMING STRUCTURE²: A lawfully established structure at the time this Ordinance or any amendment thereto becomes effective, which does not meet the site development standards of the zone in which it is located. The provisions of Article 65 do not apply in this instance unless the structure also contains a nonconforming use. The action of replacing or expanding a nonconforming structure in which a site development standard(s) remains unmet, shall be subject to the provisions of Article 66 – Variances, **unless the footprint of the structure is not changing or the expansion occurs entirely outside of the setback area.**

NONCONFORMING USE²: The lawful use of any land, or use of any structure at the time this Ordinance or any amendment thereto becomes effective which is not permitted in the zone in which it is located.

NON-MINISTERIAL ACTION¹ (Type II or III): A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an “administrative action” or “land use decision,” as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedure outlined in Article 72 (Director’s Review Procedures).

OPEN PLAY FIELD: A large, grassy area with no structural improvements intended for outdoor games and activities by park visitors. The term does not include developed ballfields, golf courses or courts for racquet sports.

ORCHARD: Lands on which fruit or nut trees are grown and harvested on a commercial basis ~~or~~

¹ ~~Amended on July 15, 2002, HRC Ord. #241.~~

² ~~Amended as part of HRC Ordinance #253, Riparian Corridor, Adopted 2-17-04.~~

Proposed Amendments to Article 3 – Definitions

parcels 20 acres or more.

ORDINARY HIGH WATER MARK: Has the same meaning as “Bankfull Stage” as used and defined in Article 42.

ORIGINAL LOT OR PARCEL[†]: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

OUTDOOR MASS GATHERING: A gathering, as defined by ORS 433.735, that is an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be 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. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4).

PARCEL[†]: A single unit of land that is created:

- A.)— By partitioning, as defined in ORS 92.010;
- B.)— In compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or
- C.)— By deed or land sales contract, if recorded prior to January 1, 1976.

A single unit of land lawfully created by one of the following:

- 1. A lot in an existing, duly recorded subdivision.**
- 2. By partitioning, as defined in ORS 92.010 to 92.190.**
- 3. In compliance with all applicable planning, zoning, and partitioning ordinances or regulations.**
- 4. That received legal lot verification from the county and was noticed pursuant to state law.**
- 5. Any unit of land surrounded on all sides by legally subdivided / partitioned lots or parcels.**
- 6. Any unit of land which received land use approval for a single family dwelling, and whose configuration has not changed since that land use approval was issued.**
- 7. By deed or land sales contract, if recorded prior to January 1, 1976.**

A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. A parcel is not always the same as the assigned Tax Lot number.

PARKING SPACE: A rectangle not less than 20 feet long and 8 ½ feet wide together with maneuvering and access space required for a standard American automobile to park within the

[†] Amended on July 15, 2002, HRC Ord. #241.

Proposed Amendments to Article 3 – Definitions

rectangle.

A rectangle not less than 18-feet long and 9-feet wide for use by a vehicle, having an all-weather surface, and further provided that such parking space shall have access to the street or by a driveway having an all-weather surface.

PERSON: Every natural person, firm, partnership, association or corporation.

POWER GENERATING FACILITY, COMMERCIAL: A facility for the production of energy and its related or supporting facilities that: (1) 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 that allow “Farm Use” and 215.283(1)(r) and 215.283(2)(a) in the EFU zone; (2) Is intended to provide energy for sale; and (3) Does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84 .

POWER GENERATING FACILITY, NET METERING: A facility for the production of energy that:

1. 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;
2. Is intended to offset part of the customer-generator’s requirements for energy;
3. Will operate in parallel with a utility’s existing transmission and distribution facilities;
4. Is consistent with generating capacity as specified in ORS 757.300 and/or OAR 860-039-0010 as well as any other applicable regulations;
5. 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.

POWER GENERATING FACILITY, NON-COMMERCIAL/STAND ALONE: A facility for the production of energy that:

1. 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

Proposed Amendments to Article 3 – Definitions

- allow “Farm Use” and 215.283(1)(r) in the Exclusive Farm Use zone;
2. 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;
 3. Operates as a standalone power generator not connected to a utility grid; and
 4. 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.

PRINCIPAL BUILDING: A building in which the principal use of the lot or parcel is conducted.

PRINCIPAL USE: The primary allowed use of any lot or parcel.

RECREATIONAL / CAMPING VEHICLE: A vehicle licensed by the Department of Motor Vehicles or structure, with or without motive power, designed for highway use, human occupancy, that is intended or and to be being used for human occupancy, is not being used for residential or business purposes, and is being used temporarily solely for recreational, seasonal vacation or emergency and recreational purposes. A recreational or camping vehicle is not intended for residential or business purposes. These shall include but are not limited to: park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers. (Addition 6-21-73) A recreational or camping vehicle shall be considered a dwelling if: 1) it is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or 2) it is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

RECREATIONAL VEHICLE TRAILER PARK: Any privately owned lot, parcel or tract of land used or intended to be used for the accommodation of two or more recreational or camping vehicles for temporary and transient living quarters, the primary purpose of which is the rental of spaces. place where two or more mobile homes for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces. Amended 6-1-73. Mobile Home Park.

RELATIVE: As it applies to relative farm help dwellings and temporary hardship dwellings, relative means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin.

SELECTIVE CUTTING: Not clear cutting. More specifically, a forest management technique, which maintains an average 40% forest canopy on each acre of any mixture of species. Forest canopy remaining after harvesting may be measured directly from aerial photographs (supplied by the applicant) or by meeting the following basal requirements: (information to be provided by applicant)

1. The basal area criterion will apply only to stands of trees 7 inches d.b.h. and larger²
2. Trees must be well distributed over each acre.

² Definition of d.b.h.: Diameter at Breast Height.

Proposed Amendments to Article 3 – Definitions

~~3. At least 40% of the normal basal area per acre must remain on the site at all times³~~

~~Other techniques may be used to rehabilitate insect damage, windfall, landslides or other geographical, biological, or fire damage.~~

~~SETBACKS: A horizontal distance measured at a right angle from adjacent property lines, intended to provide separation between adjacent uses, sufficient open area to help prevent non farm and non forest uses from conflicting with farm and forestland uses. Within this area, dwellings intended for human occupancy shall be prohibited. Setbacks are intended to apply to all structures and buildings, including those exempt from a land use permit pursuant to Section 64.99 of this Ordinance, except for the following:~~

- ~~1. Fences, retaining and freestanding walls not exceeding 8-feet in height.~~
- ~~2. Agricultural related fencing, regardless of height.~~
- ~~3. Retaining walls, regardless of height, when located within a front yard and required for the construction of a road or other transportation improvements.~~
- ~~4. In-ground swimming pools.~~
- ~~5. Hot tubs and portable swimming pools without decks above 30-inches in height. (Portable swimming pools are designed to be easily deflated or broken down and moved or stored over the winter and should not be confused with other types of above-ground pools with structural framing designed to be left on a permanent or semi-permanent basis.)~~
- ~~6. Uncovered decks less than 30-inches in height.~~
- ~~7. Uncovered patios.~~
- ~~8. Paved and unpaved driveways and parking areas.~~
- ~~9. Uncovered play structures/equipment, such as swings and slides.~~
- ~~10. Signs.~~
- ~~11. Other similar structures as determined by the County Planning Director.~~

~~SIGN: A presentation or representation, other than a house number, by works, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or request for aid or other type of advertising. This includes the surface face upon which the representation is displayed.~~

~~STATEMENT OF WATER RIGHTS: Chapter 92, Oregon Revised Statutes, requires persons making application to either subdivide or partition lands outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company to file and record a statement of water rights. If a water right exists, the property owner must receive written acknowledgement from the Oregon Water Resources Department. The Statement of Water Rights and the Acknowledgement must be recorded with the County approved partition or subdivision.~~

~~³ Normal basal areas for fully stocked Douglas fir stands may be found in Table 3, Technical Bulletin No.201, United States Department of Agriculture, and for red alder in Table 1, Washington Department of Natural Resources Report No. 31, 1961.~~

Proposed Amendments to Article 3 – Definitions

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six-feet above grade, the basement or cellar ~~shall~~ ~~should~~ be considered a story.

~~STREET~~: ~~The entire width between the boundary lines of every which way, which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road", "highway", "lane", "place", "avenue", or other similar designation.~~ **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. Includes the terms "road", "highway", "lane", "place", "avenue", or other similar designations.**

~~STRUCTURE~~: ~~That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.~~ **Anything built or constructed, permanent or temporary, which requires location on the ground, including but not limited to, buildings, walls, fences, billboards, poster panels, and parking lots.**

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof.

SUBORDINATE: **Secondary to, derived or resulting from, and dependent upon a principal building or principal use.**

TAX LOT: **Numbers which are assigned by the assessor for the sake of assessment of taxes. Multiple legal parcels may be assigned one Tax Lot number. A Tax Lot might not be a legal parcel.**

TRACT: **One or more contiguous lots or parcels under the same ownership. Separate lots or parcels divided by a public highway are not considered contiguous.**

~~TRAVEL TRAILER~~: ~~A vehicle portable structure designed as a temporary dwelling for travel, recreational and vacation use. Amended 5-6-74~~

~~TRAVEL TRAILER PARK~~: ~~Any lot, tract or parcel of land which two or more travel trailers are located. Amended 5-6-74~~

USE: The purpose of which land, ~~or~~ ~~a~~ structure **or a building** is designed, arranged, or intended, or which it is occupied or maintained.

UTILITY FACILITIES NECESSARY FOR PUBLIC SERVICE: **Unless otherwise specified in Article 5, Article 7 or Article 74, any facility owned or operated by a public, private or cooperative company for the transmission, distribution or processing of its products or for**

Proposed Amendments to Article 3 – Definitions

the disposal of cooling water, waste or by-products, and including, major trunk pipelines, water towers, sewage lagoons, cell towers, electrical transmission facilities (except transmission towers over 200-feet in height) including substations not associated with a commercial power generating facilities and other similar facilities.

VISION CLEARANCE: A triangular area at a street or highway corner or a corner lot, or the alley street intersection of a lot, the space being defined by a line across the corner between the point on the street right-of-way line or street alley right-of-way line measured from the corner or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining said point measured along the tangents from their point of intersection.

A triangular area at a public or private street intersection or a corner lot, the space being defined by a line across the corner between the points on the street right-of-way or easement line measured from the corner or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining said point measured along the tangents from their point of intersection.

- 1. No visual obstruction (e.g., sign, structure, solid fence, wall, vegetation) may exceed three-feet in height within the 35-foot “vision clearance areas” at street intersection.**
- 2. Height is measured from the nearest adjacent travel lane grade.**
- 3. Trees exceeding three-feet in height may be located in this area, provided all branches and foliage are removed to a height of eight-feet above grade.**
- 4. Designated parking areas are not allowed within the vision clearance triangle.**
- 5. Additional intersection sight distance may be required by the County Public Works Department depending on the design speed and traffic volume of the intersecting streets.**

WESTERN OREGON: That portion of the state lying west of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

YARD: An open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT: A yard extending between side lot lines and measured horizontally and at right angles from the side lot line to the nearest point of a Building

YARD, SIDE: An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of a building.

YURT: A round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 5 – Forest Zones

**Amendments identified at the
November 10th Public Hearing**

Proposed Amendments to Article 5 – Forest Zones

Article 5 to be Repealed and Replaced in its Entirety.

Inaccurate numbering and references will be corrected in the adopted version.

ARTICLE 5 – FOREST (F-1) & PRIMARY FOREST (F-2) ZONES

Contents

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Section 5.01 Purpose

The purpose of the Forest (F-1) Zone is to assure the continuous growing and harvesting of trees consistent with management of soil, air, water and fish and wildlife, and while providing for agriculture and recreation. The zone is intended to conserve and maintain forestland and protect it from conflicting development. The F-1 Zone is applied to forestland that is generally more developed and parcelized. The F-1 Zone implements the Forest designation of the Comprehensive Plan, and is intended to comply with the requirements of State law.

The purpose of the Primary Forest (F-2) Zone is to assure the continuous growing and harvesting of trees. In addition, the following factors may also be considered: to conserve forest land for forest uses; to protect forest land from non-compatible uses; and to provide for agriculture, recreation, and the management of soil, air, water and fish and wildlife. The F-2 Zone is applied to land generally managed for commercial forestry and to land that is less developed. The F-2 Zone implements the Primary Forest plan designation and is intended to comply with the requirements of State law.

Uses allowed by this article are pursuant and in accordance with OAR 660, Division 6, OAR 629 & ORS 527, unless otherwise provided for. This article is intended to protect the County's more productive resource land from the detrimental effects of uses not related to forestry and agriculture.

Proposed Amendments to Article 5 – Forest Zones

Section 5.02 Use Table

Table 5.2 sets forth the uses allowed in the Forest (F-1) or Primary Forest (F-2) zones. *This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or, III review, unless otherwise specified on Table 5.2. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this ordinance.*

A. As used in Table 5.2:

1. “A” means the use is allowed outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance and do not require land use review.
2. “P” means the use is prohibited.
3. “C” means the use is a Conditional Use, approval of which is subject to *Section 5.05, Conditional Use* and other listed criteria.
4. The “Subject To” column identifies certain provisions to which the use is subject.
5. “Type I” uses (Ministerial Review) are permitted by right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment.
6. “Type II” uses (Administrative Actions) involve permits, including both permitted uses *subject to standards* and *conditional uses*, for which the application of review criteria requires the exercise of limited discretion. These decisions require a notice of decision and opportunity for appeal and public hearing.
7. “Type III” uses require a public hearing. Decisions are made by the hearings officer or planning commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.

B. Permitted Uses – Permitted uses are subject to the applicable provisions of:

- **Section 5.06 *Siting Standards for Dwellings and Structures in Forest Zones*;**
- **Section 5.07 *Fire-Siting Standards for Dwellings and Structures*;**
- **Section 5.10 *Dimensional & Site Development Standards*; and,**
- **Other applicable *Articles of the Hood River County Zoning Ordinance.***

Proposed Amendments to Article 5 – Forest Zones

C. Prohibited Uses – Uses of structures, buildings and land use not specifically permitted are prohibited.

D. Authorization of Similar Uses – Notwithstanding Section C above, the Planning Director may permit 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 approved by four affirmative votes or appealed to the Commission pursuant to this Ordinance.

Table 5.2 Use Table for Forest (F-1) & Primary Forest (F-2) Zone

Table 5.2: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Forest, Farm and Natural Resource Uses		
Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.	A	
Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	A	
Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.	A	
Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.	A	
Farm use as defined in ORS 215.203.	A	
Uninhabitable structures accessory to fish and wildlife enhancement.	A	
Uses and structures (e.g., Agricultural or Ag-Exempt Buildings) customarily accessory and incidental to a farm or forest uses, only if primary farm and forest use exist.	Type I	Section 5.10
Temporary portable facility for the primary processing of forest products.	Type I	Section 5.10
Permanent facility for the primary processing of forest products.	C (Type II)	Section 5.05
Permanent logging equipment repair and storage.	C (Type II)	Section 5.05
Log scaling and weigh stations.	Type II	Section 5.05
Forest management research and experimentation facilities as defined by ORS 526.215.	Type II	Section 5.05
Residential Uses		
Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	Type I	Section 5.10
Caretaker residences for public parks and public fish hatcheries.	Type II	Section 5.04.F

Proposed Amendments to Article 5 – Forest Zones

Table 5.2: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Large tract forest dwelling.	Type II	Section 5.04.A Section 5.10.F
Lot of record dwelling.	Type II	Section 5.04.B Section 5.04.F
Template dwelling (allowed only in F-1 zone).	Type II	Section 5.04.C Section 5.04.F
Replacement, alteration, or restoration of a lawfully established dwelling.	Type I	Section 5.04.D Section 5.04.F
Temporary hardship dwelling.	Type II	Section 5.04.E Section 5.05
Temporary forest labor camps.	Type I	Section 5.10
Commercial Uses		
Home occupation.	C (Type II)	Section 5.04.G Section 5.05 Article 53
Home occupation involving Bed and Breakfast Facility in existing dwelling.	C (Type II)	Section 5.04.G Section 5.05 Article 56
Home occupation to host weddings and related events. Home occupations to host weddings and related events are not allowed in the F-2 zone (Primary Forest).	C (Type II)	Section 5.04.G Section 5.05 Article 73
Destination resort.	P C (Type III)	Section 5.04.I
Parking of up to seven dump trucks and trailers.	C (Type II)	Section 5.05
Private hunting and fishing operations without any lodging accommodations.	A	
Private seasonal accommodations for fee hunting operations.	C (Type II)	Section 5.04.H Section 5.05
Private accommodations for fishing occupied on a temporary basis.	C (Type II)	Section 5.04.H Section 5.05
Farm stand.	P	
Mineral, Aggregate, Oil and Gas Uses		
Exploration for mineral and aggregate resources as defined in ORS chapter 517.	Type I	Section 5.10
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.	Type I	Section 5.10
Mining and processing of oil, gas or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted (e.g. compressors, separators and storage servicing multiple wells), and <u>mining and processing of aggregate and mineral resources</u> as defined in ORS chapter 517.	C (Type III)	Section 5.05
Publicly owned operations for the mining and processing of aggregate.	Type I	Section 5.10

