

UMATILLA COUNTY CODE REQUIREMENTS FOR WIND FACILITIES IN THE EFU ZONE

§ 152.060 (EFU) CONDITIONAL USES PERMITTED.

- (F) Commercial utility facilities for the purpose of generating power for public use by sale. (See specific criteria for Wind Power Generation Facility, Section 152.616 (HHH).)

§ 152.061 LIMITATIONS ON CONDITIONAL USES.

The following limitations shall apply, if determined appropriate, to all conditional uses in an EFU zone, except as noted for non-farm dwellings in § 152.059(F) and (G):

(A) Is compatible with farm uses described in O.R.S. 215.203(2) and the intent and purpose set forth in O.R.S. 215.243, and will not significantly affect other existing resource uses that may be on the remainder of the parcel or on adjacent lands.

(B) Does not interfere seriously with accepted farming practices as defined in O.R.S. 215.203(2)(c) on adjacent lands devoted to farm uses, nor interfere with other resource operations and practices on adjacent lands, and will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(C) Does not materially alter the stability of the overall land use pattern of the area. The county shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated, and whether creation of the parcel will lead to creation of other parcels, to the detriment of agriculture in the area.

(D) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.

§ 152.063 (EFU) DEVELOPMENT STANDARDS.

(E) Stream setback. To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

- (a) The parcel contains one acre or less; and
- (b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a floodprone area; and

(c) Location of the proposed building in compliance with the 100 foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

(F) Other development standards. *All development shall be subject to the regulations contained in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off-street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.*

§ 152.061 STANDARDS FOR ALL (EFU) CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

§ 152.611 NEW OR ALTERED CONDITIONAL USES; CONFORMANCE WITH REQUIREMENTS; PERFORMANCE BONDS.

(A) Conditional uses listed in this chapter may be permitted, enlarged or altered contingent upon appropriate authorization, in accordance with the standards and procedures set forth in this subchapter.

(B) In permitting a new conditional use or the alteration of an existing conditional use, the appropriate planning authority may impose conditions, which are considered necessary to protect the best interests of the surrounding area or the county as a whole.

(C) In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use.

(D) The county may require an applicant to furnish the county with a performance bond or such other form of assurance that the county deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE AND LAND USE DECISION APPLICATION.

The procedure for taking action on a conditional use or land use decision application shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a conditional use by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to § 152.767;

(B) A conditional use and land use decision application shall be processed via administrative review per § 152.769.

(C) A conditional use permit or land use decision will not be approved unless the proposed use of the land will be in conformance with the County Comprehensive Plan;

(D) An applicant granted a conditional use permit or land use decision must obtain a county zoning permit before commencing construction.

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT

(A) A conditional use permit shall be void after one year or such lesser time as the permit may specify unless 20% of the total estimated project cost has occurred or the proposed use has occurred. However, the Planning Director or the proper planning authority may extend authorization for an additional period not to exceed one year, on request from the applicant. The total time allowed shall not exceed two years from the original approval date.

(B) If delay in establishing the use is demonstrably due to a delay by a state or federal agency in issuing a required permit, at no fault of the applicant, the Planning Director or a Designee of the Planning Director may extend the time limit imposed by division (A) of this section for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish that state or federal permits have not yet been issued, and that the delay has not been caused by the applicant.

(C) Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

§ 152.614 LIMIT ON REAPPLICATION.

No application for a conditional use permit shall be considered within one year of the denial of such a request, unless in the opinion of the Hearings Officer, Planning Director or the appropriate planning authority new evidence or a change of circumstances warrant it.

EFU WIND FACILITY CONDITIONAL USE STANDARDS OF APPROVAL

§ 152.616 (HHH) Wind Power Generation Facility

(1) The procedure for taking action on the siting of a facility is a request for a conditional use. A public hearing pursuant to Sections 152.750-755 and 152.771 shall be held to determine if the applicant meets the siting requirements for a Wind Power Generation Facility. The requirement for a hearing will not apply to proposed facilities for which EFSC is making the land use decision.

(2) The following information shall be provided as part of the application:

(A) A general description of the proposed Wind Power Generation Facility, a tentative construction schedule, the legal description of the property on which the facility will be located, and identification of the general area for all components of the proposed Wind Power Generation Facility, including a map showing the location of components.

