

Wasco County Land Use and Development Ordinance

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WASCO COUNTY

LAND USE AND DEVELOPMENT ORDINANCE

June, 1985

Amended July, 1989
Amended January, 1992
Amended May, 1993
Amended September, 1993
Amended January, 1995
Amended April, 1995
Amended December, 1996
Amended September, 1997
Amended June, 1998
Amended September, 1999
Amended November 16, 1999
Amended January 19, 2000
Amended February 1, 2000
Amended February 2, 2004
Amended January 17, 2005

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CHAPTER 1 INTRODUCTORY PROVISIONS

SECTION 1.005 Authority

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters 92, 197, 203, and 215.

SECTION 1.010 Title

This Ordinance shall be known as the Wasco County Land Use and Development Ordinance.

SECTION 1.020 Purpose

The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to reduce congestion upon the streets and highways; to prevent excessive population density and the overcrowding of land; to provide for adequate air and light; to conserve natural resources and encourage the orderly growth of the County; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to facilitate adequate and economic provision for public improvements, for recreation areas, and for public utilities and services; to conserve, stabilize, and protect property values; and to encourage the most appropriate use of land, all in accordance with the comprehensive plan for Wasco County.

SECTION 1.030 Severability

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

SECTION 1.040 Repeal

The following ordinances, together with all amendments thereto are hereby repealed:

"Wasco County Zoning Ordinance", adopted February 3, 1982.

"Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982.

"Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

SECTION 1.050 Effective Date

This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

SECTION 1.060 Interpretation and Scope

Interpretation: The provisions of this Ordinance shall be liberally construed to effect the purpose. These provisions are declared to be the minimum requirements to fulfill objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, then the more restrictive shall govern.

Scope: This Ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and limit the density of population and to divide Wasco County into districts or zones of such number, shape and area as may be deemed best to carry out these regulations and to provide for the enforcement of these regulations.

SECTION 1.070 Compliance Required

No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

SECTION 1.080 Editorial Revision

Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to Oregon Revised Statute 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning Department, but subject to disapproval by the Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Commission, on the first regular meeting of the Commission after the directing memorandum is filed with the County Clerk.

SECTION 1.090 Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

AUM - Animal Unit Month - Unit of measure of dry forage to graze a 900 - 1000 pound cow and calf for thirty (30) days as prescribed by the NRCS Rangeland Specialist. AUM ratings per soil type is found in Section 3.210, Appendix E. (added 12/96)

Abandoned WECS - A WECS that does not generate energy during a period of twelve (12) consecutive months for reasons other than lack of wind, lack of demand for the electricity produced, repair, or modernization.

Accepted Farming Practice - A mode of operation common to farms and ranches of a similar nature necessary for the operation of such farms and ranches, with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

Accessory Structure - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)

Accessory Use - A use customarily incidental and subordinate to the primary uses and located on the same lot-of-record. (Revised 1/92)

Agricultural Land (Per OAR 660-33-020(1)(a)) - Means lands classified by the US Natural Resource Conservation Service as predominantly Class I-VI in Eastern Oregon. And, land in other soil classes that is suitable for farm use as defined in ORS 215.203 taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4. (added 12/96)

Agricultural Produce Stand - A temporary structure providing for the retail sale of any agricultural produce where more than one-half of the gross receipts results from the sale of produce grown on the unit of land where the roadside stand is located. Produce stands are subject to the licensing requirements of the Food and Dairy Division of the Oregon

Department of Agriculture and the site plan review requirements, Chapter 20, of this Ordinance. (Added 1/92)

Agricultural Purposes - The predominant and gainful use of land for the following purposes: the growing of hay, grain, seed, row crops, horticultural crops, livestock, poultry and produce.

Airport Approach Area - A wedge-shaped area described by boundaries where the inner edge of the Airport Approach Area coincides with each end of the runway and is two hundred and fifty (250) feet wide at each terminus. The Airport Approach Area expands outward uniformly to a width of seven hundred and fifty (750) feet at a horizontal distance of two thousand five hundred (2,500) feet from the terminus, with its centerline being the continuation of the centerline of the runway.

Airport Clear Area - The Airport Clear Area coincides with the Airport Approach Area for a horizontal distance of one thousand two hundred (1,200) feet from the runway termini.

Airport Hazard - Any structure, tree, or use of land which unreasonably obstructs the air space required for the safe flight of aircraft in landing or taking off at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.

Airport Hazard Area - Any area of land upon which an airport hazard might be established if not prevented.

Airport (Personal-Use) - Means pursuant OAR 660-33-130(7), an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division. (amended 12/96)

Airport (Public) - A designated area for the take-off and landing of airplanes which is designed for public use by general aviation, and where aircraft service facilities are normally provided.

All Weather Road - A road that has a six to eight inch gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to be made by the Wasco County Public Works Department. (added 12/96)

Alley - A secondary means of access to abutting property, if dedicated as a public way.

Altered - A change, addition, or modification in structure; where the term "altered" is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another, or from one division or use to another.

Apartment - A building or portion thereof designed for residential use and containing three or more dwelling units.

Apartment House - Three or more household units with walls or ceilings common to another unit.

Approving Authority - The County Court or the body designated by the Court to administer all or part of this ordinance.

Arterial Street - A street used primarily for through traffic and identified on the comprehensive plan map.

Automobile and Trailer Sales Area - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

Automobile Repair Garage - A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Automobile Service Station - Any premises used for supplying gasoline, oil, minor accessories, and services, excluding body and fender repair for automobiles at retail direct to the customer.

Automobile Wrecking Yard - Any property where more than two vehicles not in running condition, or parts thereof, are: wrecked, dismantled, disassembled, or substantially altered and are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof for a period exceeding three (3) months. (Revised 1/92)

Awning - An awning is defined as any accessory shade structure supported by posts or columns and partially supported by a mobile home.

Basement - A portion of a building, partly underground, which is less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground, and not deemed a story unless the ceiling is six (6) feet or more above the ground.

Batch Plant, Concrete or Asphalt - Means the storage, preparation, and manufacturing of concrete or asphalt including customary equipment and accessory buildings. Also called Redi-Mix plant.

Bed and Breakfast Inn - A single-family dwelling where lodging and a morning meal for guests only are offered for compensation, having no more than five (5) sleeping rooms for this purpose. An establishment where more than one (1) meal per day is offered shall not be deemed a bed and breakfast inn. An establishment with more than five (5) sleeping rooms shall be deemed a hotel. A bed and breakfast inn must be within the residence of the operator. (added 2/89)

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

Block - An area of land within a subdivision which area may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

Boarding House - A building or premise where meals and lodging are offered for compensation for three (3) or more persons but not more than nine (9) persons; and having no more than five (5) sleeping rooms for this purpose. An establishment where meals are served for compensation for more than nine (9) persons shall be deemed a restaurant. An establishment with more than five (5) sleeping rooms shall be deemed a hotel.

Boarding of Horses - The boarding of horses for profit shall include the following:

- a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and,
- b. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The incidental stabling of not more than four (4) horses;
- c. The boarding of horses for friends or guests where no charge is made; and
- d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Building - Any structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind.

Building Line - A line on a plat indicating the limit beyond which buildings or structures may not be erected.

Business - Employment of one or more persons for the purpose of earning a livelihood or a profit in money. (added 2/89)

Cabana - A room enclosure erected or constructed adjacent to a mobile home for use as an addition to a mobile home.

Campground - Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. 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. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 months period."

Camp, Tourist, or Trailer Park - Any area or tract of land used or designed to accommodate more than two camping outfits (trailer, tent, tent trailer, recreational vehicle, pickup camper or other similar device used for camping), including cabins.

Carport - A covered shelter for an automobile open on two or more sides. A carport may be freestanding or partially supported by a dwelling unit or mobile home.

Cellar - A story having more than one-half of its height below the average level of the adjoining ground and which has less than six (6) feet of its height above the average level of the adjoining ground.

Cemetery - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of the cemetery.

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for public worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Class I Stream - Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the Oregon Department of Forestry. Stream flows may be perennial or intermittent.

Class II Stream - Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the Oregon Department of Forestry. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

Clinic - Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

Club or Lodge - A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

Collector Street - A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties. (Collector streets are usually sixty feet in width).

Commencement of Development - Authorized development has been commenced when the holder of the permit has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development. In the case of development requiring a building permit, issuance of the building permit shall be conclusive evidence of commencing development. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law. A development permit which would have expired but for issuance of a building permit shall expire automatically upon expiration of the building permit. In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit by the Director for 80% or more of the structure or structures.

Commercial - The use of land or structures for a business activity engaged primarily in the sale of goods or services. (added 2/89)

Commercial Activities in Conjunction with Farm Use - The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm

activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

- Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.
- Farm product receiving plants, including processing, packaging, and reshipment facilities.(revised 2-89)
- Livestock feed or sales yards.
- Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.
- Farm equipment storage and repair facilities.
- Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
- Veterinarian clinic.
- Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.
- Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
- Wineries for production from fruits, a portion of which are grown on the property, including retail sales.
- And other such uses which may be construed as similar to the above listed uses.

The Approving Authority shall consider among other relevant criteria the Land Conservation and Development Commission decision No. 79-003.

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

commercial power generation facility does not include a portable power plant, the principal use of which is to supply power in emergency or for individual domestic use.

Commercial Utility Facility - Any energy facility or commercial energy facility.

Commission - The Wasco County Planning Commission.

Common Area - Any area or space designed for joint use of tenants.

Communication Facility - A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

Community Center or Hall - A building and facilities owned and operated by a governmental agency or non-profit community organization whose membership is open to any resident of the community in which the center or hall is located.

Community Management - The person who owns or has charge, care or control of the mobile home development.

Community Sanitary-Sewer System - A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

Community Water-Supply System - A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

Comprehensive Plan - The generalized, coordinated land use map and policy statement of the governing body of Wasco County that interrelates all functional and natural systems and activities relative to the use of lands including, but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

Condominium - Property, any part of which is residential in nature, submitted and approved in accordance with the provisions of Oregon Revised Statutes 91.500 to 91.671.

Conduit - Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made water conveyance.

Consultant Engineer - A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certified, may be a consultant engineer.

Contiguous - Lots, parcels or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way. (Revised 1/92)

Corner Lot - A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

Corridor - The length and width of a right-of-way or tenancy containing or intended for a transmission facility and other uses in, or intended for, the same right-of-way.

County - The County of Wasco, Oregon.

County Court - The County Court of Wasco County, Oregon.

County Road - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Court. For the purposes of regulating access for development, any road maintained by a public body shall be treated as a county road. A county road shall not act as a dividing feature of a lot-of-record. (Revised 1/92)

Court - An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two sides by such building.

Court Apartment - One to four multiple dwellings arranged around two or three sides of a court which opens into a street.

Cul-De-Sac - A street with only one outlet having sufficient space at the closed end to provide a vehicular turning area.

Cultural and Historic Sites - Sites having a record of historic activity that is well-documented and have or have had an impact on the local community.

Curb Line - The line dividing the roadway from the planting strip or footway.

Dam - Any man-made structure that impounds water.

Day Nursery - Any institution, establishment or place, other than a group day care home, in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward. (revised 2/89)

Design - The design of any street or alley alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

Development - Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

Developer - A subdivider, or if not creating a subdivision, a person who proposes to, or does develop the land, whether it be for public or private purposes.

Director – Wasco County Planning Director or their designee.

Diversion - Any structure that deflects a portion of the water from a stream channel.

Double Frontage Lot - A lot having frontage on two parallel or approximately parallel streets.

Drive-In - A business establishment so developed that its retail or service character is dependent on providing a driveway approach for parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. The term drive-in shall include any business establishment dispensing food or drink on a self-service basis and for consumption outside the building.

Dude Ranch - A business activity that provides meals, lodging or camping facilities, and recreation activities associated with farm use or animals. An establishment offering meals to individuals other than overnight guests shall be deemed a restaurant. An establishment offering overnight accommodations not in conjunction with recreational activities shall be deemed a hotel or campground. (added 2/89)

Dwelling Types - For the purposes of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

- a. **Single Family Attached (Duplex)** - Two (2) household units which share a common wall or ceiling, but no unit may have a ceiling common to another unit.
- b. **Single Family Attached (Multiplex)** - Three (3) or more household units which share common walls, but no unit may have a ceiling common to another unit. Otherwise known as Townhouses or Row Houses.
- c. **Single Family Detached** - A single household unit whose construction is characterized by no common wall or ceiling with another unit.

- d. **Multiple Family** - Three (3) or more household units with common walls or ceilings common to another unit. Terms of differentiation for Multiple Family include: Garden Low Rise, being walkup structures limited to a maximum of two stories; Garden Medium Rise, being walkup structures limited to a maximum of three (3) stories; and High Rise, being elevator structures of multiple stories.

Dwelling Unit - A lawfully established dwelling is a single-family dwelling which:

- (A) Has intact exterior walls and roof structure;
- (B) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (C) Has interior wiring for interior lights; and
- (D) Has a heating system.”

Easement - A grant of the right to use a strip of land for specific purposes.

Endangered and Threatened Species - Those species of plants and animals listed or proposed for listing as of October 1, 1978, in 41 FED REG 24524. (June 16, 1976) and 50 CFR Part 17, and its amendments and species listed or proposed for listing by the State of Oregon.

Energy Development - A building or construction operation making a significant change in the use or appearance of a structure or land for an energy facility; and the clearing, excavation, filling, grading, and road building in connection with the operation.

Energy Facility - A hydroelectric, wind energy, biomass, geothermal or transmission facility with a nominal electric generating capacity of 25 MW or less or carrying 230 kV or less.

Energy Facility Project Area - The proposed location of an energy facility, any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, barge basins, office or public buildings, and commercial and industrial structures proposed to be built in connection with the energy facility, and the area affected by the facility.

Expando - Room or rooms that fold, collapse, or telescope into a mobile home.

Family - One or two persons with their direct descendants and adopted children (and including domestic employees thereof), together with not more than five (5) persons not so related living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered as a separate family.

Family Hardship Dwelling - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm

person or persons physically incapable of maintaining a complete separate residence apart from their family.

Farm Ranch Recreation - Means farm ranch recreation activities may include overnight facilities that are in conjunction with commercial farm operation(s). The recreation activities must demonstrate how they are in conjunction with the commercial farming operation via a farm management plan identifying the scope, scale and timing of activities and the farming activities. Such consideration may include, but are not limited to: fee hunting, hunting preserve, fishing, fur trapping, trap and skeet range, archery range, fly fishing and tying clinics, water activities, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, outdoor schools, educational and technical tours, workshops, retreats. Farm ranch recreation and lodging is a conditionally permitted use in the EFU zone pursuant to WCLUDO 3.210(K). (added 12/96)

Farm Use - The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.

Farm use includes the preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use and disposal by marketing or otherwise. Farm use also includes the current employment of the land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows.

Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Game Commission. Farm use also includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

Farm use does not include the use of land subject to the provisions of ORS Chapter 321 (Timber taxation), except land used exclusively for growing cultured Christmas trees.

Current employment of land for farm use includes:

- a. Farmland, the operation or use of which is subject to any farm-related government program;
- b. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- c. Land planted in orchards or other perennials, other than land specified in subsections (D) following, prior to maturity;

- d. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- e. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;
- f. Land under buildings supporting accepted farm practices, except land under a single family dwelling;
- g. Water impoundments lying in or adjacent to and in common ownership with farm use land;
- h. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
- i. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;
- j. Any land described under ORS 321.267(1)(e) or 321.415(5); and
- k. Any land in an exclusive farm use zone used for the storage of agricultural products that would otherwise be disposed of through open field burning or propane flaming.

Accepted farming practice:

Accepted farming practice means a mode of operation that is common to farms of similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use. (revised 12/96)

Fence, Protective - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.

Fence, Site-Obscuring - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

Flow - The volume of water passing through a hydroelectric facility during a given period. Flow is expressed in cubic feet per second.

Foster Home - A home licensed by the State and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

Frontage - All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway and/or dead-end street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Future Street - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

Garage, Public - A structure in which are provided facilities for the repair of motor vehicles, including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance repair, or where such vehicles are parked or stored.

Grade (Adjacent Ground Elevation) - The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall.

Gross Building Area - The total area taken on a horizontal plane at the mean grade level of the principal building, and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhang and balconies.

Group Day Care Home - A facility located in a single-family dwelling that is certified by the Children's Services Division to care for six (6) to twelve (12) children under the age of thirteen (13) at one time. A group day care home must be within the home of the care provider, and is considered a residential use in residential and commercial zones. (added 2/89)

Group Home - A licensed home maintained and supervised by adults for the purpose of providing care, food and lodging for retarded adults, elderly persons, or children under the age of eighteen (18) years, unattended by parent(s) or guardian(s) where the number of unrelated persons living together as one household commonly exceeds five.

Guest House - Living quarters within a separate structure, with no kitchen or kitchen facilities, located on the same lot-of-record with the primary dwelling, and occupied solely by members of the owner's family or temporary guests. Such quarters shall not be rented or otherwise used as a separate dwelling unit. See Section 4.170 for "Guest House" development standards. (Revised 1/92)

Guy Wire - A cable or wire used as a semi-flexible tension support between a guy anchor and a tower.

Half Street - One-half of the right-of-way of a public way equally divided by the property or border line, dedicated to the public together with the total width, here, of the public way by all owners, at the time of the recording of any plat including such half street or way.

Head - The vertical distance from the highest water level of a dam, diversion, or intake for a hydroelectric facility to the elevation where water from the facility is discharged. Head is expressed in feet.

Health Officer - The Wasco-Sherman County District Health Unit Officer.

Height of Building - The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

High Value Land (Per OAR 660-33-020(8)(a)) - Means land in a tract composed predominantly of soils that are:

- a. Irrigated and classified prime, unique, Class I or II; or
- b. Not irrigated and classified prime, unique, Class I or II.

In addition to that land described above, high value farmland, if in Eastern Oregon, includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa. (added 12/96)

High Water Line or Mark - The highest water level a stream or lake reaches during normal seasonal run-off.

Home Occupation - Any lawful activity carried on within a dwelling or other building normally associated with uses permitted in the zone and which said activity is secondary to the primary use of the property for residential purposes. (Revised 1/92)

Homestead Retention - The retention of the primary farm dwelling for the elderly farmer and/or spouse. When the elderly farmer wishes to retire and other family members wish to run the farm, the elderly farmer may create a separate parcel with just the homestead

"dwelling" located on that parcel, and the partition is subject to WCLUDO 3.21(E)&(G) Requirements for Dwellings Not Provided in Conjunction With Farm Use, and Part of Parcel respectively. Also, the critical elements of the farming operation such as grain storage, equipment storage must not be severed from the farming unit. The intent is to protect the farming unit in the EFU zone. And while the purpose of homestead retention is to allow the elderly farmer to continue to live on the farm after retirement, the dwelling could subsequently be sold to non farmers and not act as a part of the farming unit. (added 12/96)

Horizontal Axis WECS - A WECS on which the rotor axis substantially is parallel to the ground.

Horticulture - The cultivation of plants, garden crops, trees and/or nursery stock.

Hospital, General - An institution providing health services, primarily for in-patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

Hospital, Mental - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

Hotel - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

Hunting Preserve - Pursuant to ORS 497.248 Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not more than 640 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five years. (added 12/96)

Hunting, fishing or shooting preserve – Shall comply with provisions of Oregon Administrative Rule 635, Division 47.

Hydroelectric Facility - All aspects of a project necessary for or related to power generation including, but not limited to, the generator, dams, diversions, impoundments, conduits, penstocks, fish ladders, navigation locks, fish screens, recreation facilities, transmission facilities and related buildings, structures and storage areas.