Proposed Amendments to Article 5 – Forest Zones

Table 5.2: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	C (Type II)	Section 5.05
Transportation Uses		
Climbing and passing lanes within the right of way existing as of July 1, 1987.	A	
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 the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	A	
Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	A	
Minor betterment of existing public road 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.	A	
Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.	C (Type II)	Section 5.05 Article 55.60
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.	C (Type II)	Section 5.05
Improvement of public road 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.	C (Type II)	Section 5.05
Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.	C (Type II)	Section 5.05
Expansion of existing airports.	C (Type III)	Section 5.05
Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	C (Type II)	Section 5.05
Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	C (Type II)	Section 5.05
Utility, Power Generation, Solid Waste Uses		
Utility facility service / local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.	A	
Solar energy systems as an accessory use (non-commercial)	Type I	Section 5.10
Wind energy power production systems as an accessory use (non-commercial).	Type I	Section 5.10 Article 74
Rainwater collection system as an accessory uses (non-commercial).	Type I	Section 5.10
Electric vehicle charging stations for residents and their non-paying guests.	Type I	Section 5.10
Water intake facilities, canals and distribution lines for <u>farm irrigation and ponds</u> .	A	

Proposed Amendments to Article 5 – Forest Zones

Table 5.2: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Water intake facilities, related treatment facilities, pumping stations and distribution lines <u>not related to farm irrigation and ponds</u> .	C (Type II)	Section 5.05
Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.	Type I	Section 5.09 Section 5.10
Collocation of antennas and wireless telecommunication facilities, including associated equipment (e.g. equipment shelters), on a previously approved wireless telecommunication facility.	Type I	Section 5.10 Article 74
Communication facilities and towers supporting wireless telecommunication facilities.	C (Type II)	Section 5.05 Article 74
New electric transmission lines with right-of-way widths of up to 100-feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50-feet or less in width.	C (Type II)	Section 5.05
Reservoirs and water impoundments.	C (Type II)	Section 5.05
Disposal site for solid waste approved by the governing body and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.	C (Type III)	Section 5.05
Commercial utility facilities for the purpose of generating power.	C (Type III)	Section 5.04.J
Wrecking and junk yards.	P	
Billboards and signs exceeding 32 square feet, except as otherwise allowed per 5.10.G.	P	
Public and Quasi-public Uses		
Towers and fire stations for forest fire protection.	Type I	Section 5.10
Fire service facilities providing rural fire protection services.	Type I	Section 5.10
Youth camps.	C (Type III)	Section 5.04.N Section 5.05
Aids to navigation and aviation.	C (Type II)	Section 5.05
Firearms training facility serving the public.	Type I	Section 5.10
Private firearms training facility.	C (Type II)	Section 5.05
Cemeteries.	C (Type II)	Section 5.05
Storage structures for emergency supplies, as defined in Section 5.03.	C (Type II)	Section 5.04.K Section 5.10
Publicly owned parks, playground and campgrounds.	C (Type II)	Section 5.04.L Section 5.05
Private campgrounds and campsites.	C (Type II)	Section 5.04.M Section 5.05
Outdoor Gatherings		

Proposed Amendments to Article 5 – Forest Zones

Table 5.2: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
An outdoor mass 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.	A	Board of County Commissioner Review
Any outdoor mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763.	P E (Type III)	Planning Commission Review

Section 5.03 Definitions

Words used in the present tense include the future; the singular number includes the plural; and the word “shall” is mandatory and not directory. Whenever the term “this ordinance” is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

For the purpose of this Article, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

- A. Definitions contained in ORS 197.015 and the Statewide Planning Goals.
- B. **Auxiliary Use:** A use or alteration of a structure or land that supports 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 growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. **Cubic Foot Per Acre:** The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service soil survey. Where SCS data are not available or are shown to be inaccurate, an alternative method may be used. An alternative method must provide equivalent date and be an accepted standard by the Oregon Department of Forestry.
- D. **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 soil survey. Where SCS data are not available or are shown to be inaccurate, an alternative method may be used. An alternative method must provide equivalent date and be an accepted standard by the Oregon Department of Forestry.
- E. **Forest Operation:** Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).
- F. **Forest Tree Species:** Trees recognized for commercial production under rules adopted pursuant to ORS 527.620(12).

Proposed Amendments to Article 5 – Forest Zones

- G. Primary Processing of Forest Products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or both, that are adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body. Treatments may include, but are not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
- H. Storage Structures for Emergency Supplies: Structures to accommodate those goods, materials and equipment required to meet the essential and immediate needs of an affected population in a disaster. Such supplies include food, clothing, temporary shelter materials, durable medical goods and pharmaceuticals, electric generators, water purification gear, communication equipment, tools and other similar emergency supplies.
- I. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc.
- J. Youth Camp: A facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

Section 5.04 Use Standards

- A. Large Tract Forest Dwelling authorized under ORS 215.740 may be allowed on land zoned F-1 or F-2 if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
 - 1. The tract is at least 160 contiguous acres or 200-acres in one ownership that are not contiguous but in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to Subsection (3) for all tracts that are used to meet the acreage requirements of this subsection.
 - 2. A tract shall not be considered to consist of less than 160-acres because it is crossed by a public road or a waterway.
 - 3. Where one or more lots or parcels are required to meet minimum acreage requirements:

Proposed Amendments to Article 5 – Forest Zones

- a. The applicant shall provide evidence that the covenants, conditions and restrictions form, adopted as "Exhibit A" in OAR chapter 660, division 6 and provided by the County Planning Department has been recorded with the County Department of Records and Assessment or counties where the property subject to the covenants, conditions and restrictions is located.
- b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

B. Lot of Record Dwelling

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (4):
 - a. Since prior to January 1, 1985; or
 - b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
2. The tract on which the dwelling will be sited does not include a dwelling.
3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
4. For purposes of 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.
5. The dwelling must be located on a tract that is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500-feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - a. A United States Bureau of Land Management road; or
 - b. A United States Forest Service road unless the road is paved to a minimum width of 18-feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
6. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

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7. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 8. An approved single-family dwelling under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.
- C. Forest “Template” Dwelling authorized under ORS 215.750 on a lot or parcel located within the F-1 zone if the lot or parcel is predominantly composed of soils that are:
1. Capable of producing zero to 49 cubic per acre per year of wood fiber if:
 - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
 5. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
 6. Except as provided by Subsection (6), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
 7. The following applies where a tract 60-acres or larger abuts a road or perennial stream:

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- a. One of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - i. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
8. A proposed “template” dwelling under this ordinance is not allowed:
- a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - b. Unless it complies with the requirements of Section 5.06 and 5.07
 - c. Unless deed restrictions are recorded pursuant to Subsection (A.3) for all other lots or parcels that make up the tract;
 - d. If the tract on which the dwelling will be sited includes a dwelling; or
 - e. If the property is zoned F-2.
- D. Replacement, alteration or restoration of a lawfully established dwelling, subject to the following requirements:
1. The existing dwelling has:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights; and
 - d. A heating system.
 2. For replacement dwellings:
 - a. The existing dwelling shall be removed, demolished or converted to an allowable non-residential use before the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
 - b. The replacement dwelling shall:
 - i. Overlap a portion of the original building footprint and shall meet the fire siting standards in Section 5.07; or

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- ii. If on a completely different site, comply with Section 5.06, Section 5.07, Section 5.09, and Section 5.10; and with Article 50 - Buffer Requirements.
- iii. The replacement dwelling shall comply with all other applicable provisions of the Comprehensive Plan.

E. Temporary Hardship Dwelling, is subject to the following:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - b. The county shall review the permit authorizing the use every two-years;
 - c. Within three-months of the end of the hardship, the temporary hardship dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
 - d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
 - a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
 - b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

F. For single-family dwellings, the landowner shall 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 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.

G. Home Occupation, subject to the following:

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1. Located and used subject to the definition of “Home Occupation” in Article 3 and meet the Home Occupation Standards in Article 53 of this Ordinance.
 2. Home occupation involving a Bed and Breakfast subject to Article 56.
 3. Home occupation to host weddings and related events subject to Article 73.
- H. Private seasonal accommodations for fee hunting operations and private accommodations for fishing, occupied on a temporary basis are subject to the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted; and
 3. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 4. Accommodations for fishing must be located within one-quarter mile of fish-bearing Type F waters.
- I. ~~Destination Resort, subject to:~~
- ~~1. ORS 197.435 to 197.467 and Goal 8 – Recreation;~~
 - ~~2. Approval of a master plan addressing:
 - a. Traffic impact studies;
 - b. Access;
 - c. Sanitation, including solid waste;
 - d. Domestic and irrigation water;
 - e. Security/policing;
 - f. Signage;
 - g. Other conditions of approval;~~
 - ~~3. Approval of an economic analysis of costs/benefits to the county; and~~
 - ~~4. Applicant shall reimburse the county in advance for expected costs incurred by the Planning Department in processing an application; including preparation of reports, studies, uses of consultants, etc. as contained in the adopted Destination Resort Cost Recovery Document.~~
- J. Commercial Utility Facility for the purpose of generating power shall not remove more than 10-acres from use as a commercial forest operation.

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K. Storage Structures for Emergency Supplies are subject to the following requirements:

1. Areas within an urban growth boundary cannot reasonably accommodate the structures;
2. Sites where the structures could be co-located with an existing use approved under this subsection are given preference for consideration;
3. The structures are of a number and size no greater than necessary to accommodate the anticipated emergency needs of the population to be served;
4. The structures are managed by a local government entity for the single purpose of providing for the temporary emergency support needs of the public; and
5. Written notification has been provided to the County Office of Emergency Management of the application for the storage structures.

L. Publicly Owned Parks, Playground and Campgrounds may include:

1. All outdoor recreation uses allowed under Statewide Planning Goal 4;
2. The following uses:
 - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;
 - e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural

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resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.

M. Private Campgrounds and Campsites.

1. Campgrounds in private parks may be permitted, subject to the following:
 - 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 chapter 660, division 4.
 - b. 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.
 - c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - d. 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.
2. Campsites within campgrounds meeting the requirement of Subsection (1) and permitted pursuant to Section 5.05 must comply with the following:
 - a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to Subsection (c) below.
 - b. 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.
 - c. 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.

N. The establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and compatible with the forest environment may be permitted, subject to the provisions of OAR 660-006-0031 and ORS 215.457.

Section 5.05 Conditional Use Review Criteria

A use identified as a conditional use in Table 5.2 of this zone may be allowed provided the applicant demonstrates compliance with the following criteria (or their equivalent). These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

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- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on surrounding lands devoted to forest or agriculture uses.
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - 1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 - 2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - 3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - 4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use (e.g., water, sewer and access); and
 - 5. The use is or can be made compatible with existing uses and other allowable uses in the area and does not negatively affect the health or safety of surrounding uses or residents.
- D. Prior to issuance of a building permit for a dwelling or establishing a conditional use, as provided in section 5.05, a written statement consistent with ORS 215.293 and Article 50 shall be recorded with the deed or written contract with the County; unless noted otherwise.

Section 5.06 Siting Standards for Dwellings and Structures in Forest Zones

The following siting criteria or their equivalent shall apply to all new dwellings and structures in the F-1 and F-2 zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. The County shall consider the criteria in this section together with the requirements of Section 5.07 to identify the building site:

- A. Dwellings and structures shall be sited on the parcel so that:
 - 1. They have the least impact on nearby or adjoining forest or agricultural lands;
 - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

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3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized;
 4. The risks associated with wildfire are minimized.
- B. Siting criteria satisfying Subsection (A) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
- C. Dwellings shall comply with applicable provisions of Article 50 – Buffer Requirements.
- D. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Type F or Type N streams as defined in the Forest Practices rules (OAR chapter 629-635-0200). 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;
 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 under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- E. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- F. 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 seedlings, saplings, poles, or trees on the tract, and if not to plant sufficient seedlings 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 OAR 629-610-0020;
 2. The planning department shall notify the County Department of Records and Assessment of the above condition at the time the dwelling is approved;

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3. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling 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 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; and
4. If the lot or parcel is more than 10-acres the property owner shall:
 - a. Submit a stocking survey report by a professional forester to the County Department of Records and Assessment and they will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;
 - b. Upon notification by the County Department of Records and Assessment, it will be determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If it is determined that the tract does not meet those requirements, Records and Assessment will notify the owner that the land is not being managed as forest land. The County Department of Records and Assessment will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.

Section 5.07 Fire-Siting Standards for Dwellings and Structures

The following fire-siting standards or their equivalent shall apply to all new dwellings or structures in the F-1 and F-2 zones:

- A. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that they have asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards that shall comply with the following:
 1. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
 2. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;
 3. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and

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4. Road access shall be provided to within 15-feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- B. Road access to the dwelling shall meet road design standards described in Section 5.09.
- C. A 50-foot primary fuel break plus a 100-foot secondary fuel break shall be cleared and maintained surrounding all dwellings and structures. Land owned or controlled by the owner that is too small to accommodate the fuel breaks shall be subject to Subsection G. The primary fuel break shall not contain vegetation that will produce flame lengths in excess of one foot. The secondary fuel break shall reduce vegetation so that the intensity and likelihood of crown fires and crowning is reduced. Secondary fuel breaks shall be increased on the downslope side: 50-feet for 10% slope; 75-feet for 20% slope; 100-feet for 25% slope; or 150-feet for 40% slope.

Fire Siting Standards for Dwellings and Fire Safety Design Standards handouts are available at the Planning Department.
- D. The dwelling shall have a fire retardant roof.
- E. The dwelling shall not be sited on a slope of greater than 40 percent.
- F. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
- G. Exceptions to Section 5.07 may be approved if equivalent fire protection standards are submitted by a qualified forest fire professional. Exceptions to Section 5.07.A must include the water standards and road standards of Section 5.07.B. Submittals require approval by the Planning Director.

Section 5.08 Land Divisions

- A. The minimum parcel size for new forest parcels is 80-acres.
- B. New land divisions less than the parcel size in Subsection (A) above may be approved for any of the following circumstances:
 1. The following uses in Table 5.2 may be approved pursuant to the criteria in Section 5.05 and provided that the parcel created from the division is the minimum size necessary for the use:
 - a. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons.
 - b. Disposal site for solid waste.
 - c. Log scaling and weigh stations.
 - d. Permanent facility for the primary processing of forest products.

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- e. Permanent logging equipment repair and storage.
 - f. Mining and processing of oil, gas, or other subsurface resources.
 - g. Television, microwave and radio communication facilities and transmission towers.
 - h. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - i. Cemeteries.
 - j. Publicly owned parks, playground and campgrounds.
 - k. Private parks (campgrounds and campsites).
 - l. Fire stations for rural fire protection.
 - m. Utility facilities for the purpose of generating power.
 - n. Aids to navigation and aviation.
 - o. Reservoirs and water impoundments.
 - p. Firearm training facility.
2. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection 0) above, approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (A) above in order to conduct the forest practice. Parcels created pursuant to this subsection:
- a. Are not eligible for siting of a new dwelling;
 - b. May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - d. May not result in a parcel of less than 35-acres, unless the purpose of the land division is to:
 - i. Facilitate an exchange of lands involving a governmental agency; or
 - ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000-acres of forest land.
3. A division of a lot or parcel zoned for forest use may be allowed 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 under Section 5.04.D.
 - c. Except for one parcel, each parcel created under this subsection is between two and 5-acres in size;
 - d. At least one dwelling is located on each parcel created under this subsection; and
 - e. The landowner of a parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest

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from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

4. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.
- C. A lot or parcel may not be divided under Subsection (B.4) above if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- D. A landowner allowed a land division under Subsection (B) above shall sign a statement that shall be recorded with the County Department of Records and Assessment in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

Section 5.09 Road Standards

New dwellings and structures shall be subject to the following applicable standards:

- A. Roads shall be built and maintained to provide a minimum 20-foot width of all weather surface and a vertical clearance of 13-feet 6 inches.

Fire Siting Standards for Dwellings and Fire Safety Design Standards handouts are available from the County Planning Department.

- B. Driveways shall be built and maintained to provide a minimum 16-foot width of all weather surface and a vertical clearance of 13-feet 6 inches.
- C. The all weather surface, bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.
- D. Grades shall not exceed an average of 8%, with a maximum of 12% on short pitches. Variance may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.
- E. Cul-de-sacs, dead-end driveways and dead-end roads over 150-feet in length shall have turnarounds of not less than 48-foot radius.
- F. Driveways in excess of 200-feet shall provide 20-foot wide by 40-foot long turnouts at a maximum spacing of half the driveway length or 400-feet, whichever is less.

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- G. Driveways shall be marked with the residence's address unless it is clearly visible on the residence from the road. The numbers shall be 4 inches high and of reflective material.

Section 5.10 Dimensional & Site Development Standards

The following standards are the minimum applicable to all new dwellings/buildings and replacement dwellings/buildings located on a completely different site, unless required by other provisions of this article:

- A. Article 50: Buffer Requirement shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling.

In the case of a replacement dwelling, the buffer requirements do not apply unless the dwelling is located on a completely different site. The new dwelling cannot protrude any further into the buffer unless an alternate buffer, such as a vegetative screen, berm, or sight obscuring fence is provided in compliance with Article 50 requirements. The more restrictive provisions in Article 50 or this section shall apply.

- B. Maximum height: 35-feet.