(B) Identification of potential conflicts, if any, with: (1) Accepted farming practices as defined in ORS 215.203(2) (c) on adjacent lands devoted to farm uses; (2) Other resource operations and practices on adjacent lands except for wind power generation facilities on such adjacent lands; and (3) Accepted farm or forest practices on surrounding EFU/GF or NR land, including the nature and the extent of the impact of the proposed facility on the cost of such practices.

(C) A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in the Umatilla County Transportation System Plan (TSP) and the transportation impacts of the proposed Wind Power Generation Facility upon the local and regional road system during and after construction, after consultation with Umatilla County Public Works Director. The plan will designate the size, number, location and nature of vehicle access points.

(D) An avian impact monitoring plan. The avian monitoring plan shall be designed and administered by the applicant's wildlife professionals. For projects being sited by EFSC, compliance with EFSC's avian monitoring requirements will be deemed to meet this requirement. The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons:

- (1) The landowners/farm tenants.
- (2) Facility owner/operator representative. (Chair)
- (3) Oregon Department of Fish and Wildlife representative, if the agency chooses to participate.
- (4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners.
- (5) U.S. Fish and Wildlife representative, if the agency chooses to participate.
- (6) Umatilla County Planning Commission member.

At the request of applicant, this committee requirement may be waived or discontinued by the County.

(E) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS 30.930. The applicant shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

(F) A fire prevention and emergency response plan for all phases of the life of the facility. The plan shall address the major concern associated with the terrain, dry conditions, and limited access.

(G) An erosion control plan, developed in consultation with the Umatilla County Public Works Department. The plan should include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and rehabilitation with an appropriate mix of native vegetation or vegetation suited to the area. This requirement will be satisfied if the applicant has an NPDES (National Pollution Discharge Elimination System) permit.

(H) A weed control plan addressing prevention and control of all Umatilla County identified noxious weeds directly resulting from the Wind Power Generation Facility during preparation, construction, operation and demolition/rehabilitation.

(I) A socioeconomic impact assessment of the Wind Power Generation Facility, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities and/or individuals. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed as problematic, decision makers need information about the socioeconomic impacts that are likely to occur

(J) If the Wind Power Generation Facility exceeds 20 acres in size, a Goal 3 exception is required as found in OAR 660-033-0130 (22).

(K) Information pertaining to the impacts of the Wind Power Generation Facility on: (1) Wetlands; (2) Wildlife (all potential species of reasonable concern); (3) Wildlife Habitat; (4) Criminal Activity (vandalism, theft, trespass, etc.) and proposed actions, if any, to avoid, minimize or mitigate negative impacts.

(L) A dismantling and decommissioning plan of all components of the Wind Power Generation Facility, as provided in Section 152.616 (HHH) (7).

(3) Umatilla County may impose clear and objective conditions in accordance with the County Comprehensive Plan, County Development Code and state law, which Umatilla County considers necessary to protect the best interests of the surrounding area, or Umatilla County as a whole.

(4) Prior to commencement of any construction, all other necessary permits shall be obtained, e.g. Umatilla County Zoning Permit, road access and other permits from the Umatilla County Public Works Department, and from the Oregon Department of Transportation.

(5) The following requirements and restrictions apply to the siting of a facility:

(A) The Wind Power Generation Facility shall be on property zoned EFU/GF or NR, and no portion of the facility shall be within 3,520 feet of properties zoned residential use or designated on the Comprehensive Plan as residential. (For clarification purposes of this section, EFU/GF/NR zones are not considered zoned for residential use.)

(B) Reasonable efforts shall be made to blend the wind facility's towers with the natural surrounding in order to minimize impacts upon open space and the natural landscape.

(C) Reasonable efforts shall be taken to protect and to preserve existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

(D) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

(E) The turbine towers shall be of a size and design to help reduce noise or other detrimental effects.

(F) Private access roads shall be gated to protect the facility and property owners from illegal or unwarranted trespass, and illegal dumping and hunting.

(G) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

(H) Required permanent maintenance/ operations buildings shall be located off-site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on-site if (1) the building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and (2) the building will be removed or converted to farm use upon decommissioning of the Wind Power Generation Facility consistent with the provisions of '152.616 (HHH)(7).

(I) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Facilities delineated in OAR 345-024-0010 (as adopted at time of application).