Immediate Family Member - Family member of the first degree of kinship or equivalent thereof.

Industrial - The use of land or structures to treat, process, manufacture, or store materials or products. (added 2/89)

Junk Yard - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

Kenel - The operation of any business or the participation in any activity in which five (5) dogs with permanent canine teeth, or which are more than six (6) months of age, are kept on the premises.

Kilovolt (kV) - The unit of voltage of potential difference which equals 1,000 volts.

Kitchen - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located. (Added 1/92)

Landscaping - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material.

Loading Space - An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or material, and which space or berth abuts upon a street, alley or other appropriate means of ingress and egress.

Local Street - A street primarily used for access of abutting properties.

Lot - A unit of land that is created by a subdivision of land.

Lot Area -The total horizontal area within the lot lines of a lot.

Lot, Corner - A lot fronting on two (2) or more streets at their junction, said streets forming with each other an angle of forty-five (45) degrees up to and including one hundred thirty-five (135) degrees.

Lot Depth - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

Lot, Interior - A lot other than a corner lot.

Lot Lines - The lines bounding a lot as defined herein.

Lot Line, Front - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

Lot Line, Rear - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

Lot of Record - Background: Per ORS 215.700... The legislative Assembly declares that land use regulations limit residential development on some less productive resource land acquired before the owners could reasonably be expected to know of the regulations. In order to assist these owners while protecting the state's more productive resource land from the detrimental effects of uses not related to agriculture and forestry, it is necessary to:

1. Provide certain owners of less productive land an opportunity to build a dwelling on their land; and
2. Limit the future division of and the siting of dwellings upon the state's more productive resource land.

See Section 3.210(C)(2) of this ordinance for the specific authorizations for Lot of Record as established by ORS 215.700 - 215.705. (added 12/96)

Lot, Through - An interior lot having frontage on two (2) streets.

Lot Width - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufacture - The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose. (added 2/89)

Map - A final diagram, drawing or other writing concerning a land division.

Megawatt (MW) - The electrical unit of power which equals 1,000,000 watts.

Metes and Bounds - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

Mobile Home -

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962,

and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. (revised 2/89)

Mobile Home Community - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

Mobile Home for Storage – Mobile homes may be used as storage buildings in resource zones only (“F-1, “F-2”, and “A-1”) provided all kitchen and laundry facilities, and plumbing are removed from the structure prior to issuance of zoning approval on a building permit. The Planning Department shall verify that the structure has been made uninhabitable by removal of plumbing facilities within 30 days of placement.

Mobile Home Lot - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Mobile Home Park - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Mobile Home Space - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

Mobile Home Stand - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

Modular Unit - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.
- c. Having a permanent foundation.

Motor Home - A self-propelled recreation vehicle that is not used as a permanent residence.

Natural Areas - Land areas reserved from development or modification for the protection of animal species and other natural areas as identified in the Wasco County Comprehensive Plan.

Negotiate - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

Nonconforming Structure or Use - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Nursing Home - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

Official Map - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights-of-way. The Official Map helps to implement the comprehensive plan.

Operational High Pool Elevation (EPD 6): The high pool elevation for Pine Hollow and Rock Creek Reservoirs shall be considered to be the approved operational outfall elevation determined by Oregon Water Resources Department.

O.R.S. - The Oregon Revised Statutes.

Owner - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

(Legal) Parcel – A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or
- b. A parcel in an existing, duly recorded major or minor land partition; or
- c. By deed or land sales contract prior to September 4, 1974.

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

- a. Is a unit of land created solely to establish a separate tax account;
- b. Lies in different counties;
- c. Lies in different sections or government lots;
- d. Lies in different land use or zoning designations; or
- e. Is dissected by a public or private road.

Park (Model) Trailer - Means a vehicle built on a single chassis, mounted on wheels, designed to provide recreational, seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances and with a gross trailer area not exceeding 400 square feet when in the setup mode. Such a vehicle shall be referred to, and identified by the manufacturer or converter, as a recreational vehicle. (OAR-918-500-0005 (30))”

Parking Lot, Private - Open off-street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

Parking Lot, Public - Open off-street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

Parking Space - A minimum gross area available for the parking of a standard American automobile.

Parkway - A parklike major thoroughfare with broad rights-of-way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and principal objectives.

Part of Parcel - Creation of a non-farm parcel (division of land) in the EFU zone, for a specified and authorized non-farm use. The non-farm parcel created may be between two (2) acres and 20 acres. The remnant parcel must meet the minimum parcel size (160 acres). The parcel must be generally unsuitable for the production of farm crops and 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 parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. A lot or parcel is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not generally unsuitable. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. See WCLUDO Section 3.210 (G)(3) for specific application of part of parcel. (added 12/96)

Partition - Either an act of partitioning land or an area or tract of land partitioned as defined in this section. (Revised 1/92)

Partition Land - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where any additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Party - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- d. Any affected unit of local government or public district or state or federal agency.
- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

Pedestrian Way - A right-of-way for pedestrian traffic.

Person - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

Place of Public Assembly - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

Planning Control Area - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

Plat - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

Porch - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

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

Private Road - A road which is not public, but which intersects with an existing public road, including but not limited to:

- a. roads designed primarily for resource use and under the jurisdiction of Bureau of Land Management (BLM), U.S. Forest Service, or Oregon State Forestry Department;
- b. gateway roads; and,
- c. statutory ways of necessity.

Property Line Adjustment - The relocation of a common property line between two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any additional zoning regulations.

Public Road - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

Ramada - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

Recreational Vehicle or Camping Vehicle - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water or electrical lines, or is occupied for more than 60 days in any consecutive 12 month period.

Recreational Vehicle Park - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

Replat - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in a subdivision, or to correct an irregularity or error in the original plat. (Added 1/92)

Reserved Open Space - Land areas reserved through public dedication, public ownership, easements, covenants, or other devices for public use and limited development.

Residential Trailer - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

Restaurant - A public establishment for the purpose of selling meals to customers.

Retirement Center - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

Reversed Corner Lot - A corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

Right-of-Way - The area between boundary lines of a street or other easement.

Road - The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right-of-way such as bridges.

Roadway - The portion or portions of a street right-of-way developed for vehicular traffic.

Rotor - 1) A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy; 2) Rotating element in an electrical generator.

Rotor Diameter - Twice the distance from the center of rotation to the outermost point of the blade.

Sale or Sell - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

School, Commercial - A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

School, Elementary - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

School, High - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

School, Nursery - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

School, Primary - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

School, Private or Parochial - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

School, Public - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

Seasonal Farm Worker - Means any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities. (added 12/96)

Seasonal Farm Worker Housing - Means housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than nine months a year. (added 12/96)

Sectional Home - Defined the same as a modular home.

Sensitive Wildlife Habitat - Land areas incorporated in wildlife preserves, refuges, or game management areas; land areas identified as winter range by the Wildlife Commission, State of Oregon; and land areas providing habitat for rare or endangered species listed by the Wildlife Commission, State of Oregon, or by the Bureau of Sport Fisheries and Wildlife, United States Department of the Interior.

Series partition/ Series partitioned lands - A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.

Series Partitioner - Means any person who causes land to be series partitioned into a series partition, or who undertakes to develop a series partition, but does not include a public agency or officer authorized by law to make partitions.

Sewage - Water-carried human or animal waste and kitchen, bath, or laundry waste, from a building, together with such groundwater infiltration and surface water as may be present.

Sidewalk - A pedestrian walkway with permanent surfacing.

Sign - An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two (2) surfaces parallel and back-to-back on the same structure shall be considered a sign.

Sign, Advertising - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

Significant Adverse Effect - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

Significant Archaeological Sites - Sites possessing valuable artifacts or evidence of prehistoric cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

Significant Change - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconducting, which may increase the useful life of the facility without increasing long-term, off-site impacts.

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

Single-wide Mobile Home - One (1) complete living unit constructed on a single chassis.

Slope - An incline in an oblique direction from the perpendicular.

Special District - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, and sanitary districts.

Stable, Private - A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street - The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

Street Plug or Reserve Strip - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Court for disposal under conditions approved by the Commission.

Structure - Anything constructed, erected or air inflated, permanent or temporary, which requires location on the ground. Among other things, structure includes buildings, walls, fences, billboards, poster panels and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

Subdivide - To effect a subdivision, as applied to this Ordinance.

Subdivider - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

Subdivide Land - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Swept Area - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

Tax Lot - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation. (Added 1/92)

Tentative Plan Map for Minor Partition - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to O.R.S. 92.046, and regulations of O.R.S. 209.205, representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

Theoretical Horsepower - The product of the flow used by a hydroelectric facility, expressed in cubic feet per second, multiplied by the head, expressed in feet, divided by 8.8.

Through Lot - Lot having frontage on two streets.

Tiedowns - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

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

Tourist Court - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

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

Travel Trailer - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

Truck Camper - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flat-bed truck, and that is not used as a permanent residence.

Unique Ecologic Associations - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

Unique Geological Features - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

Unit of Land - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

Use - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

Use, Conditional - The term applied to use which may be permitted by the application for, the issuance of a Conditional Use Permit.

Use Permit - A permit allowing a specific use.

Use, Professional - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

Use, Prohibited - A use not allowed in a zoning district.

Utility Facilities Necessary for Public Service - Facilities for providing communication, water, sewers or transportation and facilities accessory to energy facilities.

Variance - A specific deviation from a part of this Ordinance.

Vehicle Site - The area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hook-ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

Vertical Axis WECS - A WECS which rotor axis is vertical.

Veterinary Hospital - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X-ray, and boarding.

Veterinary Office - An office which provides medical services for sick and injured animals on an out-patient basis.

Water Dependent Uses - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water dependent uses include but are not limited to: docks, wharfs, piers, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

Water Related Uses - Uses not directly dependent upon access to a water body, but whose presence facilitates public and private access to and enjoyment of a water body. Water related uses include but are not limited to: boardwalks, trails, observatories, decks, and interpretive aids. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water related.

Waterbody - A lake, wetland, or Class I or Class II stream.

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

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

WECS Tower - Subsystem of a WECS that supports the rotor, or other collection device, above-ground.

Wetland - Land areas, excluding those defined in ORS 197.767, where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands. (revised 2/89)

Wind Energy Facility - A WECS or group of WECS including all parts of the system except transmission lines. Such a facility has a nominal electric generating capacity of 25 MW or less.

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

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

Yard - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

Yard, Front - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

Yard, Rear - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

Yard, Side - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

Youth/Family Camp – An area devoted to facilities and equipment for camp purposes for youths and adults, including swimming pools, tennis courts, recreational fields and facilities for meetings, conferences or retreats, including facilities for eating and sleeping accommodations that are provided in connection with the camp (added 9/18/97).

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CHAPTER 2 DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.010 Purpose

The purpose of this Chapter is to establish procedures for approval of development required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

SECTION 2.020 Review Process

An application for development approval required by Wasco County shall be processed by quasi-judicial public hearing or by Administrative Action, pursuant to applicable sections of this Ordinance. Quasi-judicial hearings shall be held on all applications for a permit or approval required by these regulations, provided that hearings shall not be held in those matters the Director has authority to act upon, unless the Director, under Section 2.100(C), schedules a hearing before the Planning Commission or an appeal be taken. (Revised 5-93)

SECTION 2.030 Coordination of Development Approval

- A. The Director or the Director's designee shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance and the Wasco County Comprehensive Plan. Before approving any development the Director or the Director's designee shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance. (Revised 5-93)
- B. The coordination of development application shall include the opportunity for the applicant to apply for all permits necessary for a development project at one time. The consolidated procedure shall be subject to the time limitations set out in this chapter. (added 2-89)
- C. After an application has been submitted, no building permit for the proposed use shall be issued until final action has been taken. Following final action on the application, the issuance of a building permit shall be in conformance with the zoning regulations of this Ordinance, and any conditions of development approval.

SECTION 2.040 Who May Apply

- A. Development request may be initiated by one or more of the following:

1. The owner of the property which is the subject of the application; or
2. The purchaser of such property who submits a duly executed written contract, or copy thereof, which has been recorded with the Wasco County Clerk; or
3. The purchaser of such property who submits a duly executed earnest money agreement stating the land use action proposed; or (Added 1-92)
4. A lessee in possession of such property who submits written consent of the owner to make such application; or
5. Resolution of the County Court or Commission; or
6. County Road Department, (when dealing with land involving public works projects).

Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

SECTION 2.050 Pre-Application Conference

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

SECTION 2.060 Application

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

An application shall be considered complete when it contains the information required by these regulations, and addresses the appropriate criteria for review and approval of the request and is accompanied by the required fee, unless waived by the County Court, pursuant to Section 2.070.

- A. The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review. Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:
1. Conditional Use Review (Chapter 5)
 2. Administrative Variances (Chapter 7)
 3. Temporary Use Permits (Chapter 8)
 4. Partition, Replat and Lot Line Adjustment Approval, except as provided for in section 2.060 B.10 (Chapter 21)
 5. Site Plan Reviews (Chapters 3 and 20) (added 2-89)
 6. Uses Permitted Subject to Standards (Chapter 3) (added 7-89)
 7. Similar use. (Added 5-93)
 8. Significance Determination for Aggregate Overlay (Chapter 3, Section 3.815)
- B. The following matters shall be heard by the Planning Commission, pursuant to Sections 2.080, 2.090, 2.130, 2.140, 2.150, and 2.190 of this Ordinance:
1. Recommendation to County Court on Quasi-Judicial Plan Amendment
 2. Zone Change and Ordinance Amendment (Chapter 9)
 3. Subdivision (Chapter 21)
 4. Planned Unit Development (Chapter 18)
 5. Mobile Home Parks (Chapter 16)
 6. Recreational Vehicle Parks (Chapter 17)
 7. Division of Non-Resource Land in Designated Resource Areas (Chapter 10)
 8. Variance (Chapter 6) (Revised 1-92)
 9. Private Road Approval (Chapter 21) (Revised 1-92)
 10. Preliminary Partitions involving private or public road approval. (Revised 1-92)

11. Recommendation to the County Court on street dedications (Chapter 21). (Revised 1-92)
12. Revocation of Conditional Use Permits (Chapter 5) (Revised 1-92)
13. Appeals of Decision of Director made pursuant to Section 2.060 (A) (1), (2), (3), (4) & (5), and any ministerial action of the Director. (Revised 1-92)
14. Matters which the Director elects not to review, pursuant to Section 2.060 (A)(1), (2), (3), (4), (5), (6), (7), and (8). (Revised 1-92, 5-93)
15. Recommendation for implementation of Aggregate Overlay zone (Chapter 3, Section 3.800)
16. **Variances to floodplain standards (Chapter 22).**

SECTION 2.070 Filing Fees

- A. Any application filed with the Planning Department shall be accompanied by the appropriate filing fee to reimburse the County for processing costs attendant upon the application.
- B. Fees shall not exceed the actual or average cost of providing the service. (added 2-89)
- C. Any and all fees shall be established by County Court Order, be separate from this Ordinance, and may be revised whenever necessary.
- D. A filing fee may be waived by the County Court for Governmental agencies or nonprofit groups, or upon satisfactory showing that an applicant is without means and is unable to pay the established fee. Said waiver shall be approved by the County Court prior to submitting an application or appeal to the Planning Office. FAX copies of a purchase order or check for payment of an application or appeal are not acceptable. True payment must be paid prior to the expiration of an appeal period, or prior to acceptance of an application.
- E. All fees received pursuant to this Section shall be deposited in the County General Fund.
- F. Fees are not transferable or refundable.

SECTION 2.080 Notice

- A. At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section 2.060 (B), notice shall be sent to: (Revised 1-92)
 - 1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - 2. All owners of property within three hundred feet (300') if located outside an Urban Growth Boundary and not within a farm, farm/forest or forest zone, and five hundred (500) feet within a farm, farm/forest or forest zone. (Revised 1-92)
 - 3. The appropriate Citizen Advisory Group;
 - 4. Any affected governmental agency or public district within whose boundary the subject property lies;
 - 5. The city within whose recognized Urban Growth Boundary the subject property lies;
 - 6. Other persons as may be clearly and necessarily affected by the result of the development request.
- B. Notice of Administrative Action for the use listed in Section 2.060(A) (1), shall be given as prescribed by subsection (A) (1) – (7) of this Section, with the exception that notice be given at least ten (10) days prior to a decision. (Revised 1-92, 5-93, 9-99)
- C. Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing, pursuant to Section 2.060 (B). An affidavit of publication shall be made part of the record. (Revised 1-92)
- D. Notice of Review by the County Court pursuant to Section 2.180 shall be sent to all parties, posted in at least two (2) different public locations and published in the official newspaper of Wasco County ten (10) days prior to the date set for the hearing. (Revised 1-92)
- E. An affidavit of all mailing notices shall be made part of the record.
- F. Notice shall be sent to owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface. (added 2-89)

SECTION 2.090 Contents of Notice

- A. Notice of a quasi-judicial hearing on any development request shall be filed with the Director and also given pursuant to Section 2.080 and shall include the following information:
1. The date, time and place of hearing and the name of the hearing body;
 2. The general location of the subject property and legal description;
 3. The legal owner of record of the property and the name of applicant seeking the review;
 4. The present zoning of the subject property and applicable Ordinances and sections;
 5. The request and purpose of the proposal.
- B. Notice of an Administrative Action on a conditional use permit shall be filed with the Director and also given pursuant to Section 2.080, and shall include the following information: (Revised 1-92, 5-93)
1. The location, title of the request and the date such notice was sent;
 2. The general location of the subject property and legal description;
 3. The legal owner of record and the name of applicant seeking review;
 4. The present zoning of the subject property and applicable Ordinances and sections;
 5. The nature of the application;
 6. The deadline established for rendering a final decision;
 7. The deadline for filing comments on the request.

SECTION 2.100 Administrative Action Procedure of the Director

- A. After accepting an application for Administrative Action pursuant to Section 2.060(A) (1)-(8) of this Ordinance, the Director shall act on or cause a hearing to be held on the application within the time requirements of O.R.S. 215.428(1). (Revised 2-89, 5-93)

The Director shall not accept any application which he/she deems cannot be acted upon initially in a rational manner within the time requirements of O.R.S. 215.428(1), unless the applicant consents to a longer period for action. (Revised 5-93)

- B. Within such time period, the Director shall (Revised 5-93):
 - 1. Publish or otherwise file notice pursuant to Section 2.080;
 - 2. Prepare findings of fact and conclusions of law;
 - 3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan pursuant to Section 2.110(D).
 - 4. Provide opportunity for and conclusion to all local appeals. (Added 5-93)
- C. If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under Section 2.060(A) for public hearing before the Planning Commission, pursuant to Section 2.060 (B) (14), and the Commission shall decide the matter, as if the matter were listed under Section 2.060 (B). (Revised 1-92)

SECTION 2.110 The Decision of the Director

- A. A decision on an Administrative Action under Section 2.060(A) shall be rendered by the Director within the time limitations of this Ordinance.
- B. In making a decision, the Director shall consider the following:
 - 1. The burden of proof is placed upon the petitioner seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Chapter, such burden shall be to prove:
 - a. The proposed action fully complies with the applicable map elements of the relevant Comprehensive Plan and also the goals and policies of the applicable plan.
 - b. The proposed action is in accordance with the applicable criteria of this Ordinance.

2. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.
 3. Written comments from parties or other persons.
- C. In all cases, the Director shall enter findings and conclusions to justify his decision.
- D. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time.
 2. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:
 - a. Protection of the public from the potentially deleterious effects of the proposed use; or
 - b. Fulfillment of the need for public service demands created by the proposed use.
 3. Changes or alterations of conditions shall be processed as a new Administrative Action.
 4. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.
 5. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of Administrative Action or revocation of approval by the Director.

6. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Court or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Wasco County Clerk.
- E. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order of the action denying the application.

SECTION 2.120 Notice of a Decision by the Director

- A. Notice of a decision by the Director pursuant to Section 2.060 (A) (1) – (9) shall be filed in the records of the Director and also mailed to the applicant, the owner(s) or contract purchasers of the subject property, and all parties within the required notification areas, as described by Section 2.080. (Revised 1-92)
- B. Notice of a decision shall contain:
 1. Identification of the application;
 2. The findings of fact and conclusions of law of the Director;
 3. Other information pertinent to the application, if any;
 4. The date of the filing of the decision of the Director;
 5. Notice that any party may appeal the decision within ten (10) days from the date such notice was sent by filing a timely statement with the Director.
- C. The decision of the Director pursuant to Section 2.060 (A)(1)-(9) shall be final unless an appeal from an aggrieved person is received by the Director within ten (10) days after the filing of a decision on an Administrative Action or unless the Commission or County Court on its own motion, orders review within ten (10) days after the filing of the proposed decision. (revised 2-89, 5-93, 9-99)

SECTION 2.125 Time Limits for Permits and Extensions of Time

- A. Time Limits for Permits: A permit will become invalid without special action if:

1. Development has not commenced within two (2) years of the date of approval;
 2. The use approved is discontinued for any reason for one (1) continuous year or more.
- B. Extension of Time Request: If an extension of time is required, the holder of the approved permit must file an application which will be processed as an administrative action. An extension may be granted for a maximum of two (2) years. Extensions shall be granted only upon findings that:
- Request for an extension of time has been made prior to expiration of the approved permit.
 - There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

SECTION 2.130 Establishment of Party Status

- A. In order to have standing under this Chapter, a person shall be recognized as a party by the Approving Authority.
- Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this Chapter.
- B. A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.
- C. Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.
- D. With respect to applications under Section 2.060 (B) of this Chapter, the Approving Authority may authorize a person to have party status, at any time prior to the close of a hearing, if that person is not otherwise a party, as defined by Section 1.090 of this Ordinance. (Revised 1-92)
- E. A request for establishment of party status for an Administrative decision pursuant to Section 2.060(A) of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:

1. The name, address and telephone number of the person filing the statement;
 2. How the person qualifies as a party; as defined in Section 1.090 of this Ordinance; and
 3. Comments which the party wishes to make with respect to the application under consideration.
- F. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

SECTION 2.140 Hearing Procedure

- A. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Court, to:
1. Determine who qualifies as a party.
 2. Regulate the course, sequence and decorum of the hearing.
 3. Dispose of procedural requirements or similar matters.
 4. Rule on offers of proof and relevancy of evidence and testimony.
 5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony. (Revised 1-92)
 6. Take such other action appropriate for conduct commensurate with the nature of the hearing.
 7. Grant, deny, or in appropriate cases, attach conditions pursuant to Section 2.110(D) of this Chapter to the matter being heard.
- B. Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:
1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.
 2. Recognize parties.

3. Ask for disclosure of any potential conflicts of interest by those on the decision-making body. (added 2-89)
4. Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case. (added 2-89)
5. Request the Director or his designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.
6. Allow the applicant to be heard first, on his own behalf or by representative.
7. Allow parties or witnesses in favor of the applicant's proposal to be heard.
8. Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
9. Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
10. Allow only the proponent to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence. (Revised 1-92)
11. Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.
12. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.
13. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision and findings and conclusions, the Approving Authority may be either the Chairman of the Planning Commission or the Director of Planning. (Revised 1-92)

14. At the latest, the next regularly scheduled meeting shall be the time the Approving Authority shall grant, deny or, in appropriate cases, pursuant to Section 2.110(D), attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail. (Revised 5-93)
15. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110(D) of this Ordinance.
 - a. For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.
 - b. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

SECTION 2.150 Official Notice

- A. The Approving Authority may take official notice of the following:
 1. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
 2. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.
- B. Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

SECTION 2.160 Appeal from Decision of the Director

- A. Any action taken by the Director or his designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission, pursuant to Section 2.060 (B)(13). (Revised 1-92)
- B. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

- C. The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in Section 2.160. For the purpose of this section, an appeal shall be filed with the Director no later than ten (10) days following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Court upon its own motion passed within ten (10) days of the written decision sought to be reviewed if no appeal is filed. County Court review shall be conducted pursuant to Section 2.180.
- D. Every Notice of Appeal shall contain:
 - 1. A reference to the application sought to be appealed.
 - 2. A statement as to how the petitioner qualifies as a party.
 - 3. The specific grounds relied upon in the petition request for review.
 - 4. The date of the final decision of the action.
 - 5. The required fee, unless waived pursuant to Section 2.070.
- E. At least twenty (20) days prior to the date of the Approving Authority meeting, the Director shall give notice to all parties to the case as provided by Section 2.080 of the time, date and place of the meeting. (Revised 1-92)
- F. Members of the Approving Authority shall neither:
 - 1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
 - 2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.
- G. During the course of the review, the Director shall first present to the Approving Authority the decision and the reasons for such action. The appellant then may present its argument and may call witnesses to give additional relevant testimony.
- H. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public. (Revised 5-93)
- I. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Court. The Approving Authority may continue its hearing from time to

time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.

- J. All evidence offered and not objected to may be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to Oregon Revised Statutes 183.450 except as otherwise provided for herein.
- K. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110(D).
 - 1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.
 - 2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

SECTION 2.170 Review of a Decision of the Planning Commission

Ten (10) days from the date of a final decision of the Planning Commission, the decision shall become effective unless review is sought pursuant to this Section. (Revised 1-92)

- A. Review of the decision of the Planning Commission: (Revised 1-92)
 - 1. Shall be made by the County Court, pursuant to Section 2.180, upon any party filing a Notice of Review with the Director within ten (10) days from the date of the final decision sought to be reviewed; or (Revised 1-92)
 - 2. May be made by the County Court, pursuant to Section 2.180, on its own motion passed within ten (10) days from the date of the final decision sought to be reviewed. (Revised 1-92)
- B. Notice of the time and place of the review together with any Notice of Review filed shall be mailed to parties at least ten (10) days prior to the date of review.
- C. Every Notice of Review shall contain:
 - 1. A reference to the decision sought to be reviewed;

2. A statement as to how the petitioner qualifies as a party;
 3. The specific grounds relied upon in the petition request for review; and
 4. The date of the decision sought to be reviewed.
- D. A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Court.
1. If the Court does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this subsection shall be a jurisdictional defect.
 2. If a transcript is desired by the Court, the costs shall be borne by Wasco County.

SECTION 2.180 Review by the County Court

- A. Except as provided in Sections B. and C. below, appeal to the Court of all final decisions of the Planning Commission shall be confined to the record. The record shall include:
1. All materials received as evidence at any previous stage;
 2. Verbatim Record:
 - a. For quasi-judicial plan amendments, unless waived by the Court, a verbatim record of the hearing below, in the form of audio tapes, together with a transcription thereof, or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error.
 - b. In appeals of all other development actions, unless waived by the Court, a verbatim record of the hearing below in the form of audio tapes or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error. However, a party may prepare all or a portion of the transcript for submission to the Court.
 3. The findings and conclusions supporting the action being appealed; and

4. Oral and written argument from the parties as defined by Section 2.130, or their representatives presented during the hearing or appeal but not including new evidence.
- B. A party, or the Director, may request that the Court conduct a de novo or partial de novo hearing on appeal. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:
1. Reference the name, case number and date of the decision;
 2. Contain the name and address of the requesting party;
 3. Indicate the reasons for the request without addressing the merits of the land use action; and
 4. Indicate any persons known to be opposed to the request.
- C. The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Court as a nonpublic hearing item, except that the Court may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:
1. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
 2. The substantial rights of the parties will not be significantly prejudiced; and
 3. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.
- D. In conjunction with determining whether to conduct a de novo hearing for the appeal of a quasi-judicial plan amendment, the Court may remand the matter to the Planning Commission. The decision on whether to remand shall not be appealable. Upon remand, the appealing party shall be entitled to return of the appeal fee less actual costs incurred by the County. Appeal from a decision on remand shall be taken as any other appeal.

- E. Review by the County Court upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.
- F. The County Court may affirm, reverse or modify the action of the Planning Commission and may approve or deny the request, or grant approval subject to conditions necessary to carry out the Comprehensive Plan as provided by Section 2.110(D).
 - 1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it, as justification for its action.
 - 2. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decisions shall be filed in the records of the Director.
- G. Only those members of the County Court reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the prior Approving Authority shall stand.

SECTION 2.190 General Conduct of All Hearings; Legislative, Administrative or Quasi-Judicial

The following rules apply to the general conduct of the hearing:

- 1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- 2. No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.
- 3. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.
- 4. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.
- 5. The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons

for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.

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Wasco County Ordinance Chapter 3

Disclaimer: Every effort is made to keep the Wasco County online zoning ordinances accurate and up to date. However, Wasco County shall not be liable for any errors, inaccuracies, omissions, or misinterpretation of the information contained herein. The current version is on file at the Wasco County Planning Department office and they are the final authority. For questions about interpretation of these ordinances, please contact the Planning Department at (541) 506-2560.

All Planning Department forms are in **pdf** format. You will need *Adobe Acrobat Reader* to view them. The *Reader* is available at [Adobe's Web Site](#).

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CHAPTER 3 BASIC PROVISIONS

SECTION 3.010 Introduction

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

SECTION 3.020 Compliance Required

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

SECTION 3.030 Location of Zones

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

SECTION 3.040 Zoning Maps

A Zoning Map or Zoning Amendment shall:

- A. Be prepared by authority of the Planning Commission or be a modification by the County Court of a map amendment so prepared;
- B. Be adopted by order of the County Court thereon;
- C. Be dated with the effective date of such action; and
- D. Be filed and maintained without change in the Office of the County Clerk as long as this Ordinance remains in effect.

SECTION 3.050 Boundaries of Zones

Where uncertainty exists with respect to any of the boundaries of the zones shown on the zoning maps, the following rules shall apply:

- A. Where the boundaries of the zones designated on a zoning map are approximately highways, roads, streets or alleys, the center lines of such highways shall be construed to be the boundaries of such zones.

- B. Where the boundaries of the zones designated on a zoning map are approximately recorded property lines, such property lines shall be construed to be the boundaries of such zones.

SECTION 3.060 Classification of Zones

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

ZONE

Forest Zone	F-1
Forest Zone	F-2
Exclusive Farm Use Zone	A-1
Forest-Farm Zone	F-F
Agricultural-Recreational Zone	A-R
Rural Residential Zone	RR
Residential Zone	R-1
Residential Zone	R-2
Residential Zone	R-3
Residential Zone	R-4
Residential-Mobile Home Zone	RMH-2
Residential-Mobile Home Zone	RMH-t
Residential-Commercial Zone	R-C
Commercial Zone	C-1
Commercial Zone	C-2
Light Industrial Zone	M-1
Medium Industrial Zone	M-2
Heavy Industrial Zone	M-3

OVERLAY ZONES

Environmental Protection District	EPD
Division 1 Flood Hazard overlay	
Division 2 Geologic Hazard overlay	
Division 3 Airport Impact overlay	
Division 4 Cultural, Historic, and Archaeological overlay	
Division 5 Mineral Resources overlay	
Division 7 Natural Areas overlay	
Division 8 Sensitive Wildlife Habitat overlay	
Division 9 Big Muddy Limited Use overlay	
Division 10 Badger Creek Limited Use overlay	

SECTION 3.210 EXCLUSIVE FARM USE ZONE

A. Purpose

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

Uses, buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the Exclusive Farm Use zone shall comply with the following regulations:

B. Uses Permitted Outright

At the option of the owner, the following uses and their accessory uses are permitted subject to the applicable provisions set forth by this ordinance.

1. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Appendix A, Definitions.
2. Buildings other than dwellings customarily provided in conjunction with farm use
3. One single family dwelling customarily provided in conjunction with farm use, subject to WCLUDO 3.210(E).
4. A single family dwelling for an agricultural operator's help (accessory farm dwelling) subject to WCLUDO 3.210(G) of this ordinance.
5. A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:
 - a. The relative is a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse; and
 - b. The relative occupying the dwelling will provide assistance in the management and farm use of the existing commercial farming operation is required by the farm operator; and

- c. The farm operator shall continue to play the predominant role in the management and farm use of the farm; and
 - d. The land owner for the dwelling 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.
- 6. Propagation and harvesting of a forest product
 - 7. Creation, restoration and enhancement of wetlands
 - 8. Creation, restoration and enhancement of wildlife habitat
 - 9. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.
 - 10. Reconstruction or modification of public roads and highways not including additional travel lanes, where no removal or displacement of structures would occur and not resulting in any new land parcels.
 - 11. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.
 - 12. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
 - 13. Alteration, restoration or replacement of a lawfully established dwelling. Any replacement dwelling which meets the requirements listed below may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, record a deed restriction prohibiting the future siting of a dwelling on that non-EFU portion of the lot or parcel. The deed restriction shall be noted on Planning Department records. A release from the deed restriction may only occur if the statute regarding replacement dwelling changes or if there is a change in the zone designation.
 - a. Has intact interior walls and roof structure;

- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring or interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling.
14. Restoration or replacement of the lawful use of any building, structure or land may be permitted when the restoration is made necessary by fire, other casualty or natural disaster, and shall meet the following:
- a. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.
 - b. Any use interrupted or abandoned by casualty or natural disaster for more than (12) months may not be resumed unless the resumed use conforms with the requirements of zoning ordinances or regulations applicable at the time of the proposed resumption.
15. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places.
16. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4, and further that no such use may be authorized on high value farmland. Where such use is permitted, it is subject to review to ensure compliance with applicable siting and design standards (revised 6/98).
17. Churches and cemeteries in conjunction with churches except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland. Where such use is permitted, it is subject to review to ensure compliance with applicable siting and design standards.

18. 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).
19. Operations for the exploration of geothermal resources as defined by ORS 522.005, and oil and gas as defined by ORS 520.005 including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. (Processing of said resources is a conditional use.)
20. Seasonal Farm worker housing provided for seasonal farm workers as defined, and to be occupied for no more than nine months not to exceed 273 days within any calendar year and subject to WCLUDO 3.210(I).
21. A winery as described in ORS 215.452.
22. Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone. This provision applies only to applications for a land division submitted after July 1, 1997.
23. Model Aircraft take-off and landing sites as described in ORS 215.283(1) subject to review to ensure compliance with applicable siting and design standards.
24. On-site filming and related accessory uses may be conducted without prior approval (provided the use does not exceed 45 days) and subject to the conditions in Appendix G. On-site filming in excess of 45 days is a conditional use.
25. Utility facilities "necessary" for public service, excluding commercial utility facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height.

A utility facility is deemed to be "necessary" if it must be situated in an agricultural zone in order for the distribution of power to area customers.
26. One single family dwelling on a lot or tract of record less than 80 acres, which does not otherwise qualify for a dwelling pursuant to Section 3.210.C.1. and which meets the following qualifications:
 - a. The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired and owned continuously by the present owner:

- (1) Since before January 1, 1985; or
 - (2) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.
- b. The tract upon which the dwelling is to be sited does not include another dwelling.
 - c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract.
 - d. The tract on which the dwelling is to be sited is not high value farmland as defined in the definitions section.
 - e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.
 - f. The tract on which the dwelling is to be sited is not wholly or partially within the A-1 (40) Zone.
 - g. The director or the director's designee shall notify the county assessor of any decision to permit a dwelling under this subsection WCLUDO 3.210(B)(26).
 - h. As used in Section 3.210(B)(26)(a), above, "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.
 - i. Land use approval for a single family dwelling meeting requirements of subsection 3.210(B)(26) may be transferred one time to any other person, prior to issuance of building permit.
 - j. The landowner for the dwelling 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. [All dwelling

approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

C. Conditional Uses

The following uses and their accessory uses may be permitted subject to demonstration of compliance with the applicable standards and provisions of this Ordinance, specifically WCLUDO Chapter 5 - Conditional Use Standards and Section 3.210(D) – A-1 Zone Conditional Use Standards.

1. One single family dwelling not provided in conjunction with farm use, subject to WCLUDO 3.210(F).
2. A medical hardship dwelling. A medical hardship dwelling in conformance with the following:
 - a. A manufactured dwelling or the temporary residential use of an existing building is allowed under this provision for the term of hardship suffered by the existing resident or relative.
 - b. The dwelling shall use the same subsurface sewage disposal system used by the primary dwelling, if that disposal system is adequate to accommodate the additional dwelling.
 - c. If the temporary dwelling will use a public sanitary sewer system, such condition (b) will not be required.
 - d. The temporary use for a medical hardship shall be in effect for a maximum of two (2) years, and may be renewed without cost if the permitted resident or relative maintains the medical hardship as authorized by a physician.
 - e. When the hardship ends, the temporary dwelling shall be removed, demolished, or converted to a permitted use. It may not be used to justify a dwelling under any other provision of this ordinance.
 - f. Oregon Department of Environmental Quality review and removal requirements shall be applied as a condition of use.
 - g. Hardship means a medical hardship or hardship for the care of an aged or infirm person or persons.
3. Primary processing of forest products.

4. Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to ORS 215.298 and WCLUDO Section 3.800.
5. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard, which is planted as of the date that the application for asphalt production is filed, and subject to WCLUDO Section 3.800.
6. Operations for the production of geothermal resources as defined in ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
7. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland.
8. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.
9. Operations for the extraction and bottling of water.
10. On-site filming if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than 45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities.
11. Residential home as defined in ORS 197.660 in an existing dwelling.
12. Commercial activities in conjunction with farm use.
13. Home occupation. Home occupations may be permitted in accordance with the following:

On High Value lands:
 - a. Home occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.
 - b. Home occupations may not be authorized in structures accessory to resource use.

- c. A home occupation located on high-value farmland may employ only residents of the home.

On all other EFU lands:

- a. A home occupation shall be operated by a resident or employee of a resident of the property on which the business is located;
 - b. A home occupation shall employ on the site no more than five full time or part time persons;
 - c. The home occupation shall be operated substantially in the dwelling; or other buildings normally associated with uses permitted in the zone in which the property is located; and
 - d. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
 - e. Construction of a structure that would not otherwise be allowed in the zone is not permitted.
- 14. Dog Kennels, except that such uses are prohibited on high value farmland.
 - 15. Personal use airports (as defined) and helicopter pads, including associated hangars, maintenance and service facilities.
 - 16. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
 - 17. Golf courses except that such uses are prohibited on high value farmland.
 - 18. Room and board (bed and breakfast) arrangements for a maximum of five unrelated persons in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary.
 - 19. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 12 acres of high value farmland or 20 acres of other land from commercial farm use unless an exception is approved pursuant to OAR 660 Division 4.
 - 20. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

21. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.
22. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
23. Private parks, playgrounds, and campgrounds as defined in Section 1.090 (Definitions) of this Ordinance except that such uses are prohibited on high value farmland.
24. Farm ranch recreation (as defined in definitions section) in conjunction with a commercial farming operation subject to WCLUDO 3.210(L)
25. Homestead retention as defined and subject to WCLUDO 3.210(F) and (H)(3).
26. Transmission towers greater than 200 feet in height.