- C. Setbacks, minimum:

1. Front: 60-feet from the centerline of any arterial street, 50-feet from the centerline of any local or collector street or 20-feet from the right-of-way, whichever is greater.
2. Rear: 20-feet; agricultural buildings: 10-feet.
3. Side: 10-feet; Exterior or corner parcel: 50-feet from the centerline of any street.
4. Streams: New buildings shall be set back 100-feet from ordinary high water line unless approved in conjunction with a water-related or water dependent use.

- D. Minimum lot size: 80-acres

- E. Minimum lot frontage: 50-feet

- F. Minimum vision clearance: 35-feet

- G. Signs exceeding 32 square feet are prohibited in the F-1 and F-2 zones, with the following exceptions:

1. Oregon State Highway Division signs;
2. Signs approved under Subsection (G) above are required to obtain a building permit, unless otherwise allowed by the County Building Official.

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3. With the exception of the requirements of Subsection 5.10.G, no more than one sign is allowed per parcel.

Section 5.11 Approval Period & Time Extensions

- A. Except as provided for in Section (C) below and for land divisions, a discretionary decision approving a proposed development on F-1 and F-2 zones land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto shall remain valid for two-years from the date of the final decision.
- B. A county may authorize extensions of up to 12-months if:
 1. An applicant makes a written request for an extension of the development approval period;
 2. The request is submitted to the county prior to the expiration of the approval period;
 3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period;
 4. It is determined that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible; and
 5. Applicable criteria for the decision have not changed.
- C. If a permit is approved for a proposed residential development on F-1 or F-2 zoned land outside of an urban growth boundary, the permit shall be valid for four-years.
 1. An extension of residential development permit shall be valid for two-years.
 2. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.
- D. Approval of an extension granted under this rule is an administrative decision, not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 7 – EFU Zone

**Amendments identified at the
November 10th & December 21st
Public Hearings**

Amendments to Article 7 – Exclusive Farm Use (EFU) Zone

Article 7 to be Repealed and Replaced in its Entirety.

Incorrect numbering and references will be revised in the adopted version.

ARTICLE 7 - EXCLUSIVE FARM USE ZONE (EFU)

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Section 7.01. Purpose and Right to Farm

- A. It is the policy of Hood River County to preserve and maintain the County's agricultural lands for agricultural uses, consistent with existing and future farm practices. To accomplish this policy, the Exclusive Farm Use (EFU) Zone is intended to designate, preserve, stabilize and enhance agricultural and farm use areas within the County for food, fiber and livestock production.

- B. It is the purpose of this zone to insure the orderly use of agricultural and farm land and protect it from inappropriate development. The zone is intended to meet the requirements of State law and regulations.

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- C. The EFU Zone implements the Farm designation of the Comprehensive Plan. It should be read together with the County Background Report and the County Policy Document.
- D. The EFU Zone has two component parts. One is High Value Farmland (HVF), which was defined by the Legislature in 1993. HVF is made up of mostly Class I and II soils, and lands that were growing perennials (e.g. tree fruits, berries, etc.) as of a certain date. The Legislature felt the HVF designation would help protect the more productive resource land from the detrimental effects of uses not related to agriculture. In 1995, HVF composed approximately 80% of the total EFU Zone. The remaining component, about 20%, basically mirrors requirements of the pre-1993 County Zoning Ordinance for agricultural lands, although some other requirements have been added to comply with new laws.
- E. Right to Farm
1. Farming and forest practices are critical to the economic welfare of the County. The expansion of non-resource uses on and near lands zoned for resource use may give rise to conflicts between resource and non-resource activities. Resource practices on lands zoned for resource use must be protected to some extent from claims of relief filed by persons not accepting conditions associated with living near resource operations, because such claims have an adverse effect on the full resource base of the County.
 2. Spraying in compliance with State laws, and smoke, noise, dust and odors associated with a generally accepted, reasonable and prudent methods for the operation of a farm, are accepted farming practices. No farming or forest practice on land zoned for such use shall give rise to any private right of action or claim for relief based on nuisance or trespass, except for damage to a commercial farm product, or death or serious physical injury.

Section 7.02. Use Table

Table 7.2 identifies the uses permitted in the Exclusive Farm Use (EFU) zone. *This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type I, II, or III review, unless otherwise specified on Table 7.2. All uses are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this ordinance.*

- A. As used in Table 7.2:

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1. “A” means the use is allowed outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance and do not require land use review.
2. “P” means the use is prohibited.
3. “C” means the use is a Conditional Use, approval of which is subject to *Section 7.05, Conditional Use* and other listed criteria.
4. The “Subject To” column identifies certain provisions to which the use is subject.
5. “HV” means High Value Farmland as defined in Section 7.03.

“All Other” refers to EFU zoned lands not defined as High Value Farmland.

6. “Type I” uses (Ministerial Review) are permitted by-right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this ordinance. Type I permits are limited to actions that do not require interpretation or the exercise of policy or legal judgment.
7. “Type II” uses (Administrative Action) involve permits, including both permitted uses *subject to standards* and *conditional uses*, for which the application of review criteria requires the exercise of discretion. These decisions require a notice of decision and opportunity for appeal and public hearing.
8. “Type III” uses require a public hearing. Decisions are made by the hearings officer or planning commission, usually with an opportunity to appeal to the board of commissioners. Quasi-judicial decisions involve the exercise of discretion and judgment when applying applicable land use and development criteria, but implement established policy. Uses that require a Type III Permit may be allowed subject to findings of compliance with applicable approval criteria and development standards.

B. Permitted Uses – Permitted uses are subject to the applicable provisions of provisions of Subsection 7.15 *Dimensional and Site Development Standards* and other applicable *Articles of the Hood River County Zoning Ordinance*.

C. Prohibited Uses – Uses of structures, buildings and land use not specifically permitted are prohibited.

D. Authorization of Similar Uses – Notwithstanding Section C above, the Planning Director may permit 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 approved

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by four affirmative votes or appealed to the Commission pursuant to this Ordinance.

Table 7.2. Use Table for Exclusive Farm Use (EFU) Zone

Use	Review Type		SUBJECT TO
	HV	All Other	
Table 7.2: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited			
Farm, Forest, and Natural Resource Uses			
Farm use as defined in ORS 215.203	A	A	
Propagation or harvesting of a forest product	A	A	
Other buildings customarily provided in conjunction with farm use (agricultural buildings and equine facilities)	TYPE I	TYPE I	Section 7.04.A Section 7.15
Creation of, restoration of, or enhancement of wetlands	A	A	Coordination with DSL
Composting limited to accepted farming practice in conjunction with and auxiliary to farm use on the subject tract	A	A	
A facility for the processing of farm crops, biofuel or poultry	TYPE II	TYPE II	Section 7.04.B Section 7.15
A facility for the primary processing of forest products	C (TYPE II)	C (TYPE II)	Section 7.04.C Section 7.15
The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission	C (TYPE II)	C (TYPE II)	Section 7.05
Conservation areas or structures for the retention of water, soil, open space, forest or wildlife resources	A	A	Coordination with resource agencies
Residential Uses			
Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists	TYPE I	TYPE I	Section 7.15
Primary farm dwelling <i>Includes standards for: Large Tract, Farm Income Non-High Value, Farm Income High Value, and Commercial Dairy dwellings.</i>	TYPE II	TYPE II	Section 7.04.X Section 7.06
Relative farm help dwelling	TYPE II	TYPE II	Section 7.04..D Section 7.04.V
Accessory farm dwelling	TYPE II	TYPE II	Section 7.04X Section 7.07
Lot of record dwelling	TYPE II	TYPE II	Section 7.04.X Section 7.08
Non-farm dwelling	C (TYPE II)	C (TYPE II)	Section 7.04.V Section 7.05 Section 7.09.A

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Use	Review Type		SUBJECT TO
	HV	All Other	
Table 7.2: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited			
Replacement, alteration or restoration of lawfully established dwelling	TYPE I or II	TYPE I or II	Section 7.10 Section 7.10.D
Replacement dwelling for historic property	TYPE II	TYPE II	Section 7.04.V
Temporary hardship dwelling	C (TYPE II)	C (TYPE II)	Section 7.04.E Section 7.05
Residential home or facility as defined in ORS 197.660, in existing dwellings	C (TYPE III)	C (TYPE III)	Section 7.04.X Section 7.05
Room and board arrangements (i.e., meals served) for a maximum of five unrelated persons in existing residences	P	P	
Commercial Uses			
Billboards	P	P	
Contractor's Equipment Yards	P	P	
Farm stand	TYPE II	TYPE II	Section 7.04.G
Winery	TYPE II	TYPE II	Section 7.11
Agri-tourism single event (i.e., not to exceed 16 hrs and 50 attendees)	TYPE I	TYPE I	Section 7.12.A
Agri-tourism single event (i.e., not to exceed 72 hrs and 250 attendees).	C (TYPE II)	C (TYPE II)	Section 7.05 Section 7.12.B
Agri-tourism for up to 6 events or activities in a calendar year (i.e., not to exceed 72 hrs and 250 attendees)	C (TYPE II)	C (TYPE II)	Section 7.05 Section 7.12.C
Agri-tourism: Other more frequent or longer events on 80 acres	P	P	
Destination resort	P	P	
Parking of up to seven log trucks	C (TYPE II)	C (TYPE II)	Section 7.05
Home occupation	C (TYPE II)	C (TYPE II)	Section 7.04.H Section 7.05 Article 53
Home occupation involving Bed & Breakfast (B&B) Facility in an existing dwelling	C (TYPE II)	C (TYPE II)	Section 7.04.H.2 Section 7.04.V Section 7.05 Article 56
Home occupation to host wedding and related events	C (TYPE II)	C (TYPE II)	Section 7.05 Article 73
Dog training classes or testing trials (conducted outdoors or in farm buildings that existed on January 1, 2013)	TYPE II	TYPE II	Section 7.04.F
Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 7.04.F	P	C (TYPE III)	Section 7.05

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Table 7.2: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited	Review Type		SUBJECT TO
	HV	All Other	
Use			
Aerial fireworks display business	P	P	
A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.	C (TYPE II)	C (TYPE II)	Section 7.05
Commercial activities in conjunction with an <u>on-premise</u> farm use, including the processing of farm crops into biofuel not permitted under Section 7.04.B.	C (TYPE II)	C (TYPE II)	Section 7.05
Cold Storage Facility as a commercial activity in conjunction with farm use <i>(Some cold storage facilities may be permitted as a Type I use; this is a separate application for those that are not.)</i>	C (Type II)	C (Type II)	Section 7.05
Signs exceeding thirty-two square feet	P	P	Section 7.15.G
Wrecking and Junk Yards	P	P	
Mineral, Aggregate, Oil and Gas Uses			
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. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	A	A	
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).	A	A	
Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.	C (TYPE II)	C (TYPE II)	Section 7.05
Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources.	C (TYPE II)	C (Type II)	Section 7.04.I Section 7.05
Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement.	C (TYPE II)	C (TYPE II)	Section 7.04.I Section 7.05
Processing of other mineral resources and other subsurface resources.	C (TYPE II)	C (TYPE II)	Section 7.05
Transportation Uses			
Climbing and passing lanes within the right of way existing as of July 1, 1987.	A	A	
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 the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	A	A	

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Table 7.2: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited	Review Type		
	HV	All Other	SUBJECT TO
Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	A	A	
Minor betterment of existing public road 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.	A	A	
Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	C (TYPE II)	C (TYPE II)	Section 7.05 Article 55.60
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.	C (TYPE II)	C (TYPE II)	Section 7.05
Improvement of public road 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.	C (TYPE II)	C (TYPE II)	Section 7.05 Article 55.60
Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.	C (TYPE II)	C (TYPE II)	Section 7.05
Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.	C (TYPE III)	C (TYPE III)	Section 7.04.K Section 7.05
Utility/Solid Waste Disposal Facilities			
Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	A	A	
Utility facility service / local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.	A	A	
Solar energy system as an accessory use (non-commercial)	TYPE I	TYPE I	Section 7.15
Wind energy power production systems as an accessory use (non-commercial)	TYPE I	TYPE I	Section 7.15 Article 74
Rainwater collection systems as an accessory use (non-commercial)	TYPE I	TYPE I	Section 7.15
Electric vehicle charging stations for residents and their non-paying guests	TYPE I	TYPE I	Section 7.15
Land application of reclaimed water, agricultural or industrial process water	TYPE II	TYPE II	Section 7.04.L
Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200-feet in height.	TYPE II	TYPE II	Section 7.04.N

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Table 7.2: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited	Review Type		SUBJECT TO
	HV	All Other	
Use			
Collocation of antennas and wireless telecommunication facilities, including associated equipment (e.g., equipment shelters), on a previously approved wireless telecommunications facility.	TYPE I	TYPE I	Section 7.15 Article 74
Communication facilities and towers supporting wireless telecommunication facilities (< 200' in height)	C TYPE II	C TYPE II	Section 7.05 Article 74
Transmission towers over 200-feet in height	C (TYPE II)	C (TYPE II)	Section 7.05
Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities.	C (TYPE III)	C (TYPE III)	Section 7.05 Section 7.13.A
Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	P	P	
Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale	C (TYPE III)	C (TYPE III)	Section 7.05 Section 7.13.B Section 7.13..B
A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation not on high value farmland.	P	C (TYPE III)	Section 7.04.W Section 7.05
Composting facilities on farms or for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.	P	C (TYPE II)	Section 7.04.P Section 7.04.W Section 7.05
Parks/Public/Quasi-public Uses			
Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306	A	A	
Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306	C (TYPE II)	C (TYPE II)	Section 7.05
A site for the takeoff and landing of model aircraft.	TYPE II	TYPE II	Section 7.04.Q
Living history museum as defined in Section 7.03	P	P	
Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community	P	P	
Fire service facilities providing rural fire protection services (including parking and staging areas for emergency vehicles)	TYPE I	TYPE I	Section 7.15
Helipad for aircraft emergencies when applied for by public entities (including parking and staging areas for emergency vehicles)	TYPE I	TYPE I	Section 7.15
Publicly owned parks, playgrounds, and campgrounds	P	C (TYPE II)	Section 7.04.T Section 7.05
Non-motorized trails within the Hood River Corridor (i.e., Powerdale Corridor from the mouth of Hood River to Tucker Bridge).	C (Type III)	C (Type III)	Section 7.05

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Use	Review Type		SUBJECT TO
	HV	All Other	
Public parks or park uses in an adopted Master Plan <i>(There currently is no parks master plan adopted and acknowledged as part of the county's comprehensive plan.)</i>	C (TYPE II)	TYPE I	Section 7.04.R Section 7.05
Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210	C (TYPE II)	C (TYPE II)	Section 7.05
Operations for the extraction and bottling of water	C (TYPE III)	C (TYPE III)	Section 7.05
Churches and cemeteries in conjunction with churches, consistent with ORS 215.441	P	C (TYPE II)	Section 7.04.W Section 7.05 Article 18
Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.	P	C (TYPE III)	Section 7.04.S Section 7.04.U Section 7.04.W Section 7.05
Private parks, playgrounds, hunting and fishing preserves	P	P	
Private campgrounds	P	P	
Golf courses not on high-value farmland as defined in Section 7.03 and ORS 195.300	P	C (TYPE III)	Section 7.04.T Section 7.04.U Section 7.04.W Section 7.05
Outdoor Mass Gatherings			
An outdoor mass gathering of more than 3,000 persons that is expected to continue for more than 24 hours but less than 120 hours in any three-month period, as provided in ORS 433.735.	A	A	Board of Commissioner Review
Any outdoor mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by a county planning commission under ORS 433.763	P	P	

Section 7.03. Definitions

Words used in the present tense include the future; the singular number includes the plural; and the word “shall” is mandatory and not directory. Whenever the term “this ordinance” is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.

For the purpose of this ordinance, unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

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- A. Accepted Farming Practice: 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. As applied to composting operations on high-value farmland, “accepted farming practice” includes composting operations that either 1) compost only materials produced on the subject tract, or 2) compost materials brought from off-site and processed alone or in conjunction with materials generated on the subject tract, and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract.
- B. Agri-tourism: means a commercial enterprise at a working farm or ranch that is incidental and subordinate to the existing farm use of the tract that promotes successful agriculture, generates supplemental income for the owner and complies with Oregon Statue and Rule. Any assembly of persons shall be for the purpose of taking part in agriculturally based operations or activities such as animal or crop care, picking fruits or vegetables, cooking or cleaning farm products, tasting farm products; or learning about farm or ranch operations. Agri-tourism does not include “commercial events or activities” such as celebratory gatherings, weddings, parties, or similar uses.
- C. Associated Transmission Lines: Transmission lines constructed to connect an energy facility to the first point of junction with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.
- D. High Value Farmland (HVF) is defined as:
1. Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or Class II; or not irrigated, and classified prime, unique, Class I or Class II; or growing specific perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the article 7 – Exclusive Farm Use Page 4 United States Department of Agriculture taken prior to November 4, 1993, or as demonstrated by aerial photography of the Western Aerial Corporation taken on May 28, 1995.
 2. Small blocks of land surrounded or nearly surrounded by HVF that are designated during the mapping of HVF.
 3. All EFU zoned property meeting the above definition / criteria was mapped by the County via Ordinance # 223.
- E. Irrigated: Agricultural land 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.

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For the purposes of this ordinance, 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.

- F. Living History Museum: A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.
- G. Local Historical Society: A local historical society recognized by the county governing body and organized under ORS Chapter 65 (Nonprofit Corporations).
- H. Mining, Aggregate: For purposes of this Article, "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. "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, logging or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.
- I. Personal Use Airport: 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.