(6) To the extent feasible, the county will accept information presented by an application for an EFSC proceeding in the form and on the schedule required by EFSC.

(7) The applicant's dismantling of uncompleted construction and/or decommissioning plan for the Wind Power Generation Facility shall include the following information:

(A) A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.

(B) A description of actions the facility owner proposes to take to restore the site to a useful, non-hazardous condition, including options for post-dismantle or decommission land use, information on how impacts on fish, wildlife and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post-decommissioning site conditions in compliance with the requirements of this section.

(C) A current detailed cost estimate, a comparison of that estimate with present funds set-aside for dismantling or decommissioning, and a plan for assuring the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the facility owner/operator on a 5 year basis.

(D) Restoration of the site shall consist of the following:

(1) Dismantle turbines, towers, pad-mounted transformers, meteorological towers and related aboveground equipment. All concrete turbine pads shall be removed to a depth of at least three feet below the surface grade.

(2) The underground collection and communication cables need not be removed if at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other consistent resource uses of the land.

(3) Gravel shall be removed from areas surrounding turbine pads.

(4) Access roads shall be removed by removing gravel and restoring the surface grade and soil.

(5) After removal of the structures and roads, the area shall be graded as close as reasonably possible to its original contours and the soils shall be restored to a condition compatible with farm uses or consistent with other resource uses. Re-vegetation shall include planting by applicant of native plant seed mixes, planting by applicant of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Umatilla County.

(6) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Umatilla County indicating said land owner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

(E) The applicant (facility owner/operator) shall submit to Umatilla County a bond or letter of credit acceptable to the County, in the amount of the decommissioning fund naming Umatilla County and the landowner as beneficiary or payee.

(1) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of commerce, Bureau of Economic Analysis, or any successor agency (the A Index @). The amount of the bond or letter of credit account shall be increased at such time when the cumulative percentage increase in the Index exceeds 10 percent from the last change, and then the amount shall be increased by the cumulative percentage increase. If at any time the Index is no longer published, Umatilla County and the applicant shall select a comparable calculation of present year dollars. The amount of the bond or letter of credit account shall be pro-rated within the year to the date of decommissioning.

(2) The decommissioning fund shall not be subject to revocation or reduction before decommissioning of the Wind Power Generation Facility.

(3)The facility owner/operator shall describe the status of the decommissioning fund in the annual report submitted to the Umatilla County.

(F) If any disputes arise between Umatilla County and the landowner on the expenditure of any proceeds from the bond or the letter of credit, either party may request non-binding arbitration. Each party shall appoint an arbitrator, with the two arbitrators choosing a third. The arbitration shall proceed according to the Oregon statutes governing arbitration. The cost of the arbitration (excluding attorney fees) shall be shared equally by the parties.

(G) For projects sited by EFSC, compliance with EFSC's financial assurance and decommissioning standards shall be deemed to be in compliance with the dismantling and decommissioning requirements of this Section 152.616 (HHH) (7).

(8) A bond or letter of credit shall be established for the dismantling of uncompleted construction and/or decommissioning of the facility. (See 152.616 (HHH) (7)) For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

(9) The actual latitude and longitude location or State plane NAD 83(91) coordinates of each turbine tower, connecting lines, and transmission lines, shall be provided to Umatilla County once commercial electrical production begins.

(10) A summary of as built changes in the facility from the original plan, if any, shall be provided by the owner/operator.

(11)(A) The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the facility does not exceed the boundaries of the Umatilla County conditional use permit where the original facility was constructed.

(B) An amendment to the conditional use permit shall be required if proposed facility changes would: 1) Increase the land area taken out of agricultural production by an additional 20 acres or more; 2) Increase the land area taken out of agricultural production sufficiently to trigger taking a Goal 3 exception; 3) Require an expansion of the established facility boundaries; 4) Increase the number of towers; 5) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the repowering or upgrading of power generation capacity. Notification by the facility owner/operator to the Umatilla County Planning Department of changes not requiring an amendment are encouraged, but not required. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by EFSC.

(12) Within 120 days after the end of each calendar year the facility owner/operator shall provide Umatilla County an annual report including the following information:

- (A) Energy production by month and year.
- (B) Non-proprietary information about wind conditions. (e. g. monthly averages, high wind events, bursts)
- (C) A summary of changes to the facility that do not require facility requirement amendments.
- (D) A summary of the avian monitoring program - bird injuries, casualties, positive impacts on area wildlife and any recommendations for changes in the monitoring program.
- (E) Employment impacts to the community and Umatilla County during and after construction.
- (F) Success or failures of weed control practices.
- (G) Status of the decommissioning fund.
- (H) Summary comments - any problems with the projects, any adjustments needed, or any suggestions.