D. Conditional Use Approval Standards

For all Conditional Uses listed in Section 3.210(C), the review authority shall make specific findings with respect to the following standards:

The proposed use will not:

1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

E. Requirements for Dwellings Customarily Provided in Conjunction with Farm Use.

1. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 - a. The parcel on which the dwelling will be located is at least 160 acres.

- b. The subject tract is currently employed for farm use, as defined in ORS 215.203.
 - c. The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no accessory dwelling for farm help may be authorized pursuant to WCLUDO 3.210(G).
 - d. There is no other dwelling on the subject tract.
 - e. The landowner for the dwelling 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 [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]
 - f. Meets requirements of WCLUDO 3.210(I) and (J).
2. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years gross annual income of at least \$40,000; and
 - b. There is no other dwelling on the subject tract; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in WCLUDO Section 3.210(E)(2)(a) above.
 - d. In determining the gross income required by this subsection the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - e. The landowner for the dwelling 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 [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

- f. Meets requirements of WCLUDO 3.210(I) and (J).
3. On land identified as **high-value farmland**, a dwelling may be considered customarily provided in conjunction with farm use if:
- a. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) in gross Annual income from the sale of farm products in the last two or three of the last five years; and
 - b. There is no other dwelling on the subject tract; and
 - c. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in WCLUDO 3.210(E)(3)(a).
 - d. In determining the gross income required by this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - e. The landowner for the dwelling 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. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]
 - f. Meets requirements of WCLUDO 3.210(I) and (J).

F. Requirements for Dwellings Not Provided in Conjunction With Farm Use.

Dwellings not provided in conjunction with farm use may be authorized upon findings that:

- 1. The parcel is not on High Value Agricultural lands within the A-1(40) Zone.
- 2. There is no other dwelling on the parcel.

3. 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;
4. The dwelling will not materially alter the stability of the overall land use pattern of the area.
5. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils.

Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the 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.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means what is generally unsuitable land for agriculture in Wasco County.

The homestead retention option [WCLUDO 3.210(C)(25)] is required to meet the non-farm dwelling and part of parcel standards, to insure essential agricultural land and services are not removed from the farming operation when retaining the homestead as a part of the operation.

6. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use.
7. Criteria for "Generally Unsuitable"

A non farm dwelling may be allowed if: a) the entire parcel, or b) portion of a parcel is "generally unsuitable" as prescribed below:

- a. On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the "Part of Parcel" and Homestead Retention provisions when the entire parcel is found to be generally unsuitable. That is, 51% of the parcel is a Class VII or poorer soil as determined by the SCS Soil Survey for Wasco County, and (one) 1 of the following:

- (1) predominantly greater than 40 % slope, or
- (2) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or
- (3) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM.

and, meets the following provisions for fire, road and recordation in deeds:

- (4) located within a fire protection district; or
- (5) can contract and maintain the contract with an established fire protection district; or
- (6) volunteer fire protection group that:
 - establishes boundaries or contracts for protection,
 - establishes a contact person in case of emergency, and
 - establishes a phone tree or other effective system of communication.

or,

- (7) Use a duly formed water district to provide fire protection within their established boundaries; and fire protection must be included within their articles of incorporation.

and,

- (8) Shall be located on an all weather road that is maintained on a year round basis and which construction and maintenance meets Wasco County Public Works Department approval. (Approval will be generally based upon the standards prescribed in Figure 1, until such time as the County Road Department can commission

an engineering study to update the County Road Standards.); - A landowner may contact the Wasco County Public Works Department and cost share 50/50 for road improvements thus allowing the dwelling under current standards;

and,

(9) The landowner for the dwelling 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. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

b. On parcels at least 80 acres but less than 160 acres that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the SCS Soil Survey for Wasco County, and (one) 1 of the following:

- (1) predominantly greater than 40% slope; or
- (2) produces less than 25 bushels per acre of wheat or cereal grains, or less than 1 ton per acre alfalfa or other type of hay (per FSA registered field crop information); or
- (3) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM.

and,

meets the following provisions for fire, road and recordation in deeds:

- (4) located within a fire protection district; or
- (5) can contract and maintain the contract with an established fire protection district; or
- (6) volunteer fire protection group that:
 - establishes boundaries or contracts for protection,
 - establishes a contact person in case of emergency, and

- establishes a phone tree or other effective system of communication.

or,

- (7) Use a duly formed water district may provide fire protection within their established boundaries; and fire protection must be included within their articles of incorporation.

and,

- (8) Shall be located on an all-weather road that is maintained on a year-round basis and which construction and maintenance meets Wasco County Public Works Department approval. (Approval will be generally based upon the standards prescribed in Figure 1, until such time as the County Road Department can commission an engineering study to update the County Road Standards.);

A landowner may contact the Wasco County road department and cost share 50/50 for road improvements thus allowing the dwelling under current standards;

and,

- (9) The landowner for the dwelling 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. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

FIGURE 1. WASCO COUNTY ROAD STANDARDS

The following standards apply for the creation of new roads or improvement of existing roads in the EFU. All ADT's (average daily trips) are determined by the Wasco County Public Works Department.

<u>AVERAGE DAILY TRIPS (ADT's)</u>	<u>UNDER 50</u>	<u>50 - 250</u>	<u>250 +</u>
Road Type:	18' gravel	24' gravel	24' paved with (2)6' shoulders

Note: Figure 1 is a modification of Wasco County's Road Standards, and will be only used as a general guideline for County Road Department approval. It does not take into consideration other factors such as type of use, terrain, and mail/bus routes, all of which must be considered in the County Road Department approval process.

8. Criteria for forested land within the EFU zone
 - a. If the parcel is unsuitable for agricultural use and is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel.
 - b. If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:
 - (1) The dwelling is compatible; and
 - (2) The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and
 - (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, the director or commission shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated. If the application involves the creation of a new parcel for the nonfarm dwelling, the director or commission shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area.
- and**, meets the following provisions for fire, road and recordation in deeds:
- (4) located within a fire protection district; or
 - (5) can contract and maintain the contract with an established fire protection district; or

(6) volunteer fire protection group that:

- establishes boundaries or contracts for protection,
- establishes a contact person in case of emergency, and
- establishes a phone tree or other effective system of communication.

or,

(7) Use a duly formed water district to provide fire protection within their established boundaries; and fire protection must be included within their articles of incorporation.

and,

(8) Shall be located on an all-weather road that is maintained on a year-round basis and which construction and maintenance meets Wasco County Road Public Works Department approval. (Approval will be generally based upon the standards prescribed in Figure 1.); and

- A landowner may contact the Wasco County Public Works Department and cost share 50/50 for road improvements thus allowing the dwelling under current standards;

and,

(9) The landowner for the dwelling 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. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).]

9. Fire safety development standards.

- a. Exterior roofing shall be composed of fire-resistant materials.
- b. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a

secondary fuel-free break area on land that is owned or controlled by the owner according to the chart below.

Size of Safety Zone by Percent Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- c. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below.

Setback from Ridgetop, Cliff and Bluff in Conjunction with Fuel Break Safety Zone

Downhill slope	Feet of Setback
10%	50
20%	75
25%	100
40%	150

- 10. Fire safety development recommendations:
 - a. Utilities such as powerline extensions and telephone should be located underground where feasible.
 - b. If a water supply, such as a swimming pool, pond, stream, or lake, exists within 100 feet of the driveway or road at a reasonable grade, then access to within 15 feet of the water's edge should be provided for pumping

G. Requirements for Accessory Farm Dwellings

An accessory farm dwelling may be considered customarily provided in conjunction with farm use if:

1. It 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 assistance in the management of the farm use is or will be required by the farm operator; and
 - b. The accessory dwelling will be located:
 - (1) On the same lot or parcel as the dwelling of the principal farm dwelling; or
 - (2) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (3) On a lot or parcel on which the principal farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved under these rules; 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; and
 - d. The landowner for the dwelling 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. [All dwelling approvals shall receive copies of the State of Oregon Right to Farm Ordinance (Appendix B) and Wasco County Complaint Mediation Ordinance (Appendix C).] And,

2. In addition to the requirements in subsection (1) of this section, the principal farm dwelling to which the proposed dwelling would be accessory satisfies the following.
 - a. The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years, one (1) of the following:
 - (1) On land not identified as high-value farmland at least \$40,000 (1994 dollars) in gross annual income from the sale of farm products.
 - (2) On land identified as high-value farmland, and produced at least \$80,000 (1994 dollars) in gross annual income
- and,**
- b. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
3. The governing body of a county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. These standards are for determination of applicability of an accessory dwelling, and do not justify division of land for purposes of siting a dwelling.
 - a. If it is determined that an accessory farm dwelling satisfies the requirements of WCLUDO Section 3.210(E) "Dwellings in Conjunction with Farm Use", a parcel may be created consistent with the minimum parcel size requirements in WCLUDO Section 3.210(H)
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 pursuant to WCLUDO Section 3.210(F).

H. Lot Size Standards

1. There shall be a 40 acre minimum land division for farm parcels in the A-1(40) zone.

2. There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone.

PART OF PARCEL

3. Land divisions creating parcels of less than 160 acres may be permitted for non-farm uses authorized in accordance with applicable WCLUDO Section 3.210(C) & (F), Chapter 21 and:
 - a. New lots or parcels for dwellings not in conjunction with farm use may be permitted only if the dwelling has been authorized in accordance with WCLUDO 3.210(C) & (F); and
 - b. The remaining lot or parcel not containing the dwelling or other non farm use meets the 160 acre land division standard of the EFU zone; or
 - c. The remaining lot or parcel not containing the dwellings or other non farm use consolidated with an adjoining lot or parcel which together meet the 160 acre land division standard of the EFU zone; and
 - d. Maximum Part of Parcel that may be created per tract are as follows:
 - (1) 162 acres - to less than 500 acres = 1 Part of Parcel
 - (2) 500 acres but less than 1000 acres = 2 Part of Parcel
 - (3) 1000 acres and greater = 3 Part of Parcel
4. New parcels created for a dwelling not in conjunction with farm use shall be a minimum of two (2) acres and a maximum of (20) acres.
5. Creation of part of parcel shall not occur within the A-1(40) Zone
6. Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305 - 92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone. This provision applies only to applications for a land division submitted after July 1, 1997.
7. Total land divisions for a dwelling not provided in conjunction with farm use shall not exceed three for each non-farm parent parcel (non-farm parcels created

after July 1, 1997), regardless of changes in ownership. Such divisions shall not exceed 2 in a single calendar year.

8. Parcels for allowed uses other than dwellings pursuant to ORS 215.283(2) shall not be larger than the minimum size necessary for the use.
9. No Part of Parcel property boundary line will divide any field covered by a water right.

I. Dimensional Standards and Setbacks

Dimensional standards and setbacks are designed to protect the human population as well as the natural environment. A variance subject to WCLUDO Chapter 6, or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstances that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

1. Additions or modifications to existing farm or non-farm structures or group of structures built before January 1, 1997 shall be set back 40 feet from roads, 25 feet from side yards and 40 feet from the rear yard property lines. These setbacks do not apply to fences and signs.
2. New Farm or non-farm structures and dwellings on parcels unimproved as of January 1, 1997 shall be set back 200 feet from all property lines and 40 feet from roads. If the road is also a property line, the setback is 200 feet from the road. A natural topographic or vegetative barrier may reduce the setback to 100 feet. Parcels may qualify for a variance if these setbacks render the parcel impractical to develop. These setbacks do not apply to fences and signs.
 - a. In addition to the above setbacks, farm dwellings shall be set back 50 feet from any field used for agricultural crops; either on the subject parcel or adjacent parcels.
 - b. In addition to the above setbacks, Farm labor housing, and farm accessory structures shall be set back 100 feet from any field used for agricultural crops; either on the subject parcel or adjacent parcels.
3. No farm or non-farm dwelling, non-farm accessory structure, or seasonal farm labor housing shall exceed a height of 35 feet. Height is measured from average grade.
4. All bottoms of foundations of permanent structures, or similar permanent fixtures (except hydroelectric or irrigation pumping facilities) shall be setback

from the high water line or mark, along all streams, lakes or rivers a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

- 5. All bottoms of foundations of all permanent structures shall be above the 100 year floodplain.
- 6. All dwellings and structures shall be setback 100 feet from the centerline of irrigation ditches which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.
- 7. Signs. Permanent signs shall not project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
 - c. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way.
- 8. Lighting. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
- 9. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

J. Special Agricultural Considerations

The following "Special Agricultural Considerations" including but not exclusive to the following list, are to be included with approved land use applications as information that property owners need to be aware of in the EFU. The following information is voluntary, but it is recommended that it be recorded on deeds to insure that future property owners and successors in interest are aware of the circumstances that may effect this EFU property.

Irrigation District: _____ Contact: _____

Water Rights: _____ Contact: _____

Prevent loss of water rights to instream use.

Weed Control: _____ Contact: _____
Control of noxious weeds required.

Chemical Trespass: _____ Contact: _____
OSU Extension Service

Fire Protection: _____ Contact: _____
Fire break and stand pipes required.

Big Game WR: _____ Contact: _____
Fencing recommendations provided by ODFW

Livestock Fencing: _____ Contact: _____
Open or closed range, must observe appropriate fencing standards. Oregon Dept. of Agriculture - Brand Inspector & OR Law requiring 50/50 fence upkeep.

Animal Control: _____ Contact: _____
Animals at large

K. Disqualification of Special Assessment

The Approving Authority shall not grant final approval of the building permit for a dwelling not in conjunction with farm use in the EFU Zone that is receiving special assessment under ORS 308.370, 308.765, 321.730, 321.352, or 321.815. The owner of the parcel on which the dwelling is to be located shall provide evidence to the Approving Authority that:

1. The County Assessor has been notified that the parcel is no longer being used as farmland; and
2. Request has been made to the County Assessor to disqualify the parcel for special assessment under ORS 308.370, 308.765, 321.352, 321.730, or 321.815; and
3. Pay any additional tax imposed upon disqualification from special assessment; and
4. Record on the Property Deed prior to receiving zoning approval on a building permit the following: This parcel (legal description) has been disqualified from special assessment pursuant to WCLUDO Section 3.210(F) and shall not re-qualify for special assessment unless, when combined with another contiguous

lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

L. Standards for Farm Ranch Recreation

1. The tract or parcel is currently employed in a commercial agricultural operation as defined by ORS 215.203 and WCLUDO 3.210(E)
2. The "recreation" in the Farm Ranch Recreation proposal shall not be the primary enterprise of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and impact, and shall contribute "added value" to the commercial agricultural operation.
3. The farm management plan shall specifically quantify the size, scale, and operational characteristics of the commercial agricultural operation and the Farm Ranch Recreation proposal.
4. The Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in WCLUDO Section 3.210(F). There shall be a two mile radius for public notification in the application of public or private target or shooting courses.
5. Conflicts directed at or between a Farm Ranch Recreation Operation and an existing farming operation should use the County Ordinance developed for complaint mediation as specified in WCLUDO 3.210(N).

M. Challenging Soil Class Rating

1. For the purposes of approving a Lot of Record application under Section 3.210 B. 26., the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
 - a. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 - b. Submits the following:

- (1) Report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 - (2) Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (2) (a.) of this section and finds the analysis in the report to be soundly and scientifically based.
2. The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:
 - a. Submits a report to Wasco County Planning from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:
 - (1) Copy of the most current National Cooperative Soil Survey map(s) for the specified area.
 - (2) Methods used by the Soil Scientist
 - (3) Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units.
 - (4) Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation.
 - (5) Notation of any limitations encountered
 - (6) Results, findings and decisions
 - (7) Overview of geology, parent material, and related factors
 - (8) Description of landforms, topography, confirming relationship of landforms to soil mapping units,
 - (9) Description of on-site and adjacent hydrology, including surface and subsurface features.
 - (10) Description of revised soil mapping units

- b. Acquires Wasco County Planning office administrative approval of soils class change, in conjunction with land use application request.
- c. Request to change a soils class must be accompanied by a land use application.

N. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process

All those receiving land use approval in the EFU zone shall be advised and receive a copy of the following:

- 1. State of Oregon Right to Farm Ordinance. Appendix B.
- 2. Wasco County Farming and Forestry Practices Protection and Complaint Mediation Ordinance. Appendix C.

O. Follow up Audit and Review Process

- 1. The Wasco County Planning Department shall maintain an annual counter log and summary of administrative and planning commission decisions, regarding all actions in the EFU zone.
- 2. The Agricultural Resource Group (Appendix D) shall appoint a five member subcommittee to be both farmers and residents of Wasco County representing the North, Central and Southern portions of the county. The subcommittee will meet annually the third week following the date of adoption of the revised WCLUDO Section 3.210 to review the summary of land use actions taken in the EFU zone for the previous year. The purpose of the review will be:
 - a. To ensure that the administration of the EFU zone as evidence by administrative and quasi-judicial decisions is to:
 - Primarily:
 - Protect private property rights of the agricultural producer.
 - Keep agricultural operation viable.
 - Protect farm practices and the right to farm.
 - Preserve and protect farmland.
 - And Secondly:
 - Protect private property rights, on agricultural zoned land, of the farmer and non-farmer alike; that is, the right of property is the reasonable and lawful use of the agricultural land.

- b. Identify any potential problems or issues that were not foreseen during the development of the ordinance; and
 - c. Identify any changes or alterations, due to approval of land uses in the EFU zone, to the over all land use agricultural pattern of the county; and
 - d. Address any new information (i.e. soils, OSU commodity productivity, new legislation, water rights, natural disasters, etc) that may effect the administration of the EFU zone and ordinance; and
 - e. Prepare a summary report to be sent to the County Court and ARG members outlining the findings of the subcommittee; and
 - f. If necessary, convene the entire Agricultural Resource Group to address the need to make necessary changes to the EFU map and zoning ordinance based on findings from the annual summary.
3. Review the concept of implementing a cost recovery program for the upgrading, expansion or new construction of Wasco County roads.
4. Review the concept of implementing a clustering concept for areas within rural service center boundaries, urban growth boundaries and within one mile radius of existing urban growth boundaries or rural service center boundaries.
5. Review farm to farm conflict and potential setbacks for new agricultural use to prevent conflict between agricultural practices.
6. Review farm ranch recreation and lodging concept.
7. Review and develop clear and objective criteria for Section 3.210(F)(4) - "The dwelling does not materially alter the stability of the overall land use pattern of the area." The intent is to better define what "materially alter" means; what is the area that must be evaluated, and what criteria determine the overall land use pattern of an area.

Chapter 3 - Wasco County Land Use and Development Ordinance

Section 3.230 – “A-R” Agricultural-Recreational zone; January 17, 2004

SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE

A. Purpose

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

B. Permitted Uses

In the "A-R" Agricultural-Recreational zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling on any legally created parcel, including mobile homes at least eighteen (18) feet wide, subject to Section 4.160, provided proper sanitation approval is obtained.
2. Accessory structures customarily provided in conjunction with the primary use.
3. Any new commercial service, or retail use, permissible in this zone that will be located entirely within an existing, lawfully erected commercial building or structure. (Consistent with Chapter 4)
4. Farm use, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
5. Forest uses, including the propagation and harvesting of forest products.
6. Dude ranches and hunting and fishing lodges, including overnight facilities in accordance with Chapter 20, Site Plan Review and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
7. Parks, recreation areas, and facilities preserves and community or neighborhood centers in accordance with Chapter 20, Site Plan Review.
8. Water supply and treatment facility.
9. Sewage disposal and treatment facility.
10. Recreational vehicles provided such vehicles are not attached to the land and proper sanitation is maintained.
11. Recreational vehicle parks in accordance with Chapter 17, with a density that meets or exceeds the minimum lot size for the zone, and that is

demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community..