Section 7.04. Use Standards

Farm, Forest and Natural Resource Uses

- A. Agricultural Buildings and Equine Facilities, shall be permitted with an approved land use permit subject to the following standards:
 - 1. Located and used subject to the definition of "agricultural building" in Article 3 of this Ordinance.
 - 2. An "agricultural building" shall not be approved for use as: (1) a dwelling; (2) a structure used for a purpose, other than growing plants, in which 10 or more persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; (4) a structure used by the public; or (5) a structure subject to Sections 4001 to 4127, title 42, United States Code (*the National Flood Insurance Act of 1968*) as amended, and regulations promulgated thereunder.

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3. Pursuant to the provisions of Oregon Revised Statutes, Chapter 455.315(2)(d), an “equine facility” shall be located on a farm, pursuant to Subsection (5)(a) and (b) below, and used by the farm owner or the public for stabling or training equines or providing riding lessons and training clinics. *(Note that, unlike agricultural buildings that are required to be used as part of the business of the farm, equine facilities may simply be used for the pleasure of the owner when all other standards are met.)*
4. An “equine facility” shall not be approved for use as: (1) a dwelling; (2) a structure in which more than 10 persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or (4) a structure subject to Sections 4001 to 4127, title 42, United States Code (*the National Flood Insurance Act of 1968*) as amended, and regulations promulgated thereunder.
5. Before an application for an agricultural building or equine facility is approved, **except for a greenhouse**, an applicant shall demonstrate that the lot or parcel on which the agricultural building or equine facility is proposed contains a farm, as defined below:
 - a. A farm includes a lot or parcel that is currently employed for the primary purpose of obtaining a profit in money by (a) Raising, harvesting and selling crops; (b) Feeding, breeding, managing or selling livestock, poultry, fur-bearing animals or honeybees or the produce thereof; (c) Dairying and selling dairy products; (d) Stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows; (e) Propagating, cultivating, maintaining or harvesting aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission; (f) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products raised for human or animal use on land described in this section; or (g) Using land described in this section for any other agricultural or horticultural use or animal husbandry or any combination thereof; and
 - b. The lot or parcel is receiving farm tax deferral from the County; or the property owner provides proof of gross income generated from the onsite farm pursuant to ORS 308.A.071(2)(a) for at least the last year
 - c. No agricultural building or equine facility shall be constructed within the boundaries of a floodplain without an approved building permit. Where applicable, an agricultural building or equine facility within the boundaries of a floodplain shall also be subject to requirements of Article 44 (*Floodplain Zone*) of this Ordinance.

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- d. Nothing in this section is intended to authorize the application of a state structural specialty code to any agricultural building or equine facility; such structures are not exempt from electrical, plumbing, or mechanical permits when applicable.
 - e. As part of an application for an agricultural building or equine facility, the owner(s) of the property shall sign a statement acknowledging the limitations of how the building can be used. By signing this statement, the owner(s) must also agree to obtain a building permit should the use of the building be converted to non-agricultural use and to ensure that future owners are made aware of these limitations.
 - f. Any approved agricultural building or equine facility that is no longer located on a farm or used exclusively for agricultural purposes may be subject to enforcement action pursuant to Article 70 of this Ordinance.
 - g. Any agricultural building or equine facility, unable to meet the above guidelines, may be approved as an accessory buildings when applicable criteria are met and subject to a building permit.
- B. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used as a processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
- C. Facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses defined. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. 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.

Residential Uses

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D. Relative farm help dwelling, subject to the following standards:

1. The dwelling shall be located on the same lot or parcel as the principal farm dwelling.
2. The relative farm help dwelling shall be occupied by a relative(s) of the farm operator or the farm operator' spouse, whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator.
3. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm from the principal farm dwelling, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

E. Temporary hardship dwelling, subject to the following standards:

1. One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:
 - a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - b. The county shall review the permit authorizing the use every two-years;
 - c. Within three-months of the end of the hardship, the temporary hardship dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
 - d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
 - a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.

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- b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

Commercial Uses

- F. Dog training classes or testing trials conducted outdoors, or in farm buildings (i.e., agricultural building) that existed on January 1, 2013, are limited as follows:
 1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- G. Farm stand, subject to the following standards:
 1. The structures are designed and used for sale of farm crops and 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 (*At the request of the county, the farm stand shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the farm stand with this subsection for the previous tax year.*); and
 2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
 3. As used in this section, “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. As used in this

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section, “local agricultural area” includes Oregon or an adjacent county in Washington.

4. Adequate off-street parking will be provided subject to provisions of Article 51 – Off Street Parking and Loading.
5. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
6. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
7. No farm stand building or parking is permitted within the right-of-way.
8. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.
9. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).
10. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.
11. Only four (4) signs (including both on and off premise signs) are permitted not to exceed a cumulative size of 32 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs shall be approved by affected property owners.
12. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-spillover onto adjacent properties, roads and highways.
13. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.

H. Home occupations, subject to the following:

1. Located and used subject to the definition of “Home Occupation” in Article 3 and meet the Home Occupation Standards in Article 53 of this Ordinance.
2. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established under Table 7.2 and is operated in association with the winery:

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- a. The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility;
- b. The meals may be served at the bed and breakfast facility or at the winery; and
- c. Weddings and related events shall meet the requirements of Article 73.

Mineral, Aggregate, Oil and Gas Uses

- I. Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40-acres or more that are planted as of the date the application for batching and blending is filed.
- J. Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources may be approved, subject to the following:
 1. A land use permit is required for mining more than one thousand (1,000) cubic yards of martial or excavation preparatory to mining of a surface area of more than one-acre.
 2. A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Hood River Comprehensive Plan.

Transportation Uses

- K. Personal-use airport, as used in this section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed 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 allowed subject to any applicable rules of the Oregon Department of Aviation.

Helipads for emergency use are not personal-use airports under this section and may be allowed when applied for by public entities.

Utility/Solid Waste Disposal Facilities

- L. Land Application of Reclaimed or Process 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 EFU zone is 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

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under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251.

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

1. A public right of way;
2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

N. Utility facility that is necessary for public service.

1. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - a. Technical and engineering feasibility;
 - b. The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c. Lack of available urban and nonresource lands;
 - d. Availability of existing rights of way;
 - e. Public health and safety; and
 - f. Other requirements of state and federal agencies.
2. Costs associated with any of the factors listed in Subsection (1) 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.

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3. The owner of a utility facility approved under Subsection 1 shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
4. The county 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 farmlands.
5. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this subsection are subject to Section 7.05 - Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
6. In addition to the provisions of Subsections 1 through 4, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
7. The provisions of Subsection 1 do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
8. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of (a) or (b):
 - a. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - i. The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - ii. The associated transmission line is co-located with an existing transmission line;

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- iii. The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - iv. The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.
- b. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections (c) and (d) below, two or more of the following criteria:
- i. Technical and engineering feasibility;
 - ii. The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - iii. Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - iv. Public health and safety; or
 - i. Other requirements of state or federal agencies.
- c. As pertains to Subsection (b) above, the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line 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 the surrounding farmland.
- d. The county may consider costs associated with any of the factors listed in Subsection (b) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- O. Communication towers and facilities (i.e., cell towers) subject to Article 74.
- P. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. 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

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limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland, except that existing facilities on high value farmland may be expanded subject to Section 7.04.Y, and as allowed as an accepted farming practice as defined.

Parks/Public/Quasi-Public

- Q. Buildings and facilities associated with a site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this section. An owner of property used for the purpose authorized in this section 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 operator's cost to maintain the property, buildings and facilities. As used in this section, "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 is controlled by radio, lines or design by a person on the ground.
- R. Publicly owned parks may include:
1. All outdoor recreation uses allowed under ORS 215.283;
 2. The following uses, unless otherwise allowed as part of an adopted park master plan:
 - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;
 - e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;

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- f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education.
- S. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
- 1. The Conditional Use Review Criteria in Section 7.05 are met; and
 - 2. The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
- T. An existing golf course may be expanded consistent with the requirements of Table 7.2 and Section 7.05. Accessory uses provided as part of a golf course shall be limited 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;

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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; and
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.

General Standards

U. Three-mile setback. For uses subject to this subsection:

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
2. Any enclosed structures or group of enclosed structures described in Subsection (1) within a tract must be separated by at least one-half mile. For purposes of this subsection, “tract” means a tract that is in existence as of June 17, 2010.
3. Existing facilities wholly within the farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this Ordinance.

V. Single-family dwelling deeds. The landowner shall 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 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.

W. Expansion & Non-conforming use standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to Table 7.2, Article 65, and other requirements of law.

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Section 7.05. Conditional Use Review Criteria

An applicant for a conditional use identified in Table 7.2 must demonstrate compliance with the following criteria:

- A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 1. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
 2. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 3. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 4. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use (e.g., water, sewer and access); and
 5. The use is or can be made compatible with existing uses and other allowable uses in the area and does not negatively affect the health or safety of surrounding uses or residents.

Section 7.06. Dwellings Customarily Provided in Conjunction with Farm Use

- A. **Primary Farm Dwelling - Large Tract Standards.** On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 1. The parcel on which the dwelling will be located is at least 160-acres
 2. The subject tract is currently employed for farm use.

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3. The dwelling will be occupied by 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.
 4. Except for an accessory farm dwelling, there is no other dwelling on the subject tract.
- B. Primary Farm Dwelling - Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
1. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned at least \$60,000 in gross annual income from the sale of farm products;
 2. Except for an accessory farm dwelling, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and
 4. In determining the gross income required by Subsection (1):
 - 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 that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- C. Primary Farm Dwelling - Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
1. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and

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2. Except for an accessory farm dwelling, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 1;
4. In determining the gross income required by Subsection 1:
 - 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 that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

D. Additional Farm Income Standards.

1. For the purpose of Subsections B or C, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements.
2. Prior to the final approval for a dwelling authorized by Subsections B and C that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form (available at the county planning department) adopted as "Exhibit A" to OAR chapter 660, division 33 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded 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.

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3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
 4. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;
 5. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the covenants, conditions and restrictions required by this section;
 6. The planning director shall maintain a copy of the covenants, conditions and restrictions 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 required by this subsection shall be readily available to the public in the county planning office.
- E. Primary Farm Dwelling - Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:
1. The subject tract will be employed as a commercial dairy as defined in Subsection 7;
 2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
 3. Except for an accessory farm dwelling, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 6. The Oregon Department of Agriculture has approved the following:
 - a. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - b. A Producer License for the sale of dairy products under ORS 621.072.

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7. As used in this section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections B or C, whichever is applicable, from the sale of fluid milk.
- F. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:
1. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Section 7.06 B or C, whichever is applicable;
 2. The subject lot or parcel on which the dwelling will be located is:
 - a. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection B or C, whichever is applicable; and
 - b. At least 80-acres in size;
 3. Except for an accessory farm dwelling, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection 1; and
 5. In determining the gross income required by Subsections 1 and 2(a):
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - b. Only gross income from land owned, not leased or rented, shall be counted.

Section 7.07. Accessory Farm Dwellings (Farm worker housing)

- A. Accessory farm dwellings as permitted by this Article may be considered customarily provided in conjunction with farm use if:
1. Each accessory farm dwelling meets all the following requirements:
 - 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;

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- b. The accessory farm dwelling will be located:
 - i. On the same lot or parcel as the primary farm dwelling;
 - ii. 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;
 - iii. 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 with a deed restriction. The deed restriction shall be filed with the County Department of Records and Assessment and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party, unless it is reapproved under these provisions;
 - iv. On any lot or parcel, 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 farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. “Farmworker housing” shall have the meaning set forth in ORS 215.278 and not the meaning in 315.163; or
 - v. 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 80-acres in size and the lot or parcel complies with the gross farm income requirements in Section 7.06 B or C ; and
 - 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.
2. In addition to the requirements in Subsection (1), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 - a. On land not identified as high-value farmland, the primary farm dwelling meets the requirements of Section 7.06.B.

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- b. On land identified as high-value farmland, the primary farm dwelling meets the requirements of Section 7.06.C.
 - c. It is located on a commercial dairy farm as defined in Section 7.05.E.7 and meets the requirements of Section 7.06.F.5.
3. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Section 7.15.D
4. 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 per Section 7.09.
5. For purposes of this subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.
6. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator.

Section 7.08. Lot of Record Dwellings

A. Lot of Record Dwelling

1. A dwelling may be approved on a pre-existing lot or parcel if:
 - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (5):
 - i. Since prior to January 1, 1985; or
 - ii. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 - b. The tract on which the dwelling will be sited does not include a dwelling;
 - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

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- d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
 - e. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections (3) and (4); and
 - f. When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
2. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;
 3. Notwithstanding the requirements of Subsection (1)(e), a single-family dwelling may be sited on high-value farmland if:
 - a. It meets the other requirements of Subsections (1) and (2);
 - b. The lot or parcel is protected as high-value farmland as defined in OAR 660-033-0020(8)(a);
 - c. The planning director or hearings officer of a county determines that:
 - i. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - (i) For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.
 - (ii) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel

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from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.

(iii) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

- d. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 7.09.A.3
4. Notwithstanding the requirements of Subsection (1)(e), a single-family dwelling may be sited on high-value farmland if:
- a. It meets the other requirements of Subsections (1) and (2);
 - b. The tract on which the dwelling will be sited is:
 - i. Not high-value farmland defined in Section 7.03; and
 - ii. Twenty-one acres or less in size; and
 - c. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21-acres, and at least two such tracts had dwellings on January 1, 1993; or
 - d. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21-acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
 - e. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21-acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
 - i. “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.

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- ii. “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
5. For purposes of Subsection (1), “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;
6. The County Department of Records and Assessment shall be notified that the governing body intends to allow the dwelling.
7. An approved single-family dwelling under this section may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.
8. The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the decision.
9. The dwelling will be consistent with density limitations that protect Goal 5 – big game wildlife habitat.
10. The dwelling is subject to Section 7.15, and Article 50 – Buffer Requirements including a deed notification, and with other applicable requirements of the Comprehensive Plan.

Section 7.09. Dwellings Not in Conjunction with Farm Use

- A. Non-farm dwelling. A non-farm dwelling sited on a parcel is subject to the following requirements:
 1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 2. The following applies to non-farm dwellings:
 - a. The dwelling is situated upon a new parcel, or a portion of an existing lot or parcel, that is generally unsuitable land for the production of farm crops and

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livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or new parcel or portion of an existing 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; and

- b. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable". A new parcel or portion of an existing lot or parcel is presumed to be suitable if composed predominately of Class I-IV soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or
 - c. If the lot or parcel 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". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;
3. 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, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in Subsections (2)(a) through (c) above. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in Subsections (2)(a) through (c) above; and

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4. If a single-family dwelling is established on a lot or parcel as set forth in Section 7.08 (Lot of Record Dwelling) no additional dwelling may later be sited under the provisions of this section.

Section 7.10. Replacement, Alteration or Restoration of a Lawfully-Established Dwelling

A. A lawfully established dwelling may be replaced, altered or restored if, at the time when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

1. The dwelling to be altered, restored or replaced has, or formerly had:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Interior wiring for interior lights;
 - d. A heating system; and
 - e. The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.
2. Notwithstanding Subsection (1)(e) above, if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
 - a. The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - b. The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. “Improperly removed” means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

B. For replacement of a lawfully established dwelling:

1. The dwelling to be replaced must be removed, demolished or converted to an allowable non-residential use:

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- a. Before the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - b. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
2. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been converted to a non-residential use.
 3. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- C. A replacement dwelling must comply with applicable building, plumbing, electric and sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
1. The siting standards of Subsection (2) below apply when a dwelling qualifies for replacement because the dwelling:
 - a. Formerly had the features described in Subsection A(1);
 - b. Was removed from the tax roll as described in Subsection A(2); or
 - c. Had a permit that expired as described under Subsection D(3).
 2. The replacement dwelling must be sited on the same lot or parcel:
 - a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

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3. Replacement dwellings that currently have the features described in Subsection A(1) and that have been on the tax roll as described in Subsection A(2) may be sited on any part of the same lot or parcel.
- D. A replacement dwelling permit that is issued (Type II):
1. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
 - a. Formerly had the features described in Subsection A(1) or
 - b. Was removed from the tax roll as described in Subsection A(2);
 2. Is not subject to the time to act limits of ORS 215.417; and
 3. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
 - a. Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
 - b. Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

Section 7.11. Wineries

- A. A winery may be established as a permitted use if the proposed winery will produce wine with a maximum annual production of:
1. Less than 50,000 gallons and the winery operator:
 - 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 Subsection (1)(a), (b) or (c); or
 2. At least 50,000 gallons and the winery operator:
 - a. Owns an on-site vineyard of at least 40-acres;
 - b. Owns a contiguous vineyard of at least 40-acres;

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- 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;
 - d. Owns an on-site vineyard of at least 15-acres on a tract of at least 40-acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
 - e. Obtains grapes from any combination of Subsection (2)(a), (b), (c) or (d).
- B. In addition to producing and distributing wine, a winery established under this section may:
1. Market and sell wine produced in conjunction with the winery.
 2. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - a. Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - b. Wine club activities;
 - c. Winemaker luncheons and dinners;
 - d. Winery and vineyard tours;
 - e. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - f. Winery staff activities;
 - g. Open house promotions of wine produced in conjunction with the winery; and
 - h. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
 3. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:
 - a. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

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- b. Served in conjunction with an activity authorized by Subsections B(2), (4) or (5).
 - 4. Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to Subsection E.
 - 5. Host charitable activities for which the winery does not charge a facility rental fee.
- C. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in Subsection B(3). Food and beverage services authorized under Subsection B(3) may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
- D. The gross income of the winery from the sale of incidental items or services provided pursuant to Subsection B(3) to (5) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery. At the request of the county, the winery shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.
- E. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by Section 7.12.A to C.
- F. A winery operating under this section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
- G. Prior to the issuance of a permit to establish a winery under Subsection A, the applicant shall show that vineyards described in Subsection A have been planted or that the contract has been executed, as applicable.
- H. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
- 1. Establishment of a setback of at least 100-feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100-feet; and
 - 2. Provision of direct road access and internal circulation.