The annual report requirement may be discontinued or required at a less frequent schedule by the County. The reporting requirement and/or reporting schedule shall be reviewed, and possibly altered, at the request of the facility owner/operator. For facilities under EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

- (A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor;
- (B) Establishing a special yard, other open space or lot area or dimension;
- (C) Limiting the height, size or location of a building or other structure;
- (D) Designating the size, number, location and nature of vehicle access points;
- (E) Increasing the required street dedication, roadway width or improvements within the street right-of-way;
- (F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;
- (G) Limiting or otherwise designating the number, size, location, height and lighting of signs;
- (H) Limiting the location and intensity of outdoor lighting and requiring its shielding;
- (I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.
- (J) Designating the size, height, location and materials for a fence;
- (K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources;
- (L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

§ 152.545 ZONING PERMIT REQUIRED TO ERECT, MOVE, OR ALTER SIGNS; EXEMPTIONS; PERMITTED SIGNS.

(A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise.

(B) Permitted signs in the various zones are indicated by the following tables (for types of signs, see § 152.546):

<i>Zone</i>	<i>Types Permitted</i>
EFU-20, EFU-40, EFU	2, 3, 4, 5, 6
EFU-10	2, 3, 4, 5, 6

§ 152.546 TYPES OF SIGNS.

(A) *Type 1.* One name plate or sign not exceeding two square feet in area for each dwelling, providing that the name plate or sign is attached to the house or incorporated with a mail box, paper box or fence gate.

(B) *Type 2.* One name plate, not exceeding six square feet in area for each dwelling unit, indicating the name of the homesite, or the name of the occupant, or the home occupation providing that the name plate or sign is attached to the house or is set back from the property line at least 10 feet.

(C) *Type 3.*

(1) Signs permitted in all zones and exempt from zoning permit requirements. Type 3 signs include:

(a) Building plaques, cornerstones, name plates and similar building identifications attached to the building, but not of a commercial nature;

(b) House and building numbers;

(c) Temporary signs in connection with political and civic campaigns, provided that such signs are removed within 15 days following the conclusion of the campaign;

(d) Temporary signs identifying proposed or existing construction;

(e) Signs indicating property or structures for sale, lease or rent;

(f) Signs for the purpose of protection of property, such as no hunting, trespassing, or dumping signs; or signs warning of potential danger due to physical or health hazards;

(2) Type 3 signs shall not exceed 32 square feet in area and shall not be placed or extend into a road right-of-way. Type 3 signs shall not require a zoning permit.

(D) *Type 4.* One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots, and not exceeding 50 square feet in area nor 12 feet in height providing that the sign is located at least 10 feet from the property line.

(E) *Type 5.* Signs not exceeding 12 square feet in area, directing vehicular traffic to places of interest which would otherwise be difficult to find, or directing vehicular traffic so as to avoid traffic safety problems. The Planning Director may allow a maximum of three such signs provided that no more than two signs are located on the property. The Planning Director may allow two of the three signs to be off-premise signs provided that the signs face opposite traffic directions. A Type 5 sign shall be setback 10 feet from property lines.

(F) *Type 6.* One sign not exceeding 60 square feet in area for buildings other than dwellings, provided that such sign shall be attached to and parallel with the front wall of the building.

(G) *Type 7.* One sign facing each bordering street, not exceeding 32 square feet in area nor eight feet in height above the roof line of the building for buildings other than dwellings providing that the sign is attached to the building and does not project into a road right-of-way.

(H) *Type 8.* Signs identifying the use of the premises or the sale of products produced on the premises, provided that any such sign shall be attached to, parallel with, and no larger than the wall on which it is mounted.

(I) *Type 9.* One projecting or free-standing sign not to exceed 20 feet in height nor 65 square feet in area for each face. The minimum setback for any part of a sign shall be 10 feet, or shall be at the discretion of the Planning Directory and shall be measured horizontally from the lot line to the nearest part of the sign. A projecting or freestanding sign shall be allowed only by a ruling of the Planning Director and shall be limited to those businesses for which an attached flat sign is not suitable due to the nature of the business or the characteristics of the lot.