12. Mobile home parks in accordance with Chapter 16 with a density that meets or exceeds the minimum lot size for the zone, and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community..
13. Subdivisions.
14. Agricultural Produce Stand in accordance with Chapter 20, Site Plan Review. (Revised 1-92)
15. Youth/family camp demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community. (Added 9/97).
16. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

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

1. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.
2. Airports.
3. Auditoriums, outdoor stages and entertainment areas.
4. Small scale low impact retail commercial uses provided the following conditions are met:
 - a. the use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park,
 - b. the use is designed to serve the residents and their guests of the development, and
 - c. the Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
5. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
6. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
7. Utility facilities necessary for public service.
8. Home Occupations, subject to Chapter 20. (added 2-89)

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

D. Property Development Standards

1. Property Size - Minimum parcel size for residential lots in the AR zone outside an unincorporated community boundary is 2 acres with a minimum lot width of 150 feet. Other uses shall be located on parcels determined to be sufficient to support the proposed use based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Structure Size – A size limitation is applicable to all small scale low impact commercial uses. The total cumulative floor area of a commercial structure or structures, built to accommodate or support any of the commercial uses listed in the AR zone, shall not exceed 3,500 square feet in an exception area zoned AR
3. Setbacks
 - a. Front Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches, or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage. (REVISION DATE)
 - b. Side Yard - No structure other than a fence or retaining wall less than forty-eight (48) inches shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites. (REVISION DATE)
 - c. Rear Yard –
 - i. For properties not located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a fence or retaining wall less than forty-eight (48) inches shall be located closer than seven (7) feet from the rear property line
 - ii. For properties located along the reservoir edge at Pine Hollow or Rock Creek reservoirs - No structure other than a retaining wall less than forty-eight (48) inches shall be located closer than twenty (25) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
6. Stream or Lake Setbacks –
 - a. Pine Hollow and Rock Creek Reservoirs are both subject to the Environmental Protection District (EPD) provisions of EPD-6.
 - b. All structures, or similar permanent fixtures (except hydroelectric facilities and docks), proposed in areas not mapped in the EPD-6, shall be set back from the high water line or mark along any streams or lakes a

minimum distance of fifty (50) feet when measured horizontally at a right angle.

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 4.
9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non_reflective, opaque materials.
10. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

Chapter 3 - Wasco County Land Use and Development Ordinance

Section 3.410 – “RC” Rural Commercial zone; January 17, 2005

SECTION 3.410 "RC" Rural Commercial

A. Purpose

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

B. Permitted Uses

In the "RC" Rural Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new commercial service, or retail use, listed in section C of this zone that will be located entirely within an existing, lawfully erected commercial building or structure, demonstrating compliance with off-street and public parking and loading area requirements in Chapter 4.

C. Uses Permitted Subject Site Plan Review

In the “RC” Rural Commercial Zone The following small scale low impact commercial uses or any combination of these uses and their accessory uses are permitted in a building or buildings not exceeding 3,500 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Retail or service business.
2. Eating or drinking establishment.
3. Offices.
4. Veterinary clinic and kennel entirely within an enclosed building.
5. Studio.
6. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an “A-1” or “R” zone, there shall be no openings in the building walls facing the boundaries of an “A-1” or “R” zone other than stationary windows, except where such building walls abut streets or alleys.
7. Residential use in the same building as an allowed use.

D. Uses Permitted Conditionally

In the "RC" Rural Commercial Zone, the following small scale low impact commercial uses or any combination of these uses and activities and their accessory building or buildings, not exceeding cumulative floor area of 3,500 square feet, are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Automobile service stations.
2. Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).
3. Utility facilities necessary for public service, except landfill.
4. Recreational Vehicle Park.
5. Church.
6. Place of public assembly, stadium, auditorium, recreation building or natatorium.
7. Public or semi public buildings.
8. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).
9. Public or private school
10. Child care center
11. Parks, athletic fields, playgrounds or community centers owned by a governmental or non profit agency or community organization
12. Medical center
13. Water supply or treatment facility.

D. Property Development Standards

1. Property Size - The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
 - b. Side Yard - Where the side of a lot or parcel in a "C-1" zone abuts the side of an "A-1" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
- 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- 4. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
- 5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
- 6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
 - b. No sign shall project above the building.
 - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
 - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
 - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
 - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - g. Signs capable of movement shall be prohibited.
 - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
- 7. Parking - Off-street parking shall be provided in accordance with Chapter 4.
- 8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.
- 9. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

Wasco County Ordinance Chapter 3 - Environmental Protection Districts

Environmental Protection District (EPD)	September 16, 1999
Flood Hazard Overlay (EPD-1)	January 11, 1995
Geologic Hazards Overlay (EPD-2)	January 11, 1995
Airport Impact Overlay (EPD-3)	January 11, 1995
Cultural, Historic, and Archaeological Overlay (EPD-4)	April 8, 1995
Mineral and Aggregate Overlay (EPD-5)	April 8, 1995
Reservoir Overlay (EPD-6)	January 17, 2005
Natural Gas Overlay (EPD-7)	November 1, 1996
Sensitive Wildlife Habitat Overlay (EPD-8)	October 22, 1997
Big Muddy Limited Use Overlay (EPD-9)	September 18, 1997
Badger Creek Limited Use Overlay (EPD-10)	September 16, 1999
Badger Creek Limited Use Overlay MAP	September 16, 1999
Pine Hollow Airport Overlay (EPD-11)	January 21, 2004
Sensitive Bird Site Overlay (EPD-12)	January 17, 2005
Pond Turtle Sensitive Area Overlay (EPD-13)	January 17, 2005

SECTION 3.700 ENVIRONMENTAL PROTECTION DISTRICT

The purpose of the Environmental Protection District is to permit the regulation of environmental hazards, the qualification of lands for floodplain insurance programs and preferential taxation assessment, the preservation of sensitive wildlife habitats and unique areas of scientific or aesthetic value, and the protection of the health, safety and welfare of residents of Wasco County. The specific intent of this district is:

- A. To combine with present zoning requirements certain restrictions to promote the general health, welfare, and safety of the County.
- B. To prevent the establishment of certain structures and land uses in areas unfit for human habitation because of the danger of flooding, unsanitary conditions, mass earth movement, unstable soils, extreme fire danger, or other hazards.
- C. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
- D. To reduce the financial burden imposed on the public and governmental units by frequent and periodic flooding.
- E. To permit certain uses which can be located on flood plains and which will not impede the flow of flood waters, or otherwise cause danger to life and property at, above, or below their locations within the flood plain.
- F. To permit uses on lands subject to mass earth movement or unstable soils which will not increase the potential for environmental degradation.
- G. To prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls.
- H. To require that uses vulnerable to hazards, including public facilities which serve such uses be provided with protection at the time of initial construction.
- I. To protect individuals, as much as possible through education and information from buying lands which are unsuited for intended purposes.
- J. To provide protection and identification of sensitive wildlife habitat, areas of unique scientific value or interest, or of unique habitat characteristics.
- K. To provide protection for areas of significant archaeological, historical, cultural or aesthetic value, and to facilitate desirable land use of open space areas not suited to intensive land development.

- L. To protect aggregate mineral sites from conflicting uses.
- M. To assure that properties subject to specific limited use overlay zones (LU) are subject to county ordinance provisions.

SECTION 3.710 Divisions

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

- A. Division 1 - Flood hazard overlay
- B. Division 2 - Geologic hazards overlay
- C. Division 3 - Airport impact overlay
- D. Division 4 - Cultural, Historic and Archaeological overlay
- E. Division 5 - Mineral and Aggregate overlay
- F. Division 6 - Reservoir Buffer
- G. Division 7 - Natural areas overlay
- H. Division 8 - Sensitive wildlife habitat overlay
- I. Division 9 - Big Muddy limited use overlay
- J. Division 10 - Badger Creek limited use overlay
- K. Division 11 - Pine Hollow Airport Overlay
- L. Division 12 - Sensitive Bird Site Overlay
- M. Division 13 - Western Pond Turtle Overlay

SECTION 3.720 Definitions

The definitions set forth in Section 1.090 of this Ordinance shall be utilized for the purposes of the Environmental Protection District.

SECTION 3.730 Non-Liability Clause

The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by Wasco County, or the County Court, the Planning Commission, or by any officer or employee thereof, of the practicability or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.

SECTION 3.740 DIVISION 1 - FLOOD HAZARD OVERLAY

All uses and activities and their accessory buildings and uses allowed either outright or conditionally in the underlying zone shall be subject to the provisions of Chapter 22 "Flood Damage Prevention" of this Ordinance.

SECTION 3.750 DIVISION 2 - GEOLOGIC HAZARDS OVERLAY

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

A. Basis for Establishing the Geologic Hazards Overlay District

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

B. Approval Standards

Prior to development, the following measures shall be utilized:

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

1. placement of roads and structures on the surface topography.
 2. surface drainage on and around the site.
 3. drainage from buildings and road surfaces.
 4. placement of septic tank disposal fields.
- c. Careful construction of roads and buildings.
1. avoid cutting toeslopes of slump blocks.
 2. careful grading around the site, especially avoiding over-steepened cut banks.
 3. re-vegetating disturbed areas as soon as possible.
- d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.

SECTION 3.760 DIVISION 3 - AIRPORT IMPACT OVERLAY

The purpose of the Airport Impact Overlay District is to protect the public health, safety and welfare by assuring that development for public airports within areas impacted by airport operations are appropriately planned to mitigate such operations. This overlay district is also intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety and welfare.

A. Permitted Uses

Uses and activities permitted by the underlying zone shall be allowed unless specifically prohibited by subsection 2 of this Section.

B. Limitations

1. No place of public assembly shall be permitted within an established airport approach area.
2. No multi-family dwelling shall be permitted within the airport approach area.
3. No structure or object, including chimneys, towers, antennae, utility poles, trees, etc., shall exceed thirty-five (35) feet in height in the airport approach area.
4. Within the airport approach area, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project into the approach surface in such a manner as to result in confusion or distraction to pilots.
5. Within the established Airport Clear Area, the following uses and activities are permitted:
 - a. Farm use, excluding any permanent structures or objects.
 - b. Roadways or other uses consistent with the underlying zone which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the landing approach.
6. No use shall be allowed in the Airport Impact Overlay District if such use is likely to attract an unusual quantity of birds.

C. Airport Design Standards

The design of the airport shall conform to the following standards:

1. Length of landing strip* ... 1,800 to 3,400 feet
- Width of landing strip ... 250 feet
- Length of runway* ... 1,600 to 3,200 feet
- Width of runway ... 75 feet
- Width of taxiway ... 40 feet
- Distance between centerline of runway and centerline of parallel taxiway ... 150 feet
- Distance between centerline of taxiway and edge of aircraft parking apron ... 100 feet
- Distance between centerline of taxiway and obstruction ... 75 feet
- Centerline of landing strip or runway to building line ... 225 feet
- Longitudinal runway or landing strip grade ... 2% maximum
- Effective gradient ... 1 1/2% maximum
- Transverse runway or landing strip grade ... 1 1/2% 3%
- Longitudinal taxiway grade ... 2% maximum
- Transverse taxiway grade ... 1 1/2% 3%

*Lengths within the dimensions shown should be corrected for airport elevation and gradient.

2. That the use will comply with the Department of Environmental Quality Airport Noise Standards.

SECTION 3.770 DIVISION 4 - CULTURAL, HISTORIC AND ARCHAEOLOGICAL OVERLAY
(Replaced 12/9/94)

Scope. The Historic Preservation Ordinance (HPO) provides a means to recognize and protect properties listed as Wasco County Historic Landmarks and Districts and to formally recognize and protect historic landmarks under private and public ownership.

The following list is a summary of the major headings in this article:

- Purpose
- Definitions
- Historic Landmarks Commission
- Designation of Historic Landmarks and Districts
- Removal of Historic Landmark Designation
- Historic Review of Exterior Alterations
- Historic Review of New Construction
- Historic Review of Demolitions/Moving
- Appeals
- Penalties

A. Applicability. This ordinance is applied:

1. To all historic resources that appear on the County's adopted Wasco County Cultural Resource Inventory as designated Historic Landmarks;
2. To all properties in historic districts, designated either locally or nationally.

B. Purpose. The purpose of this ordinance is to promote the general welfare by safeguarding the County's heritage as embodied and reflected in its historic landmarks or districts to:

1. Provide for the identification, protection, enhancement, and use of historic landmarks within the County that reflect special elements of the County's architectural, archaeological, artistic, cultural, engineering, aesthetic, historical, political, social, and economic heritage.
2. Strengthen the economy of the County through the protection and enhancement of the County's historic landmarks.
3. Encourage public education, understanding, and appreciation of the County's history and culture.
4. Foster community and neighborhood pride and sense of identity based on recognition and use of historic landmarks.

5. Protect and enhance the County's historic landmarks for enjoyment and use by both residents and visitors.
6. Promote the continued use of historic landmarks without detrimentally affecting their significance.
7. To comply with The Wasco County Comprehensive Plan regarding historic landmarks and resources under Statewide Planning Goal 5.

C. Definitions. As used in the article, unless context requires otherwise:

1. Alteration: To remove, add to, or otherwise change the physical appearance of any part or portion of the EXTERIOR of a historic landmark, individually or within a historic district.
2. Architectural Significance: The term shall mean the historic landmark (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural type; (3) is the work of an architect or master builder whose individual work has influenced the development of the County or region; or (4) contains elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.
3. Demolish: To raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated historic landmark, individually or within a historic district.
4. District: A geographic area possessing a significant concentration, linkage, continuity or design relationship of historically significant sites, structures, landscape features, or objects unified by past events or physical development.
5. ESEE Analysis: An analysis of the economic, social, environmental, and energy consequences that designation of the historic resource would have on all identifiable conflicting uses permitted under the Zoning Ordinance.
6. Exterior: All outside features of a historic landmark, individually or within a historic district.
7. Historic Landmark: A district, corridor, ensemble, building, portions of building, site, landscape feature, cemetery, bridge, sign, plaque, archaeological site or artifact, or other objects of historical and/or architectural significance, locally, regionally, or nationally designated by the Landmarks Commission and County Court under Section 5.080 of this ordinance.
8. Historic Resources: Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features,

cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

9. Historic Significance: Those historic landmarks which have a relationship to events or conditions of the human past. The historic resource (1) has character, interest or value, as part of the development, heritage or cultural characteristics of the county, state, or nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had an influence on society; or (4) exemplifies the cultural, political, economic, social, or historic heritage of the community.
10. Landmarks Commission: "Landmarks Commission" shall mean the Wasco County Historic Landmarks Commission.
11. LUDO: Wasco County's Land Use and Development Ordinance.
12. Matching or Like Materials: Materials that duplicate the original material in size, shape, composition, and texture as closely as possible.
13. Rehabilitation: The return of property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property's historic value.
14. Restoration: The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.

SECTION 3.771 HISTORIC LANDMARKS COMMISSION

The Wasco County Historic Landmarks Commission, hereinafter known as the Landmarks Commission, is hereby created to advise the Planning Commission and County Court about the County's historic landmarks and resources.

- A. Composition: The Landmarks Commission shall be composed of seven members who shall be appointed by the County Court. Members shall live within Wasco County. When making appointments to the Landmarks Commission, the County Court shall consider individuals who have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of history, archeology, architecture, the arts, historic preservation, culture, planning, landscape architecture, business, real estate, law, government, engineering, construction or other related trades. A member of the Planning Commission may serve as non-voting ex-officio of the Landmarks Commission. Four members constitute a quorum and shall be entitled to conduct official business and act for the entire Landmarks Commission. Each

member is entitled to one vote. Members of the Landmarks Commission shall serve without compensation.

- B. Terms. The term of each member of the Landmarks Commission shall be three years, with the exception of the initial appointment of the full Landmarks Commission which shall be as follows: three initial members shall be appointed to three year terms, two initial members shall be appointed to two year terms and two members appointed to a one year term. Members may be reappointed or removed at the discretion of the County Court. A vacancy on the Landmarks Commission shall be filled for the unexpired term. The Landmarks Commission (by majority vote), at its first meeting shall elect a chairperson and a vice-chairperson. The officers shall serve for terms of one year.
- C. Powers and Duties of Landmarks Commission. The powers and duties of the Landmarks Commission include:
1. Maintain and update the Wasco County Cultural Resource Inventory, hereinafter referred to as the Inventory.
 2. Recommend to the County Court the designation of historic landmarks or districts that meet the criteria for designation as contained in Section 3.772.
 3. Protect historic landmarks or districts through the review, and approval or disapproval of alterations in accordance with the review criteria established for alterations pursuant to Section 3.774.
 4. Review and render decisions on all proposed new construction within a designated historic district or on parcels on which a historic landmark is located.
 5. Review and render decisions on all proposed demolitions within a designated historic district or on properties on which a historic landmark is located.
 6. Provide a forum for public participation in matters and issues related to historic preservation in the community.
 7. Review proposed activities by the County or other agencies, businesses, or developers that may detrimentally affect historic landmarks and advise the Planning and Economic Development Staff, Planning Commission, and County Court regarding these matters.
 8. Perform other activities relating to historic landmarks and resources including, but not limited to:
 - a. Provide public education on the prehistoric, historic, and scenic resources of Wasco County;

- b. Provide advice to the County Court, other County Boards, and County Staff on the preservation of historic landmarks and other historic resources;
 - c. Providing technical and economic information on preservation of historic landmarks or resources;
 - d. Make recommendations to the County Court for historic resource preservation programs and incentives, to help preserve designated landmarks.
9. Establish and adopt rules for procedure conducting the business of the Landmarks Commission.

SECTION 3.772 - DESIGNATION OF HISTORIC LANDMARKS OR DISTRICTS

Purpose. The designation of historic landmarks or districts allows the County to formally recognize and protect its historic resources. Designated historic landmarks identify districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites, or other objects of historical and/or architectural significance, locally, regionally, or nationally. The regulations that apply to designated landmarks provide a means to review proposed changes and encourage the preservation of the historic landmark or district.

- A. Initiation. The process for designating historic landmarks or districts may be initiated by the Landmarks Commission, Planning Commission, the County Court, recognized neighborhood groups, interested persons, or property owners, or their authorized agents, who submit a complete application for designation.
- B. Procedure. Requests for designation of historic landmarks and districts are reviewed initially by the Landmarks Commission. The Landmarks Commission makes recommendations for designations to the County Court. The County Court shall conduct a de-novo hearing in accordance with the requirements of Chapter 2 of the Wasco LUDO taking into consideration the recommendations of the Landmarks Commission, and the public testimony.
- C. Application. An application for designation shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the County Court.
- D. Review Criteria. The Landmarks Commission shall review all applications for historic landmark or district designations and shall make its recommendation on the basis of

the following criteria (at least one section or sub-section of the following criteria must apply to the proposed historic landmark or district).