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- I. In addition to a winery permitted in Subsections A to H, a winery may be sited on a tract of 80-acres or more where the requirements of OAR 215.453 are met.

Section 7.12. Agri-tourism and Other Commercial Events

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

- A. In the alternative to 7.12 Subsections B and C, the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:
 1. Must be incidental and subordinate to existing farm use on the tract;
 2. May not begin before 6 a.m. or end after 10 p.m.;
 3. May not involve more than 50 attendees or 50 vehicles;
 4. May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
 5. May not require or involve the construction or use of any new permanent structure in connection with the agri-tourism or other commercial event or activity;
 6. Must be located on a tract of at least 10-acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
 7. Must comply with applicable health and fire and life safety requirements.
- B. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
 1. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

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2. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
 3. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 250 people;
 4. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
 5. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements;
 6. Must comply with the Conditional Use Review Standards described in Section 7.05; and
 7. The agri-tourism or other commercial event or activity complies with conditions established for:
 - a. Planned hours of operation;
 - b. Access, egress and parking;
 - c. A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and
 - d. Sanitation and solid waste.
- C. In the alternative to Subsections A and B, the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:
1. Must be incidental and subordinate to existing farm use on the tract;
 2. May not, individually, exceed a duration of 72 consecutive hours;
 3. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 4. Must comply with the Conditional Use Review Standards described in Section 7.05;

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5. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
 6. Must comply with conditions established for:
 - a. The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - b. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - c. The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
 - d. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - e. Sanitation and solid waste.
 7. A permit authorized by this subsection shall be valid for one-calendar year. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection C, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.
- D. Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.
- E. The authorizations provided by this section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

Section 7.13. Commercial Facilities for Generating Power

A. Commercial Power Generating Facility.

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1. Permanent features of a power generation facility shall not preclude more than:
 - a. 12-acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - b. 20-acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
 2. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.
- B. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the definitions and provisions provided for in OAR 660-033-0130 (38).

Section 7.14. Land Divisions

- A. **Minimum Parcel Size.** The minimum size for creation of a new parcel shall be 80-acres.
- B. A division of land to accommodate a use permitted in Table 7.2, except a residential use, smaller than the minimum parcel size provided in Subsection A may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- C. A division of land to create up to two new parcels smaller than the minimum size established under Subsection A, each to contain a dwelling not provided in conjunction with farm use, may be permitted if the provisions of ORS 215.263(4)(a) can be met.
- D. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if the provisions of ORS 215.263(4)(b) can be met.
- E. This section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.

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- F. This section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
- G. This section does not allow division of a lot or parcel described in Section 7.04.D (relative farm help dwelling) and Section 7.04.E (temporary hardship dwelling).
- H. This section does not allow division of a lot or parcel that separates a processing facility from the farm operation specified in Table 7.2.
- I. A division of land may be approved provided:
 - 1. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - 2. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 - 3. 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 to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or 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.
 - 4. A division of land smaller than the minimum lot or parcel size in Subsection A may be approved provided for the purpose of establishing a church or rural fire station, pursuant to ORS 215.263.

Section 7.15. Dimensional & Site Development Standards

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The following standards are the minimum applicable to all new dwellings/buildings and replacement dwellings/buildings located on a completely different site, unless required by other provisions of this article:

- A. Article 50: Buffer requirements shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling. The more restrictive provisions in Article 50 or this section shall apply.

In the case of a replacement dwelling, the buffer requirements do not apply unless the dwelling is located on a completely different site. The new dwelling cannot protrude any further into the buffer unless an alternate buffer, such as a vegetative screen, berm, or sight obscuring fence is provided in compliance with Article 50 requirements. The more restrictive provisions in Article 50 or this section shall apply.

- B. Maximum height: 35-feet.

- C. Setbacks, minimum:

1. Front: 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.
2. Rear: 20-feet; agricultural building and equine facilities buildings: 10-feet.
3. Side: Interior parcel: 10-feet; Exterior or corner parcel: 50-feet from the centerline of any street.
4. Streams: New buildings shall be setback 100-feet from ordinary high water line unless in conjunction with a water-related or water dependent use.

- D. Minimum lot or parcel size: 80-acres

- E. Minimum lot frontage: 50-feet

- F. Minimum vision clearance: 35-feet

- G. Signs exceeding 32 square feet are prohibited in the EFU zone, with the following exceptions:

1. Oregon State Highway Division signs;
2. Sponsor signs if:
 - a. The sign is part of a wall or fence surrounding an outdoor sports facility;

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- b. The sign does not exceed a maximum height of eight-feet and total area does not exceed 64 square feet;
 - c. The sign is on the interior of the wall/fence;
 - d. The structure shall comply with Section 7.15 C and F regarding setback and vision clearance.
3. Signs approved under Subsection G are required to obtain a building permit, unless otherwise allowed by the County Building Official.
 4. With the exception of farm stands and the requirements of Section 7.15.G, no more than one sign is allowed per parcel.

Section 7.16. Approval Period & Time Extensions

- A. Except as provided for in Section (C) below and for land divisions, a discretionary decision approving a proposed development on EFU zoned land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto is shall remain valid two-years from the date of the final decision.
- B. A county may authorize extensions of up to 12-months if:
 1. An applicant makes a written request for an extension of the development approval period;
 2. The request is submitted to the county prior to the expiration of the approval period;
 3. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period;
 4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible; and
 5. Applicable criteria for the decision have not changed.
- C. If a permit is approved for a proposed residential development (except for primary farm dwellings, accessory farm dwellings, and relative farm help dwellings) and on EFU zoned land outside of an urban growth boundary, the permit shall be valid for four-years.

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1. An extension of residential development permit shall be valid for two-years.
 2. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.
- D. Approval of an extension granted under this rule is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 10 – Residential (R-1) Zone

**Amendments identified at the
November 10th Public Hearing**

Article 10 – Residential (R-1) Zone

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

ARTICLE 10 – RESIDENTIAL (R-1) Zone

~~(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)~~

Section 10.10 - Uses Permitted Outright

In an R-1 Zone, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling.
- B. A **manufactured home or recreational vehicle** ~~mobile home for agricultural purposes, security personnel, and~~ as a temporary use while constructing a dwelling for a period not exceeding two-years. Applicable provisions in Article 16 shall apply.

Section 10.20 - Conditional Uses Permitted

In an R-1 Zone, the following uses and their accessory uses are permitted in accordance with the requirements of Article 60:

- A. Airport.
- B. Bed & Breakfast Facilities, subject to Article 56.
- C. Cemetery including mausoleum, crematorium, columbarium.
- D. Church.
- E. Community club building.
- F. Public building or use such as a park or fire station.
- G. School - nursery, primary, elementary, high.
- H. Utility substation, pumping station.
- I. Signs identifying a conditional use located on the same lot or parcel as the use and not exceeding 12 square feet in area.
- J. **Temporary hardship dwelling, subject to the following:** ~~Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.~~
 - 1. **One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**

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- a. The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
 - b. The county shall review the permit authorizing the use every two-years;
 - c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
 - d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
- a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
 - b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

K. Home occupation, subject to Article 53.

L. Duplex. (~~Added~~)

Section 10.30 - Lot Size

In an R-1 Zone, the minimum lot size shall be as follows:

- A. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot area shall be increased to conform to the requirements of the County Health Department established to avoid problems of water supply and sewage disposal, giving due consideration to soil structure and water table characteristics.
- B. The minimum lot width shall be 70-feet. (~~Amended~~)
- C. The minimum lot depth shall be 100-feet. (~~Amended~~)

Article 10 – Residential (R-1) Zone

- D. In the event that more than one dwelling building and/or mobile home is allowed on a tract of ground under single ownership there must be provided a sufficient lot area for each dwelling building and/or mobile home and such minimum lot must meet all other requirements of this ordinance with special attention to setbacks and access. (~~Amended 6-21-73~~)
- E. ~~The following provisions apply to lands within the City of Hood River Urban Growth Boundary zoned R1-7000:~~
- ~~1. Minimum lot area, 7,000 square feet, provided the lot is served by a public sanitary sewer system and water system and conforms to the requirements of the County Sanitarian, County Engineer, and City Engineer.~~
 - ~~2. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ), the County and City Engineers.~~
 - ~~a. The minimum lot width shall be 70 feet.~~
 - ~~b. The minimum lot depth shall be 100 feet.~~
 - ~~3. If applicable, partition and subdivision proposals shall show through a plot plan how the proposed lots or parcels can be reduced in the future to urban densities (5,000 square feet).~~
 - ~~4. Prior to issuance of a Land Use and Building Permit, the Director shall submit the proposal to the County Sanitarian, County Engineer, and City Engineer for review and comment; based upon their affirmative comments, the Director shall require the siting of buildings so as to facilitate future redivisions.~~
 - ~~5. The siting of buildings shall also be based upon and conform with applicable County and City Plans (e.g., official street, sewerage or water plans, private utility plans; etc.) that identify the public necessity of controlling the location of buildings so as to conform to future urban growth patterns. In such cases the Director shall require that buildings not be placed in certain locations.~~
 - ~~6. Compliance with Section 10.30 Lot Size, subparagraph "D" above.~~
- F. ~~The following provisions apply to lands within the City of Hood River Urban Growth Boundary zoned R1-5000:~~
- ~~1. Minimum lot area shall be 5,000 square feet provided the lot is served by a public sanitary sewer system and public water system and conforms to the approved requirements of the County Sanitarian, County Engineer and City Engineer. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot~~

Article 10 – Residential (R-1) Zone

~~shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ), the County and City Engineers.~~

- ~~a. The minimum lot width shall be 50 feet.~~
- ~~b. The minimum lot depth shall be 100 feet.~~

- ~~2. Compliance with Section 10.30 Lot Size, subparagraph "E", item 2, 3, 4, and 5 above.~~

Section 10.40 - Setback Requirements

In an R-1 Zone, the yards shall be as the following apply: follows:

- A. **Article 50: Buffer Requirements shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling. The more restrictive provisions in Article 50 or this section shall apply.**
- A. ~~The front yard shall be minimum of 20 feet.~~ **Front: 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.**
- B. **Side:** The side yard shall be Minimum of 5-feet.
- C. **Rear:** The rear yard shall be Minimum of 20-feet.
- D. No building, occupied by a conditional use, shall be closer to a property line than a distance equal to its height.
- E. ~~No building shall be constructed closer to the centerline of a street than 50 feet.~~
- F. Vision clearance setbacks from all street intersections shall be 35-feet. (~~Amended~~)

Section 10.50 - Height of a Building

In an R-1 Zone, no building shall exceed a height of 35-feet or two and one half stories, whichever is less, measured from high point of ground grade.

Section 10.60 - Lot Coverage

In an R-1 Zone, buildings shall not cover more than 30 percent of the lot area. (~~Not applicable to lands zoned R1-7000 and R1-5000.~~)

Section 10.65 – Street Design Standards

The street design standards applicable to new subdivisions or major partitions in an R-1 zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.

Article 10 – Residential (R-1) Zone

Section 10.70 - Signs

In an R-1 Zone, signs shall be limited to those identifying the use of the premises or the sale, rental or lease of the property on which the sign is located. Signs shall not exceed six square feet in area, may be non-illuminated or indirectly illuminated, and shall be limited to one per parcel, except that two temporary signs, each not to exceed 12 square feet in area, may be erected to advertise the sale, lease or rental of a tract or more than four or five acres.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 12 – Residential (R-2) Zone

**Amendments identified at the
November 10th Public Hearing**

Article 12 – Residential (R-2) Zone

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

Incorrect numbering and references will be revised in the adopted version.

//Editor's note: It is recommended to repeal and eliminate the entire R-2 zoning article from the HRCZO. The zone no longer exists as it was intended for lands within the Urban Growth Boundary or Area (UGB). When the city's zoning districts were adopted within the UGB the R-2 Zone was no longer applied to any properties within unincorporated portions of Hood River County. It has remained in the HRCZO because the C-1 (Commercial) Zone references the uses in the R-2 Zone instead of explicitly listing them. The C-1 Zone is proposed to be updated to list the specific uses the R-2 Zone identified.//

ARTICLE 12 – RESIDENTIAL (R-2) Zone

~~(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)~~

Section 12.10 – Principal Uses Permitted Outright

~~In an R-2 Zone, the following uses and their accessory uses are permitted outright.~~

- A. ~~Single family, two family, or multi-family dwellings.~~
- B. ~~A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding as two years. Applicable provision in Article 16 shall apply.~~

Section 12.20 – Conditional Uses Permitted

~~In an R-2 Zone, the following uses and their accessory uses are permitted in accordance with the requirements of Article 60.~~

- A. ~~A conditional use permitted in an R-1 Zone.~~
- B. ~~A multi-family development containing five or more dwelling units.~~
- C. ~~Trailer park. Mobile home park shall comply with applicable provisions in Article 16.~~

Section 12.30 – Lot Sizes

~~In an R-2 Zone, the lot size shall be as follows:~~

- A. ~~The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot area shall be increased to conform to the requirements of the County Health Department established to avoid problems of water supply and sewage disposal, giving due consideration to soil structure and water table characteristics. (Amended)~~
- B. ~~The minimum lot area as specified by the County Health Department shall be increased by a minimum of 2,500 square feet per dwelling unit for two, three and four family dwellings and an additional 2,000 square feet for each dwelling unit over four. (Amended)~~

Article 12 – Residential (R-2) Zone

- C. ~~The minimum lot depth shall be 100 feet. (Amended)~~
- D. ~~The minimum lot width shall be 70 feet. (Amended)~~
- E. ~~In the event that more than one dwelling building, and/or mobile home is allowed on a tract of ground under single ownership there must be provided a sufficient lot area for each dwelling building and/or mobile home and such minimum lot must meet all other requirements of this ordinance with special attention to setbacks and access. (Amended)~~
- F. ~~The following provisions apply to lands within the City of Hood River Urban Growth Boundary zoned R2-5000:~~
- ~~1. Minimum lot area shall be 5,000 square feet provided the lot is served by a public sanitary sewer system and water system or conforms to the requirements of the County Sanitarian, County Engineer and City Engineer.~~
 - ~~2. The minimum lot area shall be 7,500 square feet provided the lot is served by a public sanitary sewer system. If the lot is not served by a sanitary sewer system, the lot shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ), the County and City Engineers.~~
 - ~~a. Minimum lot width of 50 feet.~~
 - ~~b. Minimum lot depth of 100 feet.~~
 - ~~3. The lot area for one and two family dwellings shall be 5,000 square feet; each unit there after shall require an additional 1,500 square feet.~~
 - ~~4. If applicable, partition and subdivision proposals shall show through a plot plan how the proposed lots or parcels can be reduced in the future to urban densities (5,000 square feet).~~
 - ~~5. Prior to issuance of a Land Use and Building Permit, the Director shall submit the proposal to the County Sanitarian, County Engineer, and City Engineer for review and comment. Based upon their affirmative comments the Director shall require the siting of buildings so as to facilitate future redivision(s).~~
 - ~~6. The siting of the building(s) shall be based upon and conform with applicable City, County and Special District Plans; acceptable to the County and City (i.e., official street, sewerage or water plans; private utility plans, etc.) that identify the public necessity of controlling the location of buildings so as to conform to the future urban growth patterns. In such cases, the Director shall require that buildings not be placed in certain locations.~~
 - ~~7. Compliance with Section 12.30 Lot Sizes, Subparagraph "E".~~

Article 12 – Residential (R-2) Zone

Section 12.40 – Setback Requirements

In an R-2 Zone, the yards shall be as follows:

- A. The front yard shall be a minimum of 20 feet.
- B. The side yard shall be minimum of 5 feet.
- C. The rear yard shall be a minimum of 20 feet.
- D. No building occupied by a conditional use shall be closer to a property line than distance equal to its height.
- E. No Building shall be constructed closer to the centerline of a street than 50 feet.
- F. Vision clearance setback from all street intersections shall be 35 feet. (Amended)

Section 12.50 – Height of Building

In an R-2 Zone, no building shall exceed a height of 35 feet or two and one-half stories, whichever is less.

Section 12.60 – Lot Coverage

In an R-2 Zone, buildings shall not cover more than 30 percent of the area. (Not applicable to lands zoned R2-5000 within the City of Hood River Urban Growth Boundary.)

Section 12.65 – Street Design Standards

The street design standards applicable to new subdivisions or major partitions in an R-2 zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.