(J) *Type 10.* One off-premise free-standing sign (billboard) not to exceed 600 square feet in area for each face or 20 feet in elevation as measured from the ground level below the sign or the level of the abutting roadway surface, whichever is higher. No billboard shall be allowed to have more than four steel exposed supports and all illumination devices shall be concealed within the non-structural trim. The minimum setback for any part of a sign shall be 10 feet and shall be measured horizontal from the lot line to the nearest part of

the sign. Billboards allowed in the county shall be subject to the requirements of O.R.S. Chapter 377 and shall be approved by the Planning Director.

(K) *Type 11.* One on-premise sign identifying two or more businesses that may occupy one building or one off-premise sign identifying two or more businesses that may be located so as that another sign allowed by this chapter would not be visible from main traveled routes. The total square footage of the sign shall not exceed six square feet per business described on the sign, and the sign shall be setback 10 feet from the property line.

(L) *Type 12.* Any number of signs for businesses along I-82 and I-84 for which the total area for all signs (including wall signs, roof signs and free-standing signs) shall not exceed 8% of the total square footage of the principal building on the lot and all utilized parking area, or a total of 2,000 square feet, whichever is less. The display area for one face of any one sign shall not exceed 825 square feet or one-half of the total allowable sign area specified above, whichever is less. Signs attached to or placed on a building shall not extend more than 15 feet above the roof line or 15 feet above the freeway grade, whichever is higher. A free-standing sign shall not exceed 65 feet above the grade of the freeway or the grade of the premise, whichever is higher. All signs authorized by this sign type must be within 2,000 feet of the right-of-way for I-82 and/or I-84. Signs located farther than 2,000 feet from either freeway right-of-way must comply with the sign regulations for the Type 1 through Type 11 signs of this chapter as those sign types apply to the specific zoning districts.

§ 152.547 LIMITATIONS ON SIGNS.

(A) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

(B) No sign shall be illuminated by flashing lights.

(C) No sign shall contain, include, or be composed of any conspicuous animated part.

(D) Light from signs shall be directed away from and not be reflected upon adjacent premises.

(E) Signs shall be maintained in a neat, clean and attractive condition.

(F) Signs shall be removed by the property owner within 60 days after the advertising business, product or service is abandoned or no longer in use.

(G) In addition to the limitations on signs as provided by divisions (A) through (C) of this section, additional sign restrictions may be required as determined by the Hearings Officer in approving conditional uses, as provided by §§ 152.610 through 152.616 of this chapter or by the Planning Director in approving a Type 5, Type 9, Type 10 or Type 11 sign.

§ 152.548 MATERIAL TO BE SUBMITTED WITH APPLICATION FOR (SIGN) PERMIT.

An applicant shall submit with his application for a zoning permit for a sign, in addition to the site plan required for the zoning permit, a plan and four elevations of the sign itself.

§ 152.560 OFF-STREET PARKING REQUIREMENTS.

(A) Each use shall provide the following minimum off-street parking spaces. Each parking space shall be a minimum of nine feet wide and 20 feet in length.

(B) Off-street parking requirements.

(1) Single-family residential: one space per dwelling unit.

- (2) Commercial-residential: one space per guest room, plus one space per employee.
- (3) Rest home, hospital, convalescent home: one space per bed.
- (4) Church or auditorium: one space per four seats or eight feet of bench length in the main auditorium.
- (5) Club, lodge, grange hall, community center: one space per 100 square feet of floor space.
- (6) Preschool, nursery, kindergarten: two spaces per teacher.
- (7) Elementary or junior high school: one space per classroom, plus one space per administrative and support employee.
- (8) High school: two spaces per classroom, plus one space per administrative and support employee.
- (9) Commercial uses: one space for each 200 square feet of floor space, plus one space per employee.
- (10) Industrial uses: one space per 200 square feet of floor space, plus one space per employee.
- (11) Conditional uses: additional spaces may be required by the Hearings Officer in the approval of a conditional use.

§ 152.561 OFF-STREET LOADING REQUIREMENTS.

(A) *Passengers.* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(B) *Merchandise.* Off-street parking areas used to fulfill the requirements of this chapter shall not be used for loading and unloading operations except during periods they are not required for parking.