1. The proposed landmark or district has historic significance or contributes to the historical resources of the community. The resource is:
 - a. Associated with past trends, events, or values that have made a significant contribution to the economic, cultural, social and/or political history of the city, county, state, region, or nation;
 - b. Associated with the life or activities of a person, group, or organization, or institution that has made a significant contribution to the city, county, region, state, or nation;
2. The proposed landmark or district has architectural significance because it:
 - a. Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or materials;
 - b. Represents the work of a designer, architect, or master builder who influenced the development and appearance of history of the county, region, state, or the nation;
 - c. It is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction;
 - d. Is a prominent visual landmark with strong associations to the community;
 - e. Has high quality of composition, detailing, and/or crafting.
3. The site contains archaeological artifacts related to prehistory or to the early history of the community.
4. The proposed landmark or district is listed on the National Register of Historic Places.
5. In conjunction with other criteria listed above, the proposed landmark;
 - a. Is fifty years old or older unless the resource is of exemplary architectural or historical significance;
 - b. Contributes to the continuity or historic character of the street, neighborhood, and/or community;
 - c. Has sufficient original workmanship and materials remaining to show the construction technique and stylistic character of a given period;

- E. Recommendation by the Landmarks Commission. After the historic resource has been evaluated according to the review criteria set forth in Section 3.772 D., the Landmarks Commission shall then consider the probable economic, social, environmental, and energy (ESEE) consequences that designation of the resource would have on all the identifiable conflicting uses permitted under the Zoning Ordinance. The identification of conflicting uses and consideration of ESEE consequences shall be carried out in conformance with provisions of Statewide Land Use Planning Goal 5 (as described in OAR 660-16 et. seq.).

If the Landmarks Commission acts to recommend designation of a historic resource, or designation with conditions, or denial of designation, it shall make specific findings based on the review criteria, and the goals and policies of the Comprehensive Plan. The Landmarks Commission shall submit its recommendation specifying the findings and forward these to the applicant at least ten (10) days prior to the public hearing and review by the County Court. If the Landmarks Commission acts to reject a proposed designation, no further action shall be taken unless an appeal of the Landmarks Commissions' action is filed with the County Court by the applicant, pursuant to Section 3.781.

- F. County Court Decision. The County Court shall take into account the desires of the owners of the property with respect to its designation as a historic landmark. The County Court shall conduct a public hearing to consider the proposed designation and recommendations of the Landmarks Commission. Following the public hearing, the County Court shall approve, or approve with conditions, or to deny the proposed designation based on the Landmarks Commission's recommendation, and the public comment. Written notice of the action taken by the County Court shall be sent to the applicant by the Planning Director within 30 days of such action.

SECTION 3.773 - REMOVAL OF HISTORIC LANDMARK DESIGNATION

Purpose. Periodically, it may be necessary to remove the designation of a historic landmark. Removal is an effort to reflect changing conditions, community values, or needs.

- A. Initiation. The process of removing a historic landmark from the inventory may be initiated by the Planning Commission, County Court, the Landmarks Commission, the property owner, or by any other interested person.
- B. Procedure. Review of a request for removal of designation is heard by the Landmarks Commission who is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.

- C. Application. An application for removal for a historic landmark designation shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the Landmarks Commission.
- D. Review Criteria. The Landmarks Commission shall evaluate the request for removal of the landmark designation based upon findings that removal of the historic designation shall not adversely impact properties in the surrounding area or integrity of the historic district. In order to approve an application it must be found that at least one of the following has occurred since the site was listed as a historic landmark:
 - 1. Significance of the landmark or historic district has been substantially reduced or diminished according to the review criteria established in Section 3.772 D.
 - 2. Integrity of the landmark or historic district has been substantially reduced or diminished according to the review criteria established in Section 3.772 D.
- E. Exceptions. The Planning Director shall delete any demolished or removed landmark from the official Inventory through an administrative review if the property is damaged in excess of 70 percent of its previous value due to vandalism, a fire, flood, wind, earthquake, or other natural disasters.

SECTION 3.774 - REVIEW OF EXTERIOR ALTERATIONS

Purpose. The purpose of reviewing alterations to historic landmarks, individually or within a historic district, is to encourage the preservation of characteristics which led to its designation as a historic landmark.

- A. Initiation. The process for applying for altering a historic landmarks or landmarks within a historic district may be initiated by the property owner, or their authorized agent, who submits a completed application.
- B. Alterations. Review is required for all EXTERIOR alterations or additions to designated landmarks, individually or within historic districts with the exception of alterations classified as "minor alterations." The Planning Director, who may consult with the Landmarks Commission, shall approve minor alterations through administrative review. The following are considered "minor" alterations:
 - 1. Replacement of gutters and downspout, or the addition of gutters and downspout, using like materials or materials that match those that were typically used on similar style buildings;
 - 2. Repairing or providing a new foundation that does not result in raising or lowering the building elevation provided that skirting is installed to match the

existing skirting. The repair or new foundation shall not affect the appearance of the building.

3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in all materials, dimensions, and textural qualities;
 4. Replacement of existing sashes with new sashes, when using material which matches the original historic material and appearance. Severe deterioration of the original sashes has to be evident.
 5. Repair and/or replacement of roof material with the same kind of roof material existing, or with materials which are in character with those of the original roof.
 6. Other alterations specified by the Commission.
- C. Exemptions from Review. The general and on-going responsibility of the property owner to care for, repair and replace with like materials may be done without formal review by the Landmarks Commission. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or appearance of such feature of which the building official shall determine is required for public safety due to an unsafe or dangerous condition. Normal maintenance may include, but not be limited to:
1. Painting and related preparation.
 2. Ground care and maintenance required for the permitted use of the property;
 3. Existing materials replaced in-kind for historic landmark because of damage or decay of materials.
- D. Procedure. Review of a request for an exterior alteration is heard by the Landmarks Commission which is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- E. Application. An application for alteration, provided by the Planning Director, shall be prepared by the property owner, or authorized agent, and submitted to the Planning and Economic Development Department for review. The completed application and attachments are forwarded to the Landmarks Commission for review.
- F. Review Criteria. The Landmarks Commission must find that either criteria number one (1) or number two (2) below has been met in order to approve an alteration request:

1. The proposed alteration shall cause the landmark to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties".
 2. The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties".
 3. In conjunction with criteria number one (1) or number two (2) above, the Landmarks Commission shall also consider:
 - a. The value and significance of the landmark within a historic district or of the landmark;
 - b. Uniform Building Code, as adopted and amended by the State of Oregon, with particular reference to section 104(f)-Historic Buildings and Section 3110-relating to ADA and historic buildings, or related sections.
 - c. Other applicable state and local codes and ordinances relating to the building, fire, health and safety.
- G. Conditions of Approval. The Landmarks Commission shall either approve, conditionally approve, or deny the request. Conditions may be attached which are appropriate for the protection and/or preservation of the historic or architectural integrity of the historic district or landmark.
- H. Decision. A decision by the Landmarks Commission under this section shall be supported by written findings in accordance with the review criteria.

SECTION 3.775 - REVIEW OF NEW CONSTRUCTION

Purpose. The purpose of reviewing the EXTERIOR design of new construction is to ensure that new structures are compatible with the character of the historic district or designated landmark located on the same parcel.

- A. Initiation. The process for applying for new construction may be initiated by the property owner, or their authorized agent, who submit a complete application.

- B. New Construction: Review is required for any new construction which occurs on the parcel of a designated historic landmark or within a historic district.
- C. Procedure. A request to construct a new structure shall be referred to the Landmarks Commission which is the final review body unless an appeal is filed. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with the requirements of Chapter 2 of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- D. Application. An application for new construction shall be prepared and filed with the Planning and Economic Development Department, using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date and time for a public hearing before the County Court.
- E. Relationships to Other Planning Review. Projects which require a historic review may also require other land use reviews. If other reviews are required, the review procedure may be handled concurrently.
- F. Review Criteria. In reviewing the request, the Landmarks Commission shall consider the following criteria:
 - 1. The design of the proposed structure is compatible with the design of the designated landmark on the site or within a historic district, considering scale, style, height, materials, and architectural details. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties";
 - 2. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the historic district considering setbacks, distances between structures, location of entrances and similar siting considerations. The Landmarks Commission shall use as guidelines the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties".
- G. Conditions of Approval. In approving applications for new construction, the Landmarks Commission may attach conditions which are appropriate for the preservation of the historic or architectural integrity of the historic district or landmark.
- H. Decision. All decisions by the Landmarks Commission under this section to approve, approve with conditions, or deny construction shall be supported by written findings. The Planning Director shall mail the applicant a written notice of the action.

SECTION 3.780 - PROCEDURE FOR DEMOLITION OR MOVING A HISTORIC LANDMARK

Purpose. The purpose of reviewing requests for demolition or moving a historic landmark is to explore all possible alternatives for preservation. Demolition of historic landmarks are extreme and final measures.

- A. Initiation. Demolition or moving designated historic landmarks, individually or within a historic district, may be initiated by affected property owners or their authorized agents who submit a complete application for designation.
- B. Demolition or Moving: A permit is required to move, demolish, or cause to be demolished any structure listed as a historic landmark or in a historic district.
- C. Procedure. All requests for demolition or moving a historic landmark shall be reviewed by the Landmarks Commission. The Landmarks Commission shall conduct a quasi-judicial hearing in accordance with Chapter 2 of the requirements of the Wasco County LUDO taking into consideration the review criteria, and the public testimony.
- D. Application. An application shall be made to the Planning and Economic Development Department using forms prescribed by the Planning Director. The Planning and Economic Development Department shall fix a date for a public meeting.
- E. Review Criteria. In considering a proposal for demolition or relocation of a landmark, the Landmarks Commission shall have the authority to allow the demolition or relocation, or allow partial demolition or relocation, or delay approval for an initial period not to exceed ninety (90) days from the date of the Commission's initial public hearing. If the Commission acts to approve the request, in whole or in part, issuance of a permit and the commencement of the work shall be delayed for twenty-one (21) days after the Commission's approval to allow for the filing of appeals, as provided in Section 3.782. In determining whether a demolition or moving permit shall be issued, the Landmarks Commission shall consider the following:
 - 1. The completed application form;
 - 2. Information presented at the public hearing held concerning the proposed development;
 - 3. The Wasco County Comprehensive Plan;
 - 4. The purpose of this ordinance as set forth in Section 3.770.A.
 - 5. The review criteria used in the original designation of the landmark or historic district in which the property under consideration is situated;
 - 6. The historical significance and architectural style, the general design, arrangement, materials of the structure in question or its appurtenant fixture; the

relationship of such features to similar features of the other buildings within the historic district and the position of the buildings or structure in relation to public rights-of-way and to other buildings and structures in the area;

7. The effects of the proposed application upon the protection, enhancement, perpetuation and use of the landmark and/or historic district which cause it to possess a special character or special historical or aesthetic interest or value;
8. Whether denial of the permit shall involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purpose of this Ordinance.

F. Decisions. The Landmarks Commission shall make a decision following the completion of the public hearing. For applications for demolition, the Landmarks Commission may approve, approve with conditions, or invoke a stay of demolition. The length of stay shall be no more than ninety (90) days from the date of the public hearing. During the period, the Landmarks Commission shall attempt to determine if public or private acquisition and preservation is feasible, or alternatives are possible which could be carried out to prevent demolition or removal of the site or structure.

1. Further postponements may be made for a period not to exceed one-hundred and twenty days (120) days from the date of the hearing, if the Commission finds:
 - a. There is a program or project underway that could result in public or private acquisition of the landmark;
 - b. There are reasonable grounds for believing the program or project may be successful.
2. After granting a further postponement, the Landmarks Commission may order the Planning Director to issue the permit if it finds:
 - a. All programs or projects to save the resource have been unsuccessful;
 - b. The application for demolition or moving has not been withdrawn; and
 - c. The application otherwise complies with county ordinances and state law.
3. During the stay of demolition, the Landmarks Commission may require the property owner to:
 - a. List the Landmark with a real estate agent for a period of not less than 60 days stating that the property shall be given away to parties interested in

- moving the Landmark. The real estate agent shall advertise the Landmark in local and state newspapers of general circulation.
- b. Give public notice by posting a hearing notice on site in addition to a sign which shall read: "Historic Building to be Moved or Demolished-Call the County Planning and Economic Development Department for Information". The sign shall be provided by the County and be posted in a prominent and conspicuous place within ten feet of a public right-of-way abutting the premises on which the structure is located. The applicant is responsible for assuring that the sign is posted for a continuous 60-day period.
 - c. Prepare and make available any information related to the history of the landmark.
 - d. Assure that the owner has not rejected a bona fide offer that would lead to the preservation of the landmark.
4. As a condition for approval of a demolition permit, the Landmarks Commission may require one or more of the following:
- a. Require photographic documentation, architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the County or other party determined appropriate by the commission.
 - b. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group had been given the opportunity to salvage and record the landmark.
- G. Exemptions. The Planning and Economic Development Department shall issue a permit for moving or demolition if any of the following conditions exist:
1. The building is not designated compatible within historic district.
 2. The structure had been damaged in excess of 70 percent of its previous value due to vandalism or in a fire, flood, wind, or other natural disaster.
 3. The Fire Districts, or Buildings Official determines that the demolition or moving is required for the public safety due to an unsafe or dangerous condition. Prior to the emergency action, the chair of the Landmarks Commission shall be notified of such action.

SECTION 3.781 - INTERIM PROTECTION

Interim Protection. This provision is intended to provide interim demolition protection measures for historic resources listed in the "Wasco County Cultural Resource Inventory" that have not been designated as Historic Landmarks. Resources in the Inventory that have not been designated are subject to provisions set forth in Section 3.780 E. of this ordinance entitled "Procedure for Demolition/Moving Historic Landmarks". After a complete survey and evaluation of significance and upon designation of significant properties as Historic Landmarks, the Interim Protection Measures shall cease.

SECTION 3.782 - APPEALS

A final written decision of the Landmarks Commission may be appealed to the County Court if such appeal is submitted in writing to the Planning and Economic Development Department within twenty-one (21) days after the date of the Landmarks Commission's written decision. The filing of the written appeal with the County Court shall stay any action relating to the subject property until a decision is made by the County Court. Any such appeal shall state specifically the grounds on which the appeal is based, indicating how the Landmarks Commission erred in applying the provisions of Sections 3.772 to 3.780 of this ordinance. The County Court shall conduct a public hearing to consider the appeal according to Section 2.180 "Review by the County Court" of the Wasco County LUDO. The decision of the County Court shall be considered a land use decision.

SECTION 3.783 - PENALTIES

Failure to comply with this ordinance shall constitute a violation of this regulation and be subject to the penalty and abatement proceedings prescribed under Chapter 15 of the Wasco County LUDO.

SECTION 3.800 DIVISION 5 - MINERAL AND AGGREGATE OVERLAY

Purpose

The purpose and intent of the Mineral and Aggregate Overlay Zone is:

1. To allow the development and use of mineral and aggregate resources;
2. To provide uniform standards for extraction and processing of mineral and aggregate resources;
3. To balance conflicts between mining operations and new and existing surrounding conflicting uses;
4. To ensure the rehabilitation and restoration of mining sites; and
5. To protect mineral and aggregate resources for future use consistent with Comprehensive Plan goals and policies and Statewide Planning Goal 5.

SECTION 3.805 Definitions

Conflicting Use - As used under OAR 660-16-005, a conflicting use is a use which if allowed, could negatively impact a County resource site. Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy consequences (ESEE).

It is the responsibility of the County to identify conflicts within significant Goal 5 resource sites. This is done primarily by examining the uses allowed in the underlying zoning districts in which the resource site is located. For purposes of this Chapter, another Goal 5 resource located on or adjacent to a significant site may be considered a conflicting use if that resource could be adversely affected by mining or processing activities, or force a change in mining or processing at the site.

ESEE Analysis - Refers to the County's response to the requirements in OAR 660-16-005 and 660-16-010 which direct local jurisdictions to analyze the Economic, Social, Environmental and Energy (ESEE) consequences of (a) allowing mining on a significant site, and (b) allowing conflicting uses to displace mining on a significant site.

The ESEE analysis is part of the County Process.

It is the function of the ESEE analysis to resolve conflicts between the significant mineral and aggregate site(s) and any other identified conflicting uses, including those occurring as a result of any other applicable provisions in the Comprehensive Plan and this ordinance. The

ESEE analysis documents the County's decision to prohibit, restrict or fully allow conflicting uses on or near the inventoried resource site(s).

The COUNTY PROCESS:

- A. Shall identify the resource site's Extraction and Impact Areas as defined in Section 3.810 of this Chapter; and
- B. May describe site-specific development standards, including, but not limited to, setbacks, screening, road grading, and other requirements to protect and resolve conflicts with the inventoried resource site(s).

The COUNTY PROCESS is referred to in this ordinance by reference under several subsections.

Extraction Area - The area within which mineral and aggregate extraction, processing and storage may take place under the provision of this Chapter.

Impact Area - An area surrounding the extraction area within which sensitive uses are limited or regulated.

Mineral and Aggregate - Includes soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or construction use.

Mining - The excavation of sand, gravel, clay, rock, or other similar surface or subsurface resources. Mining does not include: a) excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstructing or maintaining access roads, b) excavation or grading conducted in the process of farm or cemetery operations, c) excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance, or d) removal, for compensation, of materials resulting from onsite construction for which a development permit and construction time schedule have been approved by the County.

Noise or Dust Sensitive Use - A conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise or dust sensitive uses during their period of use. Forest uses and farm uses are not noise or dust sensitive uses unless determined through the County process to the effect that they satisfy this definition in more than an incidental manner.

Processing - Includes, but is not limited to, extraction, washing, crushing, milling, screening, handling, conveying, batching and blending into asphalt or portland cement, and transportation of mineral and aggregate materials.

Restrictive Covenant - An enforceable promise, given by the owner of a parcel whose use and enjoyment of that parcel may be restricted in some fashion by mining occurring on

another parcel, not to object to the terms of a permit issued by a local government, state agency or federal agency. The restrictive covenant shall be recorded in the real property records of the County, shall run with the land, and is binding upon the heirs and successors of the parties. The covenant shall state that obligations imposed by the covenant shall be released when the site has been mined and reclamation has been completed.

Screened Uses - (a) Noise sensitive uses or other uses determined to be conflicting uses through the County process, and (b) scenic viewpoints or other areas designated as significant Goal 5 resources.

Sensitive Use - A use or structure considered sensitive to dust, odor, vibration and/or noise, such as a residence, school, park, or hospital. Industrial, agricultural and forestry activities are not sensitive uses unless the activity includes an accessory residential use.

Significant Resource Site - Includes resource sites which meet or exceed location, quality and quantity criteria set forth under Section 3.815 of this Chapter and are so designated by the County through a legislative or quasi-judicial process.

Site Plan - The site plan shall include surveys, maps, diagrams, narratives and other materials as may be necessary to describe the placement of and use of all improvements, equipment, fixtures, mitigation measures, landscaping and vehicles on site.

SECTION 3.810 Application of Overlay Zone

The provisions of this Chapter shall apply to all lands designated Significant Mineral and Aggregate Overlay. Nothing in this Chapter shall constitute a waiver or suspension of the provisions of any underlying zone or concurrent overlay. Any conflicts between the provisions of the Chapter and the provisions of other chapters of this Ordinance, Comprehensive Plan Goals and Policies and the Statewide Planning Goals shall be resolved through the County process.

Only sites deemed significant resource sites shall be zoned Mineral and Aggregate Overlay. Mining and processing activities at sites not zoned Mineral and Aggregate Overlay may be allowed after conditional use approval under the criteria of Chapter 5 of WCLUDO. All sites which have not been evaluated for significance shall be classified "Potential Sites" on the County inventory until information is available to determine if the site is significant or not significant.

The Mineral and Aggregate Overlay consists of two distinct areas: the Extraction area and the Impact area.

- A. Extraction Area. The Mineral and Aggregate Extraction Area shall be applied to any site which has been identified as a significant resource. The area may consist of one or more tax lots or portion(s) of single tax lots, and may be applied to contiguous

properties under different ownership. The size of the Extraction Area shall be determined by the ESEE, but there shall be a minimum distance of 750' between any existing Sensitive Use to the extraction area boundary on the effective date of this ordinance.