Section 12.70 – Signs

In an R-2 Zone, signs shall be limited to those identifying the use of the premises or the sale, rental or lease of the property on which the sign is located. Signs shall not exceed six square feet in area, may be non-illuminated, and shall be limited to one per parcel, except that two temporary signs, each not to exceed 12 square feet in area, may be erected to advertise the sale, lease or rental of a tract of more than four lots or five acres.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 15 – Rural Residential (RR) Zone

**Amendments identified at the
November 10th & December 21st
Public Hearings**

Article 15 – Rural Residential (RR) Zone

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

Incorrect numbering and references will be revised in the adopted version.

ARTICLE 15 - RURAL RESIDENTIAL (RR) Zone

(Revised ~~07-21-03~~ as part of TSP adoption, effective 8-22-03)

Section 15.00 - Purpose and Intent

This zone is intended to maintain a semi-rural atmosphere for the development of residential living. Residential land uses will be the primary activity while agriculture will be of secondary importance. This Ordinance applies to land designated Rural Residential on the Comprehensive Plan Map.

Section 15.10 - Permitted Uses

In an RR Zone the following uses and their accessory uses are permitted:

- A. **One single family dwelling per lot or parcel.**
- B. **Agricultural Buildings, shall be permitted with an approved land use permit subject to the following standards:**
 1. **Located and used subject to the definition of “agricultural building” in Article 3 of this Ordinance.**
 2. **An “agricultural building” shall not be approved for use as: (1) a dwelling; (2) a structure used for a purpose, other than growing plants, in which 10 or more persons are present at any one time; (3) a structure regulated by the State Fire Marshal pursuant to ORS chapter 476; (4) a structure used by the public; or (5) a structure subject to Sections 4001 to 4127, title 42, United States Code (*the National Flood Insurance Act of 1968*) as amended, and regulations promulgated thereunder.**
 3. **Before an application for an agricultural building, except of a greenhouse, is approved, an applicant shall demonstrate that the lot or parcel on which the agricultural building is proposed contains a farm, as defined below:**
 - a. **A farm includes a lot or parcel that is currently employed for the primary purpose of obtaining a profit in money by (a) Raising, harvesting and selling crops; (b) Preparing, storing or disposing of, by marketing or otherwise, the products or by-products raised for human or animal use on land described in this section; or (c) Using land described in this section for any other agricultural or horticultural use, excluding any poultry or animal raising enterprise conducted on a commercial basis; and**
 - b. **The lot or parcel is receiving farm tax deferral from the County; or the property owner provides proof of gross income generated from the onsite farm pursuant to ORS 308A.071.**

Article 15 – Rural Residential (RR) Zone

- c. No agricultural building shall be constructed within the boundaries of a floodplain without an approved building permit. Where applicable, an agricultural building within the boundaries of a floodplain shall also be subject to requirements of Article 44 (Floodplain Zone) of this Ordinance.
 - d. Nothing in this section is intended to authorize the application of a state structural specialty code to any agricultural building; such structures are not exempt from electrical, plumbing, or mechanical permits when applicable.
 - e. As part of an application for an agricultural building, the owner(s) of the property shall sign a statement acknowledging the limitations of how the building can be used. By signing this statement, the owner(s) must also agree to obtain a building permit should the use of the building be converted to non-agricultural use and to ensure that future owners are made aware of these limitations.
 - f. Any approved agricultural building not used exclusively for agricultural purposes shall may be subject to enforcement action pursuant to Article 70 of this Ordinance.
- C. Farm uses, excepting any poultry, or animal raising, or breeding enterprise conducted on a commercial basis.
- D. ~~One single family dwelling per lot or parcel.~~
- E. Utility transmission lines.
- F. Accepted timber practices.
- G. One sign not to exceed 12 square feet, or otherwise approved in conjunction with a conditional use permit complying with Section 15.65.
- H. Manufactured home or recreational vehicle Mobile homes as a temporary use while constructing a dwelling for a period not to exceed two-years, meeting the following criteria: Applicable provisions in Article 16 shall apply.
- 1. ~~For agricultural related purposes.~~
 - 2. ~~Temporary use while constructing a single family dwelling for a period not exceeding two-years.~~
 - 3. ~~For security purposes.~~
 - 4. ~~(Mobile homes) shall comply with provisions in Article 16, Section 16.20.~~

Section 15.20 – Permitted Subject to Standards

- G. ~~Pursuant to compliance with the~~ Pursuant to the following standards, Farm Stands may be permitted subject to a Type II administrative review; Development Standards listed below, Farm Stands are permitted uses in the Rural Residential Zone.⁺ (Article 3, Farm

⁺ ~~Farm Stands are permitted uses in the Rural Residential Zone pursuant to recognition and compliance with the following: farm uses shall not include any poultry or animal raising enterprise conducted on a~~

Article 15 – Rural Residential (RR) Zone

Stand Definition):

1. **The structures are designed and used for sale of farm crops 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.**
 - a. **As used in this section, "local agricultural area" includes Oregon or an adjacent county in Washington.**
 - b. **At the request of the county, the farm stand shall submit to the county a written statement that is prepared by a certified public accountant and certifies the compliance of the farm stand with this subsection for the previous tax year.);**
and
2. **The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.**
3. **Farm uses in the RR Zone shall not include any poultry or animal raising enterprise conducted on a commercial basis on the subject property.**
4. ~~Adequate off street parking will be provided pursuant to provisions of the County Off-Street Parking and Loading Ordinance.~~
5. ~~All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets, or highways.~~
6. ~~No building or parking will be allowed within the right of way.~~
7. ~~All egress and access points shall be clearly marked.~~
8. ~~Vision clearance at all street intersections shall be 35'.~~
9. ~~Signs are not permitted within the right of way, unless approved by either the County Public Works Department or the State Highway Division. Approval is also required from the County Public Works Department regarding adequate egress and access.~~
10. ~~Off premise signs to be approved by affected property owner.~~
11. ~~Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.~~

commercial basis.

Article 15 – Rural Residential (RR) Zone

- ~~12. Only four (4) signs are permitted. They shall be located in such a manner as to protect the public's health, safety, and welfare.~~
- ~~13. Compliance with the County Sanitarian or Department of Agriculture requirements.~~
- ~~14. Obtain an approved County building permit, if necessary or County Building Official approval.~~
- ~~15. Compliance with the development standards of the Rural Residential Zone.~~
- 5. Adequate off-street parking will be provided subject to provisions of Article 51 – Off Street Parking and Loading.**
- 6. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.**
- 7. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.**
- 8. No farm stand building or parking is permitted within the right-of-way.**
- 9. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.**
- 10. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).**
- 11. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.**
- 12. Only two (2) signs (including on and off premise signs) total are permitted not to exceed a cumulative size of 12 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs shall be approved by affected property owners.**
- 13. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-spillover onto adjacent properties, roads and highways.**
- 14. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.**
- 15. Compliance with the development standards of the RR Zone.**

Article 15 – Rural Residential (RR) Zone

Section 15.30 - Conditional Uses Permitted

In an RR Zone the following conditional uses and their accessory uses are permitted in accordance with the requirements of Article 60 of this Ordinance:

- A. Educational Institutions.
- B. **Bed & Breakfast Facilities, subject to Article 56.**
- C. Churches, synagogues, and other places of worship.
- D. Golf courses.
- E. Parks, playgrounds, or community centers.
- F. **Emergency services and facilities (e.g., rural fire protection facilities).**
- G. Utility facilities necessary for public service.
- H. Airports and heliports.
- I. Child care center, day nursery.
- J. Auction yards other than animal auction.
- K. Home Occupations, **subject to Article 53.**
- L. Cemetery.
- M. **Stabling enterprise (e.g., horses).**
- N. **Temporary hardship dwelling, subject to the following:** ~~Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16. Section 16.25.~~
 - 1. **One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**
 - a. **The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;**
 - b. **The county shall review the permit authorizing the use every two-years;**
 - c. **Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and**

Article 15 – Rural Residential (RR) Zone

- d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
 - a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
 - b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

Section 15.40 - Site Development Standards

- A. Article 50: Buffer Requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.
- B. Maximum height: ~~maximum 35-feet, excluding antennas, chimneys.~~
- C. Setback, minimum:
 1. ~~Front: 50 feet from the centerline of the road or 30 feet from the right of way of any local street as shown on the Comprehensive Plan; 60 feet from the centerline or 30 feet from the right of way of any arterial street as shown on the Comprehensive Plan.~~ 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.
 2. Rear: 20-feet.
 3. Side: Interior parcel or lot: 10- feet; Exterior side of corner parcel or lot: 45-feet from the centerline of any street.
 4. ~~Between Buildings: 10 feet.~~
- C. Off-street parking for residential uses: For each dwelling there shall be two spaces not within the front setback.
- D. Minimum lot size for new lots or parcels: As shown on the official zoning map.

Article 15 – Rural Residential (RR) Zone

- E. Minimum width and depth requirements:
1. Minimum average lot width: 100-feet.
 2. Minimum lot width at street: 50-feet.
 3. Minimum average lot depth: 100-feet.
- F. Vision clearance: Minimum 35-feet.
- G. Street design standards: Applicable road standards for new subdivisions or major partitions in an RR Zone are prescribed in Section 18.32 of the Hood River County Subdivision Ordinance.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 18 – Subdivisions

**Amendments identified at the
November 10th & December 21st
Public Hearings**

Article 18 – Subdivisions

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

ARTICLE 18

SUBDIVISION ORDINANCE HOOD RIVER COUNTY ORDINANCE NO. 46

PROPERTY LINE ADJUSTMENTS

(Adopted: July 15, 2002) HRC Ordinance #241

(Effective: August 14, 2002)

(Typographical numbering errors corrected September 9, 2010)

(***)

Section 18.93 – Approval Criteria. A request for a property line adjustment shall be approved by the Planning Director if the following applicable criteria are met:

- A. The proposed property line adjustment will not result in the creation of any new lot(s) or parcel(s).
- B. A lot or parcel that currently conforms to the minimum lot size and dimensional requirements of the zone in which the lot or parcel is located shall not become nonconforming as a result of the property line adjustment.
- C. Except in zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved if the following exist:
 - 1. The existing nonconforming lot(s) or parcel(s) is reduced by no more than 10 percent of the size of the original lot or parcel, as defined in Section 18.90(F), above. A request to reduce an existing nonconforming lot(s) or parcel(s) by more than 10 percent may be allowed by the Planning Director as a non-ministerial property line adjustment if deemed consistent with applicable requirements of Article 72 (Planning Director’s Review Procedure) and the other applicable criteria from Section 18.93; and

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2. If the nonconforming lot(s) or parcel(s) contains an existing dwelling, evidence shall be provided that at least one of the following exists:
 - a. The lot(s) or parcel(s) is located within the boundaries of a public sewer system;
 - b. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system; or
 - c. The size of the proposed lot(s) or parcel(s) is greater than 5 acres.

- D. In zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved as a non-ministerial property line adjustment, if deemed consistent with applicable requirements of Article 72 (Planning Director's Review Procedure), the other applicable criteria from Section 18.93, and the following:
 1. The lot(s) or parcel(s) is located within the boundaries of a public sewer system; or
 2. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system.

- E. A property line adjustment or series of property line adjustments that would enlarge an existing nonconforming lot(s) or parcel(s) in the Exclusive Farm Use, Forest, or Primary Forest zones is not allowed unless one of the following conditions exist:
 1. The parcel to be enlarged is currently enrolled in a farm or forest deferral program and the reason for the adjustment is to accommodate the expansion of their existing farm or forest operation;
 2. The property to be acquired comes from a lot or parcel that is not enrolled in a farm

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or forest deferral program and is able to comply with the requirements of Section 18.93(C)(2), above;

3. **The purpose of the adjustment is to allow the expansion of an existing farm related business, such as a cold storage facility, when demonstrated that the adjustment is the minimum necessary to accommodate the expansion;**
4. **The purpose of the adjustment is to correct a minor property discrepancy;**
5. **Physical Limitations** exist, such as **setbacks, buffers**, roads, rivers, canals, steep terrain, etc., that would restrict the reasonable access and/or use of the adjusted property by the current property owner; or
6. The enlargement would cause the nonconforming parcel to increase to 20 acres or more.

F. **On land zoned Exclusive Farm Use, Forest, or Primary Forest, a property line adjustment may not be used to:**

1. **Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;**
2. **Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or**
3. **Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.**
4. **Adjust a property line that resulted from a subdivision or partition authorized by a Measure 49 (2006) waiver so that any lot or parcel affected by the property is larger than:**
 - a. **Two acres if the lot or parcel is high-value farmland or high-value forestland; or**
 - b. **Five acres if the lot or parcel is not high-value farmland or high-value forestland.**

G. Adjusted property lines may cross zone boundaries unless the adjustment will increase

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the number of lots or parcels which could potentially be created by the density requirements of the base zones. Furthermore, a property line adjustment shall not be used in combination with a zone boundary adjustment as a mechanism to enlarge existing zone boundaries.

- H. The proposal shall not cause any existing development to be placed in violation of the property development standards (setbacks, buffer requirements, etc.) of the zone or force a violation of the County Zoning Ordinance.
- I. The property line adjustment or series of property line adjustments shall not have the net result of physically relocating a lot or parcel to a completely new location beyond an existing common boundary line.
- J. The property line adjustment shall not cause a lot or parcel to lose its required frontage along a dedicated road right-of-way or other legal access route, unless a new form of legal access is created in its place. The creation of new or replacement legal access will require compliance with the minimum right-of-way width and improvement requirements of the County Road Standards (~~adopted April 1, 1985~~) or those regulated by the local Fire District, whichever are greater.

(***)

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 21 – Commercial C-1 Zone

**Amendments identified at the
November 10th Public Hearing**

Article 21 – Commercial (C-1) Zone

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

ARTICLE 21 – COMMERCIAL (C-1) ZONE

~~(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)~~

Section 21.10 - Uses Permitted Outright

In a C-1 Zone, the following uses and their accessory uses are permitted outright:

- A. ~~Any use permitted in a R-2 zone, including those listed as conditional uses, excluding there from single-wide mobile homes and mobile home parks.~~
- A. **Single family, duplex, or multifamily dwellings.**
- B. Retail trade establishment.
- C. Commercial and professional service establishments unless otherwise listed.
- D. **All uses listed as Conditional Uses in the R-1 Zone.**
- D. Signs and billboards **identifying a conditional use located on the same lot or parcel as the use and not exceeding 32 square feet in area.**
- E. A **manufactured home or recreational vehicle** ~~mobile home for agricultural purposes,~~ **required for security personnel in conjunction with a permitted commercial use, or and** as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

Section 21.20 - Conditional Uses Permitted

In the C-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

- A. Animal hospital.
- B. **Recreational vehicle** Trailer park. **Manufactured dwelling** ~~Mobile home parks~~ shall comply with applicable provisions in Article 16.
- C. **Temporary hardship dwelling, subject to the following:** ~~Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.~~
 - 1. **One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**
 - a. **The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is**

Article 21 – Commercial (C-1) Zone

- adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;
- b. The county shall review the permit authorizing the use every two-years;
 - c. Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and
 - d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
- a. Justification that the relative with the hardship is no employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis,
 - b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.

Section 21.30 - Limitations on Use

In a C-1 Zone, the following conditions shall apply:

- A. All business, service, repair, processing, storage and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.
- B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.
- C. Light from a sign shall be directed away from a lot in a farm or residential zone.
- D. Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an ~~R-2~~ R-1 zone.

Article 21 – Commercial (C-1) Zone

- E. Article 50: Buffer requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

Section 21.40 - Lot Coverage Requirements

In the C-1 Zone buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

Section 21.50 - Setback Requirements

In the C-1 Zone, setbacks shall be as follows:

- A. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20 feet, whichever is greater.
- B. No building shall be constructed closer to the centerline of a street than 50 feet than 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is greater.
- C. ~~Vision clearance setbacks from all street intersections shall be 35 feet.~~ Vision clearance: Minimum 35-feet.

Section 21.60 - Site Design Standards[†]

Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Comprehensive Plan or zone change to C-1. At the time of new development, or change of use, the applicant shall demonstrate:

- A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.
- B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.
- C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

[†] ~~Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to C-1.~~

Article 21 – Commercial (C-1) Zone

Section 21.65 – Street Design Standards

A. The following street design standards for Urban Commercial/Industrial Roads only apply outside of the Urban Growth Areas and shall apply to new streets built within the C-1, M-1 and M-2 zones for new developments with a proposed or potential average lot size of one-half acre or less:

ROW	Roadway	Travel lanes	Center lane	Bike Lanes	Parking	Planting strip	Sidewalk	Utility easement*
60'-70'	30'-42' ¹	Two 11'	12' min., if needed.	None	8' one or both sides	See note 2	Two 6'-8'	One or two 5'-10'

1. 42' with center turn lane
 2. 4'- 6' wide planting strip, or tree wells with 8 foot sidewalk
- * = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the C-1, M-1, and M-2 zones for new developments outside the Urban Growth Areas with a proposed or potential average lot size of more than one-half acre:

ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
60'-68'	32'- 40'	Two 12'	None	None	8' one or both sides	None	None	One or two 5'-10'	2' gravel shoulder both sides; 12' ditch one or both sides

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 21.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

**Article 22 – Rural Commercial (RC)
Zone**

**Amendments identified at the
November 10th Public Hearing**

Article 22 – Rural Center (RC) Zone

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

Inaccurate numbering and references will be corrected in the adopted version.