§ 152.562 ADDITIONAL OFF-STREET PARKING AND LOADING REQUIREMENTS.

(A) Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this chapter to begin such altered use until the required increase in off-street parking or loading is provided;

(B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission or Hearings Officer, based upon the requirements of comparable uses listed;

(C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately;

(D) Owner of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts to establish the joint use;

(E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building;

(F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use;

(G) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard;

(H) Plans shall be submitted as provided in § 152.767 of this chapter;

(I) Design requirements for parking lots:

(1) Areas used for standing and maneuvering of vehicles shall have paved surfaces maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks;

(2) Except for parking to serve residential use, parking and loading areas adjacent to residential use shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet in height except where vision clearance is required;

(3) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail;

(4) Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling;

(5) Service drives to off-street parking areas of four or more spaces shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives;

(6) Service drives shall have a minimum vision clearance area bounded by the driveway centerline, the street right-of-way line, and a straight line joining said lines 20 feet from their intersection.

§ 152.010 ACCESS TO BUILDINGS; PRIVATE DRIVEWAYS AND EASEMENTS

(A) Every building hereafter erected or moved shall be on a lot that abuts a public street or a recorded easement. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. In commercial and industrial zones, access points shall be minimized. To accomplish this, access shall be limited to one every 200 feet and shall be reviewed during the design review stage or the conditional use hearing. If necessary to accomplish this, driveways may be shared between two lots.

(B) Private driveways and easements that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway to protect the edge of the road from rapid deterioration. The improvements shall extend at least 25 feet back from the edge of the existing travel lane surface.

§ 152.011 VISION CLEARANCE

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

(A) In an Agricultural or Residential Zone, the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet;

(B) In all other zones the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except when the angle of intersection between streets is less than 30° the distance shall be 25 feet;

(C) The vision clearance area shall not contain any planting, wall, structure, or obstruction of any kind exceeding two and one-half feet in height measured from the grade of the street centerline.

§ 152.015 FENCES

Fences are allowed in any zone and do not require a zoning permit for construction. There shall be no height limitation except at corners of street intersections and service drives where vision clearance requirements shall be met. Fences shall meet all Oregon Uniform Building Code requirements.

§ 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE

(A) The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along streams, lakes and wetlands which are subject to the provisions of this chapter:

(1) No more of a parcel's existing vegetation shall be cleared from the setback and adjacent area than is necessary for uses permitted with a zoning permit, accessory buildings, and/or necessary access.

(2) Construction activities in and adjacent to the setback area shall occur in such a manner so as to

avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in subdivision (A)(1) above. Where vegetation removal beyond that allowed in subdivision (A)(1) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(3) A maximum of 25% of existing natural vegetation may be removed from the setback area.

(4) The following uses and activities are excepted from the above standards:

(a) Commercial forest practices regulated by the Oregon Forest Practices Act, being O.R.S. 527.610 et seq.;

(b) Vegetation removal necessary to provide water access for a water dependent use;

(c) Removal of dead or diseased vegetation that poses a safety or health hazard;

(d) Removal of vegetation necessary for the maintenance or replacement of structural shoreline stabilization.

(5) In cases of zoning permits, conditional use permits, variances, and other land use actions which require site plan review or conditions for approval, and which are subject to provisions of this division, the review body shall prepare findings and address the maintenance, removal and replacement of riparian vegetation.

(B) Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands shall be coordinated with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District. Existing drainage ditches may be cleared to original specifications without review.

152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS

(A) The proposed use shall not impose an undue burden on the public transportation system. Any increase meeting the definition of significant change in trip generation constitutes an undue burden.

(B) For developments likely to generate a significant increase in trip generation, applicant shall be required to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding system. The scope of the impact study shall be coordinated with the providers of the transportation facility.

(C) The applicant or developer may be required to mitigate impacts attributable to the project. Types of mitigation may include such improvements as paving, curbing, bridge improvements, drainage, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways or paths. The determination of impact or effect should be coordinated with the providers of affected transportation facilities.

(D) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

The following statewide planning goals are applicable through the EFSC siting process.

STATEWIDE PLANNING GOALS

- Goal 3
- Goal 5
- Goal 6
- Goal 9
- Goal 13

:carol/EnergyFacilities/EFUWindFacilitiesCodeRequirements