This distance may be decreased through the ESEE analysis prior to application of the Overlay, based on the type of mineral or aggregate resource to be extracted as well as physical features of the area. However, in no case shall the Extraction Area boundary be less than 100 feet from the Sensitive Use.

- B. Impact Area. The Mineral and Aggregate Impact Area shall be applied to properties or portions of properties adjacent to and immediately surrounding an Extraction Area. The width of the Impact Area shall be determined through the ESEE analysis prior to application of the Overlay designation, based on the type of mineral or aggregate resource to be extracted as well as physical features of the area. The minimum width of the impact area shall be 750' from the Extraction Area boundary unless findings developed through the County process can show justification for a change.

SECTION 3.815 Procedure for Applying the Overlay Zone

- A. Determination of Significant Site. The County Planning Director or the Director's designee shall analyze available information relating to the location, quality and quantity of mineral and aggregate deposits. A decision of significance shall be determined as described pursuant to Section 2.060 (A)(9) of this Ordinance, based on the following: (Amended 9-93)

Information to demonstrate the significance of a resource shall include:

1. A survey map, assessor's/tax lot map(s) or other legal description that identifies the location and perimeter of the mineral and aggregate resource; and (Amended 7-94)
2. Information demonstrating that the resource meets or can meet two of the following minimum requirements:
 - a) Abrasion: Loss of not more than 35% by weight;
 - b) Oregon Air Degradation: Loss of not more than 35% by weight;
 - c) Sodium Sulphate Soundness: Not more than 17% by weight.

Information may consist of laboratory test data or the determination of a certified, licensed or registered geologist, or other qualified person; and

3. Information that the site meets at least one of the following two criteria (Amended 7-94):
 - a) Is located within an ownership or long-term lease containing reserves in excess of (Amended 7-94 and 1-95) 100,000 tons (69,000 cubic yards); however, an aggregate site is not significant if the criteria in either paragraphs (1) or (2) of this subsection apply, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date:
 1. The site is not significant if more than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or
 2. The site is not significant if more than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule. (Amended 11-96)
 - b) Is located on property owned by, or under long-term lease to a city, county, or state jurisdiction for the primary purpose of excavating, or processing of aggregate or stone materials for road maintenance or road construction. (Amended 7-94)
- B. Other mineral resources. Significance of non-aggregate resources shall be determined on a case-by-case basis after consultation with DOGAMI.
- C. Based on the analysis of information relating to the location, quality and quantity of the mineral and aggregate resource, the county shall determine the status of the resource site. Each site considered by the County shall be placed in one of three categories based on the following criteria:
 1. If the resource site meets the definition of a significant site, the county shall include the site on an inventory of "Significant Sites", or
 2. If information is not available to determine whether or not the resource site meets the definition of a significant site, the County shall include the site on an inventory of "Potential Sites." Sites shall remain on the "Potential Sites" inventory until such time as information is available to determine whether or not the site is significant; or
 3. If the resource site does not meet the definition of a significant site, the county shall include the site on an inventory of "Non-significant Sites'.

- D. Identify Impact Area. For each significant site, the Impact Area shall be identified and mapped. The Impact Area shall include the Extraction Area.
- E. Identify Conflicting Uses. For each significant site, conflicting uses shall be identified. The identification of conflicting uses shall include uses in existence at the time of review, as well as the potential conflicting uses. Identification of potential conflicting uses shall be accomplished by analyzing the uses allowed in the underlying zone(s).
- F. Analysis of ESEE consequences. For each significant site where conflicting uses have been identified, an ESEE analysis shall be performed.
 - 1. The ESEE analysis shall determine the relative value of use of the mineral or aggregate resource site as compared to existing or potential conflicting uses.
 - 2. The ESEE analysis shall be limited to uses identified pursuant to subsection E. of this section, and County resources.
 - 3. The ESEE analysis shall consider opportunities to avoid and mitigate conflicts. The analysis shall examine:
 - a. The consequences of allowing conflicting uses fully, notwithstanding the possible effects on mining;
 - b. The consequences of allowing mining fully, notwithstanding the possible effects on conflicting uses;
 - c. The consequences of protecting conflicting County resources, and permitted conflicting uses within the zone.

SECTION 3.820 Exemptions

The following activities at significant sites are exempt from the development standards of Section 3.853. Operators or land owners have the burden of qualifying for any exemption.

- A. Pre-existing or nonconforming use.
- B. Mining less than 1000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.
- C. Excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of on-site access roads or grading operations conducted in the process of farming.

- D. Excavation or grading operations conducted in the process of farming, forestry or cemetery operations.
- E. On-site road construction or other on-site construction or nonsurface impacts of underground mines conducted by a landowner or tenant on the landowner or tenant's property.

SECTION 3.825 Pre-Existing and Nonconforming Uses

Mineral and aggregate sites which have a valid County or Department of Geology and Mineral Industries permit on the effective date of this Chapter shall be considered pre-existing sites. Pre-existing sites may continue to operate under the conditions of approval unless the conditions are removed or modified through the County process.

Expansion of a mineral and aggregate activity on a pre-existing site beyond the boundaries of the surface mining area covered by the County permit, or any activity requiring a new or amended County permit, shall require compliance with Section 3.835 - Development Standards.

Within an Extraction Area, existing mining activities that do not conform to the standards of Section 3.830 Permitted Uses - Extraction Area, may continue as nonconforming uses existing on the date the Mineral and Aggregate Overlay zone is applied to the property.

The use of any building, structure, or land lawfully established within the Mineral and Aggregate Resource Overlay Impact Area prior to the application of the overlay to the property may continue. Expansion of the size or use of the structure or activity shall comply with Section 3.845 - Impact Area Uses and Standards.

SECTION 3.830 Permitted Uses - Extraction Areas

The following uses may be permitted in the Extraction Area subject to Site Plan approval in accordance with Section 3.840:

- A. Any permitted use allowed in the underlying zone, may be allowed subject to the underlying zone criteria and as otherwise authorized through the ESEE analysis.
- B. Conditional uses shall be reviewed against the approval criteria of Section 3.845.
- C. Mining or extraction of rock, clay, soil, sand, gravel, or other mineral or aggregate material.
- D. Stockpiling and storage of mineral and aggregate materials.

- E. Processing of:
 - 1. Materials, including crushing, washing, milling, screening, sizing, or batching of portland cement; and
 - 2. Batching or blending of mineral and aggregate into asphaltic concrete, except within 2 miles of a planted commercial vineyard.
- F. Buildings (not including residences), structures and equipment directly related to the above permitted aggregate uses.
- G. Storage of transportation equipment or storage of machinery or equipment used in conjunction with the on-site mineral and aggregate activity.
- H. Sale of products extracted and processed on-site from a mineral and aggregate operation.

SECTION 3.835 Development Standards - Extraction Area

A development plan shall be submitted to the Wasco County Planning Department for any permitted activity allowed in Section 3.830. The following requirements apply to mining and processing unless other standards are adopted in the County process. Such standards shall be clearly identified in the ESEE analysis. The applicant shall demonstrate that the following standards or site specific replacement standards adopted in the County process, are met or can be met by a specified date.

- A. Screening
 - 1. Mining Activities to be Screened.
 - a. All excavated areas except areas where reclamation is being performed, internal on-site roads existing of the effective date of this ordinance, new roads approved as part of the site plan review, material excavated to create berms, and material excavated to change the level of the mine site to an elevation which provides natural screening;
 - b. All processing equipment;
 - c. All equipment stored on the site.
 - 2. Types of Screening.
 - a. Natural Screening. Existing vegetation or other landscape features which are located within 50 feet of the boundary of the site, and which screen the

view of mining activities from screened uses, shall be preserved and maintained.

- b. Supplied Screening. Supplied vegetative screening is screening that does not exist at the time of the site plan review. Plantings used in supplied screening shall not be required to exceed a density of alternating rows of conifer trees six feet on center and a height of six feet at the commencement of mining. Supplied earthen screening shall consist of berms covered with earth and stabilized with ground cover.

B. Access

1. On-site roads used in mining, and access from the extraction site to a public road shall be designed and constructed to accommodate mining vehicles and equipment, and shall meet the following standards.
 - a. All access roads intersecting a paved county road or state highway shall be paved thirty feet from the paved county road or state highway unless the applicant demonstrates that other specified methods of dust control will effectively eliminate dust rising from access roads;
 - b. All on-site roads within the Extraction Area, and access roads, shall be constructed and maintained in a manner so that all applicable DEQ standards for vehicular noise control and ambient air quality are met or can be met by a specified date;
 - c. All on-site roads within the Extraction Area, and access roads, shall be paved at all points within 250 feet of a noise or dust sensitive use existing on the effective date of this ordinance.
2. Improvements to substandard public roads outside of the Extraction Area may only be required as necessary to comply with a road improvement program adopted as part of transportation element of the Comprehensive Plan. Payment for public road improvements shall not be a condition of approval for mining at significant sites.
3. Improvement fees in lieu of improvements of public roads, county roads and state highways may be required when the Planning Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the road sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such

improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

4. An effective vehicular barrier or gate shall be required at all access points to the site.

C. Hours of Operation

1. Drilling and blasting shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Friday. No blasting or drilling shall occur on Saturdays, Sundays, or any specified legal holiday.
2. Mineral and aggregate extraction, processing and equipment operation within 750' or as established by the ESEE analysis of any Sensitive Use existing of the effective date of this ordinance is restricted to the hours of 7:00 am to 6:00 pm, Monday through Friday. All other sites are limited to daylight hours Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.

D. Environmental Standards

1. DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all the applicable environmental standards of the County and applicable DEQ air quality and emissions standards. The applicant shall provide a copy of an approved DEQ permit(s) prior to commencement of the operation.

- E. Equipment Removal. All surface mining equipment, machinery, vehicles, buildings and related structures accessory to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.

F. Performance Agreement

1. The operator of a mineral and aggregate site shall keep applicable DOGAMI permits or exemption certificates in effect.
2. The mining operator shall carry a Comprehensive General Liability policy covering mining, processing and incidental activities during the term of operation and reclamation, with an occurrence limit of at least \$1,000,000.00.

- G. Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, significant scenic viewpoints or vistas, and ecologically and scientifically significant natural areas protected by the Significant Resource Areas Overlay Zone in accordance with Section 3.910 (Natural Areas Overlay) and 3.770 (Cultural, Historical

and Archeological Overlay) of this Ordinance and identified on the Significant Resource Areas Map, shall be balanced as determined by the program and as determined by the County process.

H. Site Reclamation.

1. No mining shall commence without providing the County a copy of a DOGAMI operating permit, approved reclamation plan, or exemption certificate.
2. A reclamation plan shall be submitted concurrently with the development plan required in Section 3.835. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses specified in the underlying zone including subsequent beneficial uses identified through the County process.
3. The County shall coordinate with DOGAMI to ensure compatibility between DOGAMI and the County. When notified by DOGAMI that an operator has applied for approval of a reclamation plan and issuance of an operating permit, the County shall, in turn, notify DOGAMI if local site plan approval is required.
 - a. If site plan approval is required, the County shall require that DOGAMI delay final action on the application for approval of the reclamation plan and issuance of the operating permit until after site plan approval has been granted.
 - b. If site plan approval is not required, the County shall notify DOGAMI that no land use approval is required, and the County will review the proposed reclamation plan during DOGAMI's notice and comment period.

I. Water Management

1. All surface water shall be managed to provide protection against sediment discharge into streams, rivers and lakes. Existing natural drainage on the site shall not be changed in a manner which interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.
2. All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be managed: (a) in a manner which meets all applicable DEQ water quality standards and DOGAMI requirements, or (b) shall be legally available and appropriated for such use.

The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to the commencement of any site operation.

- J. Flood Plain. Any extraction Area located wholly or in part in a Flood Hazard Area shall receive approval in accordance with Chapter 22 of this Ordinance prior to any site operation.
- K. Compliance with Special Conditions. The applicant shall demonstrate that all special conditions or requirements adopted as part of the County process have been satisfied or will be satisfied by a specified date.
- L. Security. Fencing of site boundaries shall be required on the boundary between a significant site and a parcel zoned to allow dwellings as an outright permitted use. Fencing shall be a cyclone type fence, shall be earth tone color, and shall be a minimum of six feet high.

SECTION 3.840 Application Process

Final development plan approval is required prior to the beginning of any mineral and aggregate activity listed in Section 3.825 (A), and before any expansion of a pre-existing or nonconforming site. The applicant shall provide the following at the time of application:

- A. A site plan demonstrating that the development standards required in Section 3.835 can be met, and any requirements adopted as part of the County process, including:
 - 1. Screening and Fencing;
 - 2. Access;
 - 3. Hours of Operation;
 - 4. Environmental Standards;
 - 5. Equipment Removal;
 - 6. Performance Agreement;
 - 7. Significant Resource Area Protection;
 - 8. Site Reclamation;
 - 9. Water Management; and
 - 10. Flood Plain.
- B. A map or diagram showing the location and setbacks of all proposed mineral and aggregate activities and operations and the location and distance to all Sensitive Uses within the Impact Area.
- C. The County shall approve, conditionally approve, or deny a site plan based on the ability of the site plan to conform to the standards of Section 3. 835 and any other requirements adopted as part of the County process.

- D. If the County determines that the site plan is substantially different from the proposal approved in the County process, the application shall be denied or conditioned to comply with the decision adopted as part of the County process, or the applicant may choose to apply for a Comprehensive Plan amendment whereby the original decision reached through the County process will be re-examined based on the revised site plan.

Section 3.845 Impact Area - Uses and Standards

- A. Any permitted use allowed in the underlying zone may be allowed in the Impact Area subject to the underlying zone criteria and as otherwise authorized by the County process.
- B. Uses allowed Conditionally.
 - 1. Any conditional use in the underlying zone(s) which are not noise sensitive uses or conflicting uses shall be reviewed as conditional uses subject to the underlying zone criteria.
 - 2. Noise sensitive uses and conflicting uses shall be reviewed as conditional uses subject to criteria D, Approval Criteria.
- C. Prohibited Uses. Uses identified through the County process as incompatible with mining shall not be permitted within the Impact Area.
- D. Review Criteria. To approve uses allowed conditionally in the Impact Area the applicant must demonstrate compliance with the following criteria:
 - 1. The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;
 - 2. The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this chapter, or the terms of a state agency permit. The applicant for a new noise sensitive use shall submit an analysis prepared by an engineer or other qualified person, showing that applicable DEQ noise control standards are met or can be met by a specified date by the nearby mining operation.
 - 3. Any setbacks or other requirements imposed through the County process have been met or can be met by a specified date.

E. Approval Conditions.

1. Compliance with subsection D of this section may be satisfied through the imposition of clear and objective conditions of approval.
2. Approval of any conflicting use in the impact area shall be conditioned upon execution of a restrictive covenant in favor of the mining operator. The restrictive covenant shall incorporate all approval conditions and an agreement not to object to the conduct of lawful operations conducted at the nearby surface mine.

F. Waiver of Remonstrance and Indemnity.

1. The owner of a proposed new Sensitive Use shall sign and record in the County Deed Records an Aggregate Operation Easement, Waiver of Remonstrance and Indemnity which shall declare that the applicant and his successors or heirs will not now or in the future complain about the allowed surface mining activities on the adjacent surface mining site.
2. The Aggregate Operations Easement and Waiver of Remonstrance and Indemnity shall run with the land, until such time as the site is exhausted and the site is reclaimed in accordance with the approved reclamation plan or the operator releases these restrictions, easements or waivers or remonstrance and indemnity.
3. It shall be a requirement of the mineral and aggregate operator to release any restrictions, easements or waivers of remonstrance and indemnity.

SECTION 3.850 Designation of Overlay Zone

The Mineral and Aggregate Overlay Zone may be applied through the plan update process, or through individual application for an Aggregate Overlay zone/Comprehensive Plan amendment pursuant to Section 2.060 (B)(15) of this Ordinance. The approving authority shall approve the overlay zone designation if the provisions of Chapter 3, Section 3.800 - 3.850 of this Ordinance have been met. (Amended 9-93)

The boundary of the Overlay Zone shall be all property contained in the Mineral and Aggregate Extraction Area and Mineral and Aggregate Impact Area.

SECTION 3.855 Termination of Mineral and Aggregate Overlay Zone

The Mineral and Aggregate Overlay Zone designation shall be removed by the owner or the County through the Zone Change process when:

- A. The owner of the Mineral and Aggregate resource site submits evidence showing a significant resource no longer exists on the site; and
- B. The mineral and aggregate resource site has been reclaimed in accordance with the approved reclamation plan; and
- C. The operator has caused to be released any operation easements, restrictions or waivers of remonstrance and indemnity relating to the application of this Ordinance.

SECTION 3.900 - DIVISION 6 – RESERVOIR OVERLAY ZONE

Land located in the Reservoir Overlay Zone (EPD-6), is subject to the requirements and standards of this Chapter in addition to those specified in the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall apply.

A. Purpose - The purpose of this overlay district is two fold:

1. To conserve important riparian areas by providing supplementary development standards; to protect existing riparian values and permit development compatible with protection of riparian resources within the mapped fifty (50) foot riparian corridor surrounding the reservoirs and selected streams or rivers.
2. To require notification of Oregon Department of State Lands concerning applications for development permits or other land use decisions affecting wetlands on the adopted wetland inventory.

B. Application of Provisions

1. This overlay district shall be applied to all potential riparian areas identified in the Comprehensive Plan within the fifty (50) foot safe harbor riparian corridor. The fifty (50) foot safe harbor riparian corridor shall be measured perpendicular to the operational high pool elevation of each reservoir and from ordinary high water for other selected streams, ponds, or rivers.
2. Those areas of the 50 foot safe harbor riparian corridor not identified as potential riparian areas on the riparian corridor map are not subject to sensitive area review.
3. If an applicant can successfully demonstrate that the inventory map documenting the presence of the riparian area is shown to be in error and that the on site conditions are determined by a qualified professional not to provide riparian values, the area demonstrated to provide no riparian values will not be subject to sensitive area review. ODFW will be consulted to determine the adequacy of information submitted by the applicant.
4. The notification requirements are applied to all wetlands on the current version of the National Wetland Inventory as it may be modified by the State Wetland Inventory as adopted by reference and made part of the County's Comprehensive Plan.

C. Procedure for Applying the Overlay Zone.

1. Development or ground disturbance resulting in permanent alteration of the identified potential riparian areas shown on the safe harbor riparian

corridor map is restricted. Only the following uses may be permitted provided the applicant is able to demonstrate, through the sensitive resource plan review process, that intrusion into the riparian area has been minimized and mitigated where deemed necessary.

2. Streets, roads and paths,
3. Drainage facilities, utilities, and irrigation pumps,
4. Water-related and water dependent uses, and
5. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
6. Removal of vegetation only when it is either
 - a) non native vegetation removed for the purpose of replacing non native with native vegetation, or
 - b) vegetation that must be removed for the development, redevelopment, or maintenance of water related or water dependent uses
 - c) vegetation that is removed to accommodate farm or forest practices permitted pursuant to statewide planning Goals 3 or 4 on land zoned for farm or forest use.

D. Sensitive Resource Plan and Plan Review Process.

1. Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed, to submit written comments to the County. If the County does not receive a response from ODFW within this time period, the County shall proceed to process the applicant's request. A completed sensitive resource plan shall contain the following elements:
 - a) A plot plan drawn to scale showing the location of all existing and proposed development including existing and proposed roads, driveways and structures.
 - b) Description of the general slope and aspect of the ground within the potential riparian area.
 - c) Description of the operating characteristics of the proposed use including times when activity within the potential riparian area would disturb surface soil, generate vibration, or deter wildlife use of the area.