ARTICLE 22 – RURAL CENTER (RC) ZONE

(Adopted June 6, 2005; effective July 7, 2005)

Section 22.10 - Purpose and Intent

The **RC** is Zone is intended to maintain rural communities as rural service centers. Uses will provide limited housing, business, cultural, and governmental services to the surrounding area without creating land use or traffic conflicts.

Section 22.20 - Permitted Uses

~~1. A.~~—In a **RC** Rural Center Zone, pre-existing commercial and residential uses shall be considered conforming uses. If an existing business or dwelling wishes to enlarge, it may do so without being subject to a Conditional Use Permit, with the following size limitations:

1. **A.** A limitation of 3,000 square feet of total building area shall apply to all non-farm buildings outside the unincorporated communities of Oak Grove and Rockford.
2. **B.** A limitation of 4,000 square feet of total building area shall apply for commercial uses within the unincorporated communities of Oak Grove and Rockford. A limitation of 3,000 square feet of total building area shall apply to non-farm and non-commercial buildings within the unincorporated communities of Oak Grove and Rockford. The total amount of building space for commercial and non-commercial non-farm uses shall not exceed 4,000 square feet.

2. Pre-existing community buildings and public facilities, such as fire stations, granges, and parks.

Section 22.30 – Permitted Subject to Standards

~~B. Pursuant to compliance with the Farm Stand Development Standards listed below, Farm Stands are permitted uses in the Rural Center Zone (see reference Article 3, Farm Stand Definition.)~~
Pursuant to the following standards, farm stands may be permitted subject to a Type II administrative review:

- ~~1. Adequate off street parking will be provided pursuant to provisions of the County Off-Street Parking and Loading Ordinance.~~
- ~~2. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets, or highways.~~
- ~~3. No building or parking will be allowed within the right of way.~~
- ~~4. All egress and access points shall be clearly marked.~~

Article 22 – Rural Center (RC) Zone

- ~~5. Vision clearance at all street intersections shall be 35'.~~
- ~~6. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division. Approval is also required from the County Public Works Department regarding adequate egress and access.~~
- ~~7. Off premise signs to be approved by affected property owner.~~
- ~~8. Outside lighting shall be hooded and directed away from adjacent lands in residential or farm use and adjacent roads, highways, etc.~~
- ~~9. Only four (4) signs are permitted. They shall be located in such a manner as to protect the public's health, safety and welfare.~~
- ~~10. Compliance with the County Sanitarian or Department of Agriculture requirements.~~
- ~~11. Obtain an approved County building permit, if necessary, or County Building Official approval.~~
- ~~12. Compliance with the dimensional standards of the Rural Center Zone.~~
- 1. Adequate off-street parking will be provided subject to provisions of Article 51 – Off Street Parking and Loading.**
- 2. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.**
- 3. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.**
- 4. No farm stand building or parking is permitted within the right-of-way.**
- 5. Approval is required from the County Public Works Department or State Highway Division regarding adequate egress and access. All egress and access points shall be clearly marked.**
- 6. Visual clearance areas shall be provided and maintained as defined in Article 3 (Definitions).**
- 7. Signs are not permitted within the right-of-way, unless approved by either the County Public Works Department or the State Highway Division.**
- 8. Only two (2) signs (including both on and off premise signs) are permitted not to exceed a cumulative size of 24 square feet. The sign(s) shall be located in such a manner as to protect the public's health, safety, and welfare. Off premise signs**

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shall be approved by affected property owners.

9. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light-spillover onto adjacent properties, roads and highways.

10. Permit approval is subject to compliance with the County Sanitarian or Department of Agriculture requirements, and County Building Official/applicable building permits.

11. Compliance with the development standards of the Rural Center Zone.

Section 22.40 - Conditional Uses Permitted

A. Any **new or** change in use of a pre-existing structure shall be subject to a Conditional Use Permit. Such permit shall be granted by the Planning Director if the conditions outlined in Sections 22.50 and 22.60 are met.

B. In the unincorporated communities of Oak Grove and Rockford, the uses permitted outright or conditionally in the RUC-1 Zone may be applied for as a conditional use, with the exception that hotels and motels are not allowed in the unincorporated communities of Oak Grove and Rockford.

C. **Bed & Breakfast Facilities, subject to Article 56.**

Section 22.50 - Conditional Use Criteria

The Planning Director may grant a Conditional Use Permit for uses described in Section 22.40 if each of the below criteria is met, as determined by the Director:

A. The use will primarily serve the rural population in the immediate surrounding area. This criteria is not applicable within the unincorporated communities of Oak Grove and Rockford.

B. The use will not discharge smoke, fumes, noise, sewage or other nuisances beyond the property on which it is located. Discharges solely attributed to highway vehicle traffic are excluded. The use shall comply with all Limitations of Use and Dimensional Standards applicable to this zone.

Section 22.60 - Limitations of Use

In a Rural Center Zone, the following conditions shall apply:

A. **Use Standards:**

1. All non-farm commercial uses and operations in a Rural Center Zone shall be predominantly retail or service establishments serving the rural population of the immediate surrounding area. This criterion is not applicable to the unincorporated communities of Oak Grove and Rockford.

2. All non-residential, non-farm uses on property abutting or facing a residential or farm zone

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shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.

3. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.
4. Any non-farm use and operations, which cause nuisance due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or other similar causes, shall be prohibited. In addition, light from a sign shall be directed away from a lot in a farm or residential zone.

B. Lighting: All exterior lighting shall be hooded and directed away from adjoining zones.

C. Parking:

1. Site plan submitted with an application for a land use permit must include a parking plan which shows the location and number of parking spaces, circulation patterns and ingress and egress provisions, consistent with the provisions of Article 51 (“Off Street Parking and Loading”) of ~~this the County Zoning Ordinance~~.
2. A change of use requiring a conditional use permit shall follow ~~this the Zoning Ordinance~~ for required number of parking spaces.
3. Adequate provisions for safe and convenient circulation, ingress, and egress shall be provided, as determined by the Planning Director.

D. Signs: In a Rural Center Zone, all new signs must meet the following conditions:

1. Any exterior sign displayed shall pertain only to the use conducted within the building.
2. In no case shall any sign extend above the roofline of the building.

Section 22.70 - Dimensional Standards

A. Article 50: Buffer Requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.

B. Maximum height: 35-feet.

C. Setback Requirements:

1. No **commercial** building shall be closer to ~~a lot in a residential or farm zone~~ than a distance equal to the height of the building, or 20-feet, whichever is greater.
2. ~~If the parcel is surrounded by Rural Center Zoning, no building shall be closer to a lot in~~

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~~residential or farm use than a distance equal to the height of the building, or twenty feet, whichever is greater.~~

3. All other buildings shall be setback at least 10-feet from side property lines and 20-feet from rear property lines.
4. No building shall be constructed closer to the centerline of a road than fifty feet than 60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, whichever is great.
5. ~~Vision clearance setbacks from all road intersections shall be thirty-five feet.~~ Vision clearance: Minimum 35-feet.

B. Maximum Floor Area:

1. In the unincorporated communities of Oak Grove and Rockford, the maximum floor area for commercial buildings shall be 4,000 square feet.
2. In the unincorporated communities of Oak Grove and Rockford, the maximum floor area of a non-commercial main building and its accessory buildings exclusive of off-street parking, shall not exceed three thousand (3,000) square feet except uses allowed either outright or conditionally in an Exclusive Farm Use Zone, which may be larger.
3. Outside the unincorporated communities of Oak Grove and Rockford, the maximum floor area of a main building and its accessory buildings exclusive of off-street parking, shall not exceed three thousand (3,000) square feet except uses allowed either outright or conditionally in an Exclusive Farm Use Zone, which may be larger.

C. Height Maximum:

~~Height maximum shall be two and one half stories or thirty five feet, whichever is higher, excluding antennas, chimneys or windmills.~~

C. Minimum Lot Size:

1. Outside the Oak Grove and Rockford Unincorporated Communities, the minimum lot size shall be one-half acre.
2. Within the Oak Grove and Rockford Unincorporated Communities the minimum lot size shall be one acre. A successful site evaluation and septic system review by the County Environmental Health Department will be required for new commercial uses in these communities. Lot sizes of larger than one acre may be required if the site evaluation determines that a one-acre lot size would endanger local water quality.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

**Article 27 – Mt Hood Community
(MH-C-1) Zone**

**Amendments identified at the
November 10th Public Hearing**

Article 27 – MH-C1 (Mt. Hood Community)

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

Incorrect numbering and references will be revised in the adopted version.

ARTICLE 27 – MT. HOOD UNINCORPORATED COMMUNITY COMMERCIAL (MH-C1) ZONE

Section 27.05 – Purpose and Intent

This section is adopted to implement the policies of the Comprehensive Plan for rural unincorporated communities. These provisions accommodate local shopping needs, recognize and protect the historic character of rural centers and rural communities while preserving and protecting the agricultural or forestry character of the surrounding areas.

Section 27.10 – Uses Permitted Outright

In the MH-C1 Zone, the following uses and their accessory uses are permitted outright:

- A. Retail trade establishment.
- B. Commercial and professional service establishments unless otherwise listed.
- C. Single family, **duplex** ~~two-family~~, or multi-family dwellings.
- D. **A manufactured home or recreational vehicle required for** ~~vehicle mobile home for agricultural purposes; security personnel~~ **in conjunction with a permitted commercial use, or** ~~and~~ as a temporary use while constructing a dwelling for a period not exceeding two-years. Applicable provisions in Article 16 shall apply.
- E. Motels and hotels, up to 35 units, if served by a sewer system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.
- F. Service and retail uses serving the farm and forest industries, including but not limited to feed stores, logging equipment sales and service, and farm implement dealers, unless otherwise listed.
- G. Airport
- H. Cemetery including mausoleum, crematorium, columbarium
- I. Church
- J. Community club building
- K. Public building or use such as a park or fire station

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- L. School – nursery, primary, elementary, high
- M. Home occupation, **reference Article 53**
- N. Health services
- O. Funeral service and crematories
- P. Eating and drinking places
- Q. General merchandise
- R. Grocery Stores
- S. Automobile repair and services
- T. Second hand stores
- U. Mixed-use buildings, with a retail trade or other commercial use on the ground floor and residential use(s) on the upper floor(s), allowed in the Mt. Hood Unincorporated Community only

Section 27.20 - Conditional Uses Permitted

In the MH-C1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

- A. Animal hospital.
- B. **Manufactured Dwelling Park** (Mobile home park) ~~Mobile home parks~~ shall comply with applicable provisions in Article 16.
- C. **Temporary hardship dwelling, subject to the following:** ~~Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.~~
 - 1. **One manufactured dwelling, recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or relative, subject to the following:**
 - a. **The temporary hardship dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the hardship dwelling will use a public sanitary sewer system, such condition will not be required;**
 - b. **The county shall review the permit authorizing the use every two-years;**
 - c. **Within three-months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an**

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existing building, the building shall be removed, demolished or returned to an allowed non-residential use; and

- d. The applicant shall submit written confirmation from a medical doctor that care is necessary for an aged or infirm person.
 2. Temporary hardship dwellings for a dependent relative are subject to the following additional standards:
 - a. Justification that the relative with the hardship is not employed full-time off the site and is dependent upon medical care by either a relative; or a person medically certified to care for such a person on a full-time basis.
 - b. The relative with the hardship, relative providing care, or medically certified person shall be the primary full-time resident.
 3. A temporary residence approved under this section is not eligible for replacement. Department of Environmental Quality review and removal requirements also apply.
 4. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
- D. Recreational vehicle park: as defined in Article 3. Additionally, An area devoted to overnight temporary use by recreational vehicles (RVs) for vacation or recreation purposes, but not for residential purposes, an RV Park shall be designed and integrated into the rural community in a manner that protects natural amenities of the site and provides buffers or existing native trees and vegetation or other natural features between the site and adjacent parcels.

~~Overnight temporary use in an RV Park by a camper's vehicle shall not exceed a total of 30 days during any consecutive 6-month period. The use may be subject to State Building requirements for such parks.~~

Section 27.30 - Limitations on Use

In the MH-C1 Zone, the following conditions shall apply:

- A. All business, service, repair, processing, storage, and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.
- B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.

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- C. Light from a sign or commercial use shall be directed down and away from a lot in a farm or residential zone.
- D. Dwellings and mixed-use buildings shall comply with the setbacks of the R-2 Zone, and as specified in Section 27.50 of this Article.
- E. The maximum height limit for all new structures (i.e., commercial, mixed-use, or residential) shall be 35-feet.

Section 27.35 – Building Size

- A. Existing Buildings. Uses listed in Sections 27.10 and 27.20 may be established in buildings of any size that existed on October 28, 1994. Commercial uses that existed on October 28, 1994 shall be deemed to comply with this section (i.e., not nonconforming on the basis of size) regardless of building size.
- B. Expansion of existing buildings. Buildings in the MH-C1 Zone that existed on October 28, 1994 may be expanded as follows:
 - 1. For uses listed in Section 27.10, after expansion no use shall occupy a building or buildings exceeding 4,000 square feet of floor space, or up to 20% greater than their original size, whichever is greater, except as identified in lines 2. through 4. below. Only one expansion of an existing use will be allowed if the resulting total area exceeds 4,000 sq. ft of floor space.
 - 2. For uses listed in Sections 27.20 and 27.10 C. through O., no building size limitation applies in the Mt. Hood Unincorporated Community.
 - 3. For uses listed in Section 27.10 P. through T., a maximum size limitation of 8,000 sq. ft. of floor space, or up to 20% greater than their original size, whichever is greater, applies in the Mt. Hood Unincorporated Community, based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area. If the expansion results in a total building area greater than 8,000 sq. ft. of floor space, no further expansion will be allowed.
 - 4. For uses listed in Section 27.10 U:
 - a. No size limitation shall apply to the residential use(s) in the building.
 - b. A maximum size limitation of 4,000 sq. ft. of floor space, or up to 20% greater than the original size, whichever is greater, shall apply to the commercial use in the building.
- C. New Buildings. Any new building constructed in the MH-C1 Zone shall comply with the following standards.

Article 27 – MH-C1 (Mt. Hood Community)

1. For uses listed in Section 27.10, no use shall occupy a building or buildings exceeding 4,000 square feet of floor space, except as identified in lines 2. through 4. below.
2. For uses listed in Sections 27.20 and 27.10 C. through O., no building size limitation applies in the Mt. Hood, Unincorporated Community.
3. For uses listed in Section 27.10 P. through T., a maximum size limitation of 8,000 sq. ft. of floor space applies in the Mt. Hood Unincorporated Community, based on findings in the County Comprehensive Plan that these uses typically serve the community and the surrounding rural area or the travel needs of people passing through the area.
4. For uses listed in Section 27.10.U:
 - a. No size limitation shall apply to the residential use(s) in the building.
 - b. A maximum size limitation of 4,000 sq. ft. of floor space shall apply to the commercial use in the building.

Section 27.40 - Lot Size and Lot Coverage Requirements

- A. In the Mt. Hood Rural Unincorporated Community, the minimum lot size for all new lots or parcels shall be one acre, subject to a successful septic site evaluation by County Environmental Health. Lot sizes of less than one acre may be allowed under the following conditions.
 1. Land divisions of less than one acre shall be reviewed by County Environmental Health and may be approved based on County Environmental Health's evaluation of the septic conditions at the site and the amount of wastewater that would be generated by the proposed use.
 2. County Environmental Health shall only approve lot sizes of less than one acre based on evidence that site conditions can accommodate the proposed lot sizes and the proposed development includes a standard septic system, sand filter system, some equivalent alternative treatment system, or a community septic or sewer system.
 3. A community septic or sewer system must serve more than one lot or parcel, or more than one condominium unit, or more than one unit within a planned unit development, and must satisfy standards of the Oregon Department of Environmental Quality and Hood River County Environmental Health for design, operation and maintenance.
- B. In the MH-C1 Zone, buildings for the uses listed in Sections 27.10.A, B, and 27.10.D - U, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.
- C. In the MH-C1 Zone, buildings for the uses listed in Section 27.10.C (single family, **duplex** ~~two-family~~, or multi-family dwellings) shall not cover more than 30 percent of the lot area.

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Section 27.50 - Setback Requirements

In the MH-C1 Zone, setbacks shall be as follows:

- A. No commercial building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20-feet, whichever is greater.
- B. A buffer setback from an adjacent farm zone shall apply to outdoor seating areas for the purposes of serving and consuming food and beverages associated with a commercial use, as specified below:
 1. 80-feet from an orchard (as defined in Article 50 of the Zoning Ordinance), feedlot (as defined in Article 50 of the Zoning Ordinance), or dairy; or
 2. 50-feet from any other farm use.
 3. An alternative buffer to subsections 1. and 2. above may be considered by the Planning Director, subject to Articles 60 (“Administrative Procedures”) and 72 (“Planning Director’s Review Procedure”) of the County Zoning Ordinance.
- C. No building shall be constructed closer than **60-feet from the centerline of any arterial street, or 50-feet from the centerline of any local or collector street, or 20-feet from the right-of-way, to the centerline of a street than 50-feet, or 20-feet from the edge of right-of-way,** whichever is greater.
- D. Vision clearance: **Minimum 35-feet.** setbacks from all street intersections shall be 35-feet.
- E. Setbacks for dwellings (single, **duplex two-family,** or multi-family) and mixed-use buildings shall meet the standards of the **R-1 R-2 Zone,** and the Buffer Requirements of Article 50 (if applicable).
- F. **Article 50: Buffer requirements shall apply to all proposed dwellings, except temporary hardship dwellings, that abut property zoned EFU, F-1 or F-2. The more restrictive provisions in Article 50 or this section shall apply.**

Section 27.60 – Site Design Standards⁺

Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State). At the time of new development, or change of use, the applicant shall demonstrate:

- A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.

⁺ Locational Criteria are listed in the County Policy Document under Goal 9 – Economy of the State.

Article 27 – MH-C1 (Mt. Hood Community)

Section 27.80 – Signs

Section 27.80.10 – Purpose and Scope

1. The following provisions provide reasonable and necessary regulations for the erection and maintenance of signs in order to:
 - A. Maintain a balance between the need to identify buildings and activities and the negative impact on community images created by visual clutter;
 - B. Protect the public health and safety;
 - C. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the County; and
 - D. Prevent the interference of signage regulated herein with official traffic signs or signals.
2. The regulations of this section are not intended to permit any violation of the provisions of any other law or regulation.
3. It is not the purpose of this ordinance to regulate signs, which are regulated exclusively by federal or state law. In any case in which federal or state law preempts this ordinance, federal or state law shall apply.

Section 27.80.20 – Permits Required

A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a building permit for the same has been issued by the County for those signs stipulated in the Uniform Building Code that require Building Official approval. In addition, electrical permits shall be obtained for electrical signs. All signs are subject to review by the Hood River County Building and Planning Department.

Section 27.80.30 – Measurement

The following criteria shall be used in measuring a sign and sign placement to determine compliance with this ordinance.

1. **Area of Face:** “False fronts: and mansard roofs will be excluded when calculating the area of the primary face.
2. **Height:** The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.
3. **Legal Setback Line:** A setback line established by ordinance beyond which a sign may not be built. A legal setback line may be a property, vision clearance, or vehicle clearance line.
4. **Roof Line:** The ridge on a gable, peaked roof or parapet or fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.

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5. **Sign Area:** The area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.
6. **Vision Clearance:** Vision clearance is a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 ½) to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

Section 27.80.40 – Maintenance

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a safe condition. The display surfaces of all signs shall be kept neatly painted or posted at all times.

Section 27.80.50 – Inspections

All signs for which a permit is required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings, including post type signs. All signs containing electrical wiring shall be subject to the provisions of the applicable electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this section after notice to the owner of record of the premises in which the sign is located. All signs may be re-inspected at the discretion of the Building Official.

Section 27.80.60 – Abatement of Abandoned Signs

Abandoned signs may be abated pursuant to Hood River County Code, Ordinance 8.08, as a nuisance.

Section 27.80.70 – Sign Sizes

1. Number:
 - A. The total number of signs per entity shall not exceed three (3) signs, not including free-standing or directional signs; and
 - B. There shall not be more than two (2) signs on any building face.
 - C. Entities which occupy more than one (1) building shall be treated as separate entities.
2. Area:

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- B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.
- C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 27.65 – Street Design Standards

- A. The following street design standards shall apply to new streets built within this zone for new developments with a proposed or potential average lot size of one-half acre or less:

ROW	Roadway	Travel lanes	Center lane	Bike Lanes	Parking	Planting strip	Sidewalk	Utility easement*
60'-70'	30'-42' ¹	Two	11' 12' min., if needed.	None	8' one or both sides	See note 2	Two 6'-8'	One or two 5'-10'

- 1. 42' with center turn lane
- 2. 4'-6' wide planting strip, or tree wells with 8 foot sidewalk
- * = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

- B. The following street design standards shall apply to new streets built within this zone for new developments with a proposed or potential average lot size of more than one-half acre:

ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
60'-68'	32'-40'	Two 12'	None	None	8' one or both sides	None	None	One or two 5'-10'	2' gravel shoulder both sides; 12' ditch one or both sides

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 27.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.

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- A. The total area of signs allowed on the primary face shall not exceed eight (8) percent of the building face, occupied by that entity, including windows.
 - B. A sign constructed on a second building face of an entity shall not exceed four (4) percent of that building face.
 - C. If any entity has three (3) building faces, the sign allowed on the second building face may be increased to eight (8) percent of that building face. If a third sign is placed on the third face, it shall not exceed four (4) percent of that building face.
3. Height: The maximum height of all freestanding signs shall be 25-feet.
4. Free-Standing Signs
- A. Free-standing signs shall be limited to one (1) per parcel and shall be included in the total area of allowed signs for each entity.
 - B. Free-standing signs shall not exceed a total of 64 square feet of area and not exceed two (2) faces.
 - C. Parcels over 150,000 square feet (3.44 acres) in one (1) ownership shall be entitled to a free-standing sign not to exceed a total of 100 square feet.
 - D. Free-standing signs (all portions) shall meet the vision clearance and vehicle clearance requirements.
5. Projecting signs: A projecting sign shall not exceed 32 total square feet.
6. Roof Signs: No sign shall extend above the roof line or the top of a parapet wall, whichever is higher.
7. Awnings: Signs on awnings shall not exceed the permitted sign area.
8. Temporary Signs:
- A. Temporary signs shall be limited to one (1) per parcel for up to 90 days.
 - B. Temporary signs shall not exceed 32 square feet in size.
9. Sandwich Boards:
- A. Only one (1) sandwich board on private property per entity shall be allowed.
 - B. A sandwich board shall be included in the total number of signs and sign area allowed for a particular entity.

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Section 27.80.80 – Exemptions

The following signs shall not require review under this ordinance.

1. **Directional Signs:** Directional signs less than six (6) feet above grade and less than twelve (12) feet or six (6) feet per side in compliance with the vision clearance and vehicle criteria.
2. **Memorial Tablets or Signs.** Signs carved into a building or which are part of materials which are an integral part of the building.
3. **Traffic Signs:** Traffic, municipal, or directional signs for hospital or emergency services.

Section 27.80.90 – Prohibited Signs

The following signs are prohibited within the MH-C1 Zone:

1. **Moving Signs:** Moving signs or flashing signs or any sign or structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsation or by action of normal wind currents, excepting clocks, barber poles, public service information signs, and time or temperature signs.
2. **Portable Signs:** Portable or bench signs, excluding sandwich boards located on private property.
3. **Utility Pole and Tree Signs:** Signs placed on, painted on, or affixed to any utility pole or tree.
4. **Unofficial Signs:** Unofficial signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal.
5. **Car Signs:** A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this ordinance.
6. **Flags and Banners:** Flags, banners, and objects designed to move with the wind that are located on a roof or project above a roof by more than forty-five (45) feet if located on a free-standing pole.

Section 27.80.100 – Non-Conforming Existing Signs

1. Non-conforming signs are those signs lawfully installed prior to the effective date of this ordinance, which do not conform to the standards of this code.
2. All non-conforming signs will be considered non-conforming, pre-existing structures and may be retained pursuant to the provisions of Article 65 (Non-Conforming Uses) of the Hood River County Zoning Ordinance.

Section 27.80.110 – Variance

Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of the Hood River County ordinance.

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Section 27.80.120 – Penalties

Failure to comply with the provisions of this article will result in the initiation of enforcement proceedings pursuant to the provisions of Article 70 (Enforcement) of the Hood River County Zoning Ordinance.

Section 27.80.130 – Severability

The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

**Hood River County
Multi County Resource Zone
Update Project**

P-15-0017

Article 53 – Home Occupations

**Amendments identified at the
November 10th Public Hearing**

Article 53 – Home Occupations

Changes Identified in ~~Strikethrough~~ and **Bold Underline**.

Inaccurate numbering and references will be corrected in the adopted version.

ARTICLE 53 - HOME OCCUPATION

Section 53.10 - Purpose & Intent

~~The purpose of this Home Occupation Ordinance shall be to prescribe procedures under which a home-occupation may be permitted outright or as a conditional use in Hood River County. The intent of the Home Occupation Ordinance is to recognize and provide the following: Home occupations proposed in dwellings or pre-existing buildings in certain specified zones require obtaining a conditional use permit; and home occupations proposed in resource zones must obtain a conditional use permit and comply with applicable requirements in the following zones: Exclusive Farm Use Zone (EFU); Forest Zone (F-1); and Primary Forest Zone (F-2).~~

The purpose of this Home Occupation Ordinance shall be to prescribe procedures under which a home occupation may be permitted outright or as a conditional use in the County. The intent of the Home Occupation Ordinance is to recognize and provide opportunities for small-scale commercial uses operated out of an existing dwelling or accessory building by a resident of a lot or parcel that do not unreasonably interfere with other permitted uses occurring on adjacent lands.

Section 53.15 - Definitions

A. ~~**Home Occupation is** A home-occupation is defined in Article 3, a business or professional activity operated for income purposes, only by residents in a dwelling or pre-existing building on the same lot or parcel as the resident's dwelling, provided the home-occupation is a secondary use and is clearly incidental, accessory or subordinate to the residential use or the pre-existing building. A home-occupation shall also be in conformance with provisions in Article 53-Home Occupations.~~

B. ~~The following definition and standards apply to Home Occupation proposed in the City of Hood River Urban Growth Boundary:~~ **Home occupations proposed inside the City of Hood River's Urban Growth Boundary shall comply with Article 17 (Section 17.04.100).**

~~**HOME OCCUPATION:** The occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building which is incidental or secondary to residential use provided the occupation is conducted so that (1) It does not give the appearance of a business; (2) It does not change the character of the dwelling; (3) There is no display, except by a non-illuminated sign, no larger than one square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit; (4) No assistants are employed on the site; (5) There is no increase in noise outside the dwelling unit; and (6) There is only minor increase, if any, in the traffic traveling to and from the dwelling unit.~~

Section 53.20 - Permitted Uses

A. Home occupations are permitted outright in the following zones pursuant to compliance with

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provisions in the zones in which the use is proposed: Commercial Zone (C-1), Mt. Hood Unincorporated Community Commercial Zone (MH-C1), Industrial Zone (M-1), and Light Industrial Zone (M-2).

B. An in-home commercial activity is not considered a home occupation and does not require a land use or conditional use permit where all of the following criteria can be met. (Coordination and permits with other agencies may be required.)

- 1. Is conducted within a dwelling only by residents of the dwelling.**
- 2. Does not occupy more than 25 percent of the combined floor area of the dwelling.**
- 3. Does not serve clients or customers on-site or allow on-site retail sales.**
- 4. Does not include the on-site advertisement or display, other than vehicle or trailer signage.**
- 5. Does not generate additional traffic or parking beyond what normally occurs in the applicable zoning district.**
- 6. No materials or mechanical equipment are used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.**
- 7. Does not include the outside storage of materials, equipment or products.**
- 8. Complies with federal or state guidelines, rules and regulations.**
- 9. If complaints are received that the activity unreasonably interferes with other uses permitted in the zone in which the property is located, per the discretion of the Planning Director a land use or conditional use permit may be required.**

Section 53.25 - Conditional Uses

The following conditional uses are required to comply with provisions in Article 72 - Planning Director's Review Procedure and ~~Article 53 – Home Occupation~~, Section 53.30 – Home Occupation Standards:

- A. A home occupation proposed in the following zones in an existing dwelling or pre-existing building on the same lot or parcel as the resident's dwelling: **Forest Zone (F-1), Primary Forest Zone (F-2), Exclusive Farm Use Zone (EFU)**, Residential Zone (R-1), Residential Zone (R-2), Rural Residential Zone (RR), Rural Center Zone (RC), ~~Historic Preservation Zone (HP), and Scenic Protection Zone (SP).~~
- B. ~~A home occupation proposed in either a dwelling or pre-existing building on the same parcel or lot as the resident's dwelling in the Forest Zone (F-1), Primary Forest Zone (F-2) and~~

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Exclusive Farm Use Zone (EFU) shall comply with the following requirements:

- ~~1. A home occupation proposed in the Forest Zone (F-1) and Primary Forest Zone (F-2) shall also comply with provisions in either Article 5, specifically Section 5.20—Uses Subject to a Conditional Use Permit, or Section 6.30—Criteria and Standards for Approval, of the Hood River County Zoning Ordinance.~~
 - ~~2. A home occupation proposed in the Exclusive Farm Use Zone (EFU) shall comply with provisions in Article 7, specifically Section 7.40—Uses Subject to a Conditional Use Permit of the Hood River County Zoning Ordinance.~~
 - ~~3. Compliance with applicable requirements of the zone in which the home occupation is located.~~
- B. Expansion or change in use of home occupations or one or two person businesses existing prior to the adoption date of this Ordinance (see Section 53.35 Nonconforming Use).

Section 53.30 - Home Occupation Standards

~~A home occupation shall comply with the following requirements: Applicants for home occupations shall demonstrate through affirmative findings of compliance with the following standards:~~

~~**A. The use shall be operated by a resident of the property on which the business is located and employs on the site no more than five full-time or part-time persons at any given time. A home occupation shall be operated substantially in:**~~

~~**1. The dwelling; or**~~

~~**2. Other buildings normally associated with uses permitted in the zone in which the property is located, except that such other buildings may not be utilized as bed and breakfast facilities or rental units unless they are legal residences.**~~

~~**A home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located, and is a secondary use, incidental, accessory or subordinate to the residential uses or the existing building.**~~

~~**B. A submitted application shall contain, at minimum, Submittal of 1) a detailed site plan and floor plan (site plan provided by the County Planning Department), 2) specificity on the nature of the use, and 3) narrative addressing how the standards below are met.**~~

~~**C. The nature of the use shall be specified at the time of application. Any proposed change in the use of an approved home occupation shall require additional County review. Any departure from the uses and activities initially specified shall be considered grounds for revocation.**~~

~~**D. Compliance with Section 53.15—Definition, Home Occupation, as stated above.**~~

~~**E. The home occupation is clearly incidental, accessory and subordinate to the residential use.**~~

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- C. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature. There shall be no visible evidence of conduct of a home occupation from any road or adjacent property, except for one sign, up to 12 square feet may be permitted.**
- D. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.**
- E. All off-street parking must be provided on the subject parcel where the home occupation is operated.**
- ~~F. The use will not take an outward appearance nor manifest any characteristics of a business or operation of a retail or wholesale nature.~~
- ~~G. There shall be no visible evidence of conduct of a home occupation from any road or adjacent property.~~
- ~~H. Structural alterations shall not occur.~~
- ~~I. Only two residents of the dwelling or parcel who are either owners, leasing, or renting shall be engaged in the home occupation. No more than one home occupation shall be permitted in conjunction with any dwelling or parcel.~~
- F. Only limited retail sales and sales accessory to services associated with the home occupation are permitted.**
- G. The existence of a home occupation shall not be justification for a plan and zone change to commercial or industrial use.**
- H. Approval is personal to the applicant and shall not run with the land or another individual. Approval shall expire two years from the date of issuance, at which time the permit may be renewed by the County Planning Department based upon findings that the requirements of this Ordinance are being met. The applicant is required to contact the Planning Department before the end of two years.**
- ~~I. If selling, leasing or allowing another individual to use the property is contemplated, applicant will inform the County Planning Department. If selling, leasing or allowing another individual to use the property and home occupation occurs, this approval becomes null and void. Further use by other than the applicant requires additional review and approval by the Hood River County Planning Department.~~
- J. Signing is not permitted unless required by the State for the protection of the public's health, safety and welfare.**

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- ~~K. The use shall not generate additional traffic or parking beyond what normally occurs in the applicable zoning district. **There is only a minor increase, if any, in traffic traveling to and from the dwelling unit or other building.**~~
- ~~L. Compliance with applicable requirements of the zone in which the use is located.~~
- ~~M. Pre-existing buildings on the same parcel or lot as the resident's dwelling must also comply with the following: **Pre-existing building must be located on the same parcel or lot as the dwelling in which the persons engaged in the home occupation reside.**~~
- ~~1. The building is pre-existing to the adoption date of this ordinance.~~
 - ~~2. The pre-existing building must be located on the same parcel or lot as the dwelling in which the persons engaged in the home occupation reside.~~
 - ~~3. Compliance with applicable requirements of the zone in which the use is located.~~
 - ~~4. Compliance with other requirements deemed necessary by the County.~~
- ~~Q. Home occupations proposed in the City of Hood River's Urban Growth Boundary shall comply with the City's definitions and standards in Section 53.15 – Definitions, paragraph B.~~
- ~~N. **No more than one home occupation shall be permitted in conjunction with any dwelling or parcel, except as allowed under Article 56 (B& B Facilities) and Article 73 (Home Occupations to Host Weddings and Related Events),**~~
- ~~O. **Any unauthorized change or departure in the use of an approved home occupation shall require additional review by the County Planning Department and may be grounds for revocation.**~~

Section 53.35 - Nonconforming Use

- ~~A. Compliance with Article 65 – Nonconforming Use, of the Hood River County Zoning Ordinance.~~
- ~~B. Any proposed expansion or change in use of either a home occupation or one or two person business in operation prior to the adoption date of this ordinance shall be subject to the requirements of this Ordinance, **Article 65 (Non-Conforming Use)** and shall require a conditional use permit. In the event of a denial of such application, the home occupation or one or two person business shall be allowed to continue as originally approved, as a nonconforming use.~~