- d) Description of steps taken to avoid impacts to sensitive areas where possible and to minimize and mitigate for impacts in sensitive areas where impacts cannot be avoided.
 - e) Timing of construction activities including grading or filling land, hauling materials and building.
 - f) Description of existing vegetation and vegetation to be removed for the proposed development or ground disturbing activity.
2. Based upon the record and evaluation of the proposal, the Planning Director or designee shall approve or reject the sensitive resource plan and protection measures. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan and protection measures to achieve compliance with the applicable criteria.
- a) Submittal of an altered sensitive resource review request will be considered a new application and will not be subject to limitations on re submittal of similar applications.
 - b) Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.

E. Review Considerations.

1. The following factors shall be considered when sensitive resource plans and proposed protection measures are reviewed:
- a) Where possible new ground disturbances will be located to avoid impact to potential riparian areas. If location of a new ground disturbance is necessary within potential riparian areas the County will work with ODFW and the applicant to identify necessary steps to minimize potential impacts to riparian values. Mitigation may be required. If required, the applicant shall create, restore or enhance an area to provide equal or greater riparian value to that being disturbed.
 - b) Existing vegetation or other landscape features within the riparian area, which are confirmed to provide critical habitat values, shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified through the sensitive resource plan review.
 - c) No partitions or subdivisions shall be permitted which would force location of a dwelling structure or other ground disturbing activity, not

otherwise permitted on the site to be allowed within the sensitive habitat area.

F. Hardship Variance

1. Hardship variance from the provisions limiting permanent alteration of identified riparian areas shown on the safe harbor riparian corridor map may be permitted upon a demonstration that the following conditions exists: (Chapter 6 and 7 do not apply).
 - a) A legally created lot or parcel can be demonstrated to be rendered un developable by strict adherence to the restrictions to development or ground disturbance resulting in permanent alteration of the identified riparian areas shown on the safe harbor riparian corridor map.
 - b) The need for the variance can be determined not to be the result of a self created hardship.
 - c) Approval of the variance would not be materially detrimental to property in the same zone or vicinity in which the property is located.
 - d) In any case the variance shall be the minimum necessary to alleviate the hardship.

SECTION 3.910 DIVISION 7 - NATURAL AREAS OVERLAY

A. Purpose

This overlay district is intended to pre-empt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. This overlay applies to all natural areas identified in the Wasco County Comprehensive Plan and to the Wasco County portions of the Deschutes and John Day Rivers Scenic Areas as defined in ORS 390.805 and 390.825.

B. Permitted Uses

Uses allowed in the underlying zone shall be subject to the conditional use review permit pursuant to Section 2.060(A) of this Ordinance.

C. Approval Standards

In the evaluation of any use subject to the Natural Area Overlay, finding shall be required demonstrating that the designated natural value will not be damaged by the use or activity. If a proposed use or activity would result in the permanent destruction of natural value, then the request shall be denied.

SECTION 3.920 DIVISION 8 - SENSITIVE WILDLIFE HABITAT OVERLAY

In any zone which is in the Wildlife Overlay (EPD-8), the requirements and standards of this Chapter shall apply in addition to those specified in this Section for the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.

A. Purpose

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

B. Application of Provisions

Except as provided in Section C. below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as Big Game Winter Range Habitat and Area of Voluntary Siting Standards.

C. Exempt Areas

The following areas are exempt from these provisions:

1. Rural Service Centers.
2. Areas designated as Impacted Areas in the Transition Lands Study Area.

D. Permitted Uses

All uses allowed in the overlay zone shall be those farm and forest uses permitted outright by the underlying zone.

E. Conditional Uses

The conditional uses permitted in the zones in which this overlay is applied, shall be those permitted conditionally by the underlying zone subject to the other applicable standards of this Section.

F. Siting Standards

1. For lands within the Area of Voluntary Siting Standards a meeting between the applicant and Oregon Department of Fish and Wildlife shall be required if Oregon Department of Fish and Wildlife determines that habitat values exist

which may be important to discuss with the applicant. The result of the meeting shall be included as information in the county review of a land use application.

2. In the area designated Big Game Winter Range the following siting standards shall be applied as a condition of approval for all new dwellings. In the area designated Area of Voluntary Siting Standards the following siting standards shall be by voluntary agreement of the applicant.
 - a. New dwellings shall be located within three hundred feet (300') of public roads or easement or private roads or easements existing as of October 22, 1997, unless it can be found that:
 1. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern; or,
 2. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least impact on wildlife habitat possible considering browse, forage cover, access to water, and minimizing length of new access roads.

G. Fencing Standards

The following fencing standards could apply to new fences constructed as a part of development of a property in conjunction with conditional use permit. These standards shall be a voluntary agreement by the applicant.

New fences in the Big Game overlay zone are designed to permit wildlife passage. The following standards are guidelines approved by the County after consultation with the Oregon Department of Fish and Wildlife:

- a. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
 - b. A 3-wire or 4-wire fence with the bottom wire at least 18 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire to avoid injury to animals.
 - c. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
- H. The County shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified on the National Wetlands Inventory maps.

- I. An application for a destination resort, or any portion thereof, in a recognized Big Game Habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process.
- J. The county shall provide ODFW an annual record of development approvals within the areas designated as "Area of Voluntary Siting Standards" on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat (Added October 1997).

SECTION 3.930 DIVISION 9 - BIG MUDDY LIMITED USE OVERLAY

A. Purpose

The purpose of the Big Muddy limited use overlay is to assure that the development and operation of a youth/family camp in the Big Muddy exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 97-001) occurs in a manner that is consistent with the purpose and intent of the Big Muddy Exception ("Exception") and limits uses and activities allowed in the underlying Agricultural-Recreational (A-R) Zone to only those uses and activities which are justified in the Exception adopted as part of the County's plan by Ordinance No. 97-001.

B. Permitted Uses

1. Use of buildings existing on the date of adoption of this Section consistent with the Exception.
2. Renovation and relocation of buildings existing on the date of adoption of this Section consistent with the Exception to the extent that the renovation or relocation does not increase the building footprint.

C. Conditional Uses

1. The following are Conditional Uses in the Big Muddy limited use overlay:
 - a. New buildings for youth/family camp purposes.
 - b. Expansion of existing buildings for youth/family camp purposes.

2. Approval Criteria

Approval of a Conditional Use in the Big Muddy limited use overlay shall be based on a demonstration that the following four criteria are met:

- a. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and the Exception.
- b. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical services, or solid waste disposal facilities.

- c. The proposed use will not significantly reduce or impair sensitive wildlife habitat or riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
- d. The proposal will not significantly increase the cost of or cause a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.

3. Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding properties and to fulfill the purposes of the Big Muddy limited use overlay may be imposed in approving a conditional use permit application.

2. Applicability of Conditional Use Review Standards

Conditional uses in the Big Muddy limited use overlay shall be subject only to the following sections of Chapter 5, Conditional Use Review: Sections 5.040, 5.050 and 5.060.

D. Development Standards

1. Lighting

Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways.

2. Setbacks

No new structure other than fences or signs shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

3. Height

Maximum height for all buildings shall be 50 feet.

E. Limitations

- 1. No partitioning or subdividing shall be allowed in the Big Muddy limited use overlay.

2. No temporary housing shall be permitted in the Big Muddy limited use overlay, except as necessary to house construction personnel/workers during construction and remodeling on site.
3. All new structures shall be located within the Development Area as provided for in the Exception.
4. Uses in the Big Muddy limited use overlay shall be limited to the youth/family camp as provided for in the Exception.

Section 3.940 DIVISION 10--BADGER CREEK LIMITED USE OVERLAY

A. Purpose

The purpose of the Badger Creek Limited Use Overlay is (a) to assure that the development and use of the Badger Creek exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 99-112) occurs in a manner that is consistent with the purpose and intent of the Badger Creek Exception (“Exception”) and (b) to limit uses and activities in accordance with the Exception.

B. Permitted Uses

1. Residential uses existing as of the effective date of this Ordinance shall be allowed to remain.
2. Existing residential dwellings may be replaced, altered or restored. Replacement may be to another place on the lot or parcel within the “Development Area” as shown on the Badger Creek Limited Use Overlay Map. The replacement dwelling shall be subject to the Property Development Standards of the “F-F(10)” Zone.

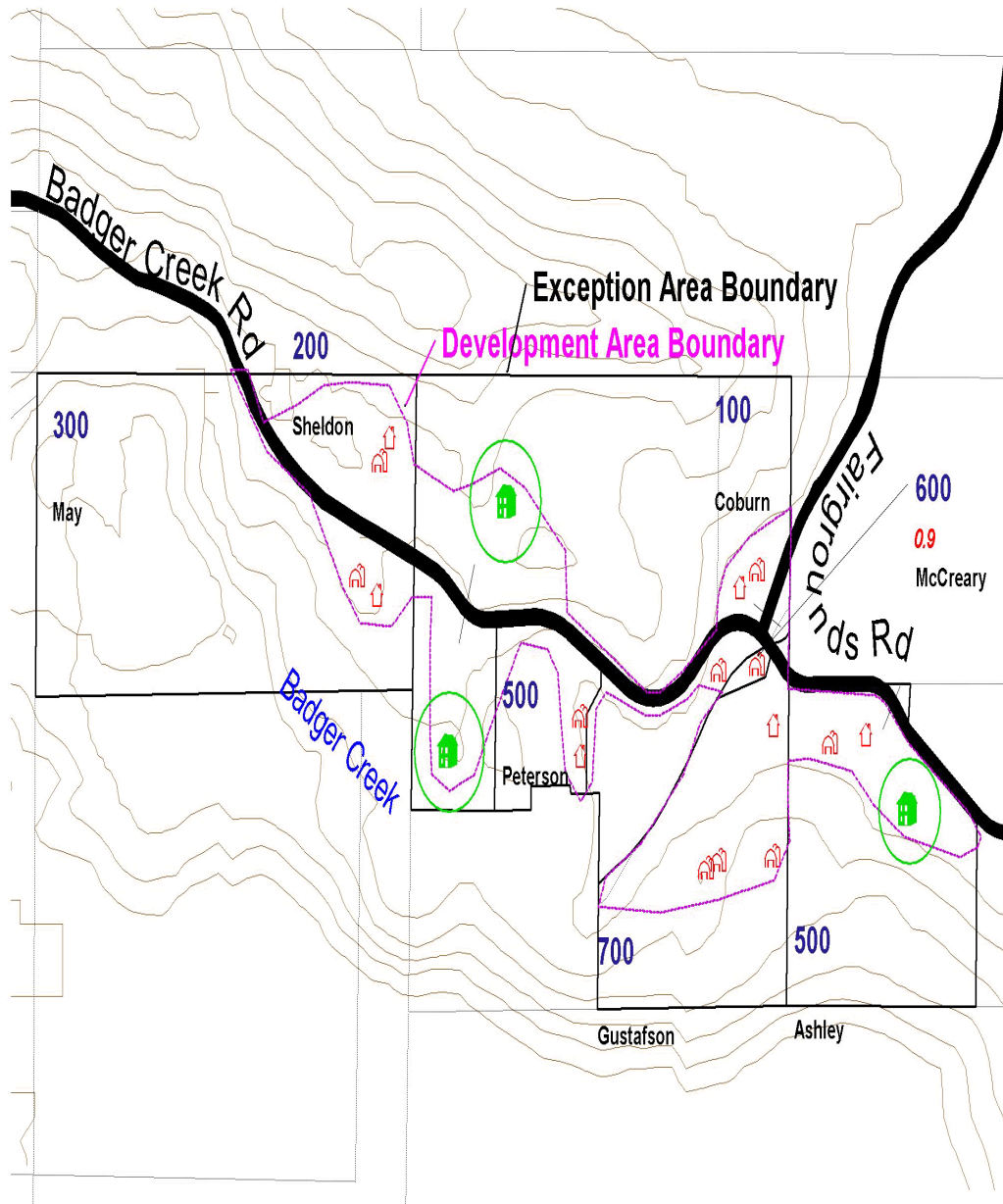
C. Conditional Uses

1. Additional single-family dwellings not in conjunction with farm or forest use only on sites identified as future residences on the “Development Area” as shown on the Badger Creek Limited Use Overlay Map.
2. Conditional uses shall be subject to the provisions of Chapter 5, Conditional Use Review of this code.
3. Home occupations which shall also be subject to Chapter 20, Site Plan Review.

D. Limitations

1. No partitioning or subdividing shall occur if any of the resulting parcels or lots are less than ten (10) acres in size.
2. All new structures not provided in conjunction with a forest or farm use shall be located within the “Development Area” as shown on the Badger Creek Limited Use Overlay Map.
3. Partitions shall be allowed only for parcels containing a homesite (either an existing or new dwelling homesite) that is identified on the Badger Creek Limited Use Overlay Map. Partitions around any homesite shall not result in the creation of an undevelopable remnant parcel.

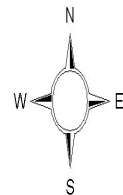
Badger Creek Exception Limited Use Overlay



Legend

- Approximately 77 Acres inside Development Area Structures
 - Existing Residential Structure (10)
 - Existing Other Structure (6)
 - Future Residence Sites (3)
 - Exception Area Boundary
- | Lot Number | Acreage | Owner Name |
|------------|---------|------------|
| | | |

25' Contour Interval



FINAL
May 1999
Ordinance # 99-112
Cartography by Wasco County GIS
s:\gis\users\planning\projects\badgercreek

Partitions shall be allowed only for parcels containing a homesite (either an existing or new dwelling homesite) that is identified on the Limited Use Overlay map. Partitions around any homesite shall not result in the creation of an undevelopable remnant parcel.



SECTION 3.950, DIVISION 11 - PINE HOLLOW AIRPORT OVERLAY ZONE
ADOPTED
21 JANUARY 2004

Section 1. Purpose.

The purpose of this Private Use Airport- Overlay Zone is to encourage and support aeronautical activities and their customary accessory uses at the Pine Hollow Airport and The Pine Hollow Airstrip Subdivision, and to provide for their continued operation and vitality consistent with Oregon state law [ORS 836]

Section 2. Application.

This zoning district applies to the entire Airstrip Subdivision, with the exception of the "Public Access Area" dedicated to the public, in addition to Airstrip Drive and two unnamed public access roads, and the airstrip which is located outside of the subdivision (see official map). This zoning recognizes that Membership in The Pine Hollow Airport Association, LLC, or any future entity owning The Pine Hollow Airport, and subsequent use of Pine Hollow Airport is optional in the Pine Hollow Airport Overlay zone.

All of the standards, as well as the allowable uses in the base zone are applicable to these properties. In the event that any provisions in the overlay are inconsistent with those of the base zone, the provisions in the overlay shall govern.

Section 3. Operational Uses.

Operation of the following uses at the Pine Hollow Airport and properties within the Pine Hollow Airport Overlay Zone will be established and may be continued at their current levels as of the effective date of this Private-Use Airport Overlay Zone.

- A.** Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; maintenance of airport facilities; Except as provided in this ordinance, "customary and usual aviation-related activities" do not include commercial, industrial, manufacturing and other uses.
- B.** Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes.
- C.** Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to

aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

- D. Aircraft service, maintenance, facilities and accessory structures for aircraft service and maintenance, fueling, and storage. This includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- E. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport owner. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter or helicopter flights.

Section 4. Allowable Uses.

A. Allowed Outright: The following expansions of existing uses are allowed outright:

- 1. Basing additional aircraft in the overlay zone.
- 2. Increases in flight activity.

B. Allowed Subject to Ministerial Review: **The following uses shall be permitted as a ministerial decision without public hearing or notice.**

- 1. Aircraft Hangars subject to the following standards:
 - a. Property owner(s) must provide evidence of legal use of the Pine Hollow Airport from the Pine Hollow Airport Association, LLC, or any future entity owning the Pine Hollow Airport.
 - b. Property owner(s) must present "Wet Stamped" engineered drawings that demonstrate the hangar will be primarily used for aviation related purposes.
 - c. The Aircraft Hangar must demonstrate safe ingress and egress from adjacent properties and roads and storage ability of an aircraft with a wing span of thirty feet or larger.

- d. Property owner(s) must sign a statement binding them and any future property owner(s) from using the hangar for purposes other than primarily aviation related. This statement shall be filed with the Wasco County Clerk's Office prior to receiving zoning approval on a building permit application.
- e. The aircraft hangar is intended to be primarily used for the storage, maintenance, and assembly of airplanes and other aviation related equipment. Additional storage of a car, boat, motorcycle or other items is allowed as long as storage of these items does not prevent the storage of an airplane.
- f. The aircraft hangar shall be limited to 2,500 square feet.

C. Uses Allowed Subject to Site Plan Review: The following uses shall be allowed following approval by the Wasco Planning Commission:

- 1. New uses or expansion of existing uses, identified in Section 3, or new commercial uses or expansion of existing commercial uses listed in 3(C) – (E) of this zoning district upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.
 - a. The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;
 - b. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
 - c. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296. [ORS 836.608(3)(b), (5) and (6); OAR 660-013-0155(2)]

Section 5. Property Development Standards

- A. Setbacks:** Properties adjacent to the Pine Hollow Airstrip must observe a 35 foot setback from the property line of the airstrip property for construction of any type. All other setbacks in the base zone shall apply.
- B. Height Limitations:** All uses, activities, facilities and structures allowed in the Private Use Airport Zone shall comply with the following requirements and those of the Private Use Airport Safety Overlay Zone. [ORS 836.608(8); OAR 660-013-0070(1)(b); OAR 660-013-0155(3)]

1. Except as provided in subsection b of this section, no structure or tree, plant of other object of natural growth shall penetrate the airport imaginary surface.
2. Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation.

C. Hangar Size Variance: Any proposed hangar greater than 2,500 square feet in size shall only be approved by the Planning Commission subject to the provisions of Chapter 6, Variances.

Section 6. Dual Use Roads

Airstrip Drive and two short connecting unnamed access drives in the Airstrip Subdivision have been designated dual use roads for airplane taxiways and automobile roads by Wasco County Court order. The Pine Hollow Airport Association, LLC, or any future entity owning the Pine Hollow Airport is required to erect and maintain signage indicating that autos need to yield to airplane traffic.

Section 3.960 Division 12 – Sensitive Bird Site Overlay

A. Purpose

The Purpose of the Sensitive Bird Site Overlay is to insure that sensitive habitat areas identified in the County's Goal 5 Sensitive Bird Inventory as critical for the survival of the golden eagle and prairie falcon are protected from the affects of conflicting uses or activities which are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental and energy (ESEE) analysis for each inventoried habitat area.

B. Definition of Sensitive Habitat Sites

The sensitive habitat area is the area identified in the Wasco County Comprehensive Plan inventory and site specific ESEE for each sensitive bird site. The sensitive habitat site to be protected by the provisions of this section is defined as the area within ¼ mile or 1,320 feet of a sensitive bird site.

Significant sensitive habitat sites located on federal land are not subject to the provisions of this Section unless sensitive habitat area extends onto non-federal land.

Unless identified for interim protection under subsection F. of this section, only inventoried sites determined to be significant and evaluated for protection through a site specific ESEE analysis are afforded Goal 5 protection.

C. Applicability

Sensitive bird site protection measures are applicable to all uses in the underlying zone(s). Any use permitted or permitted conditionally in the zone is subject to the sensitive resource review procedure if located within the sensitive habitat protection area identified for the inventoried significant site. Land divisions of parcels including sensitive habitat protection area shall be reviewed to determine the need for sensitive resource review specifically considering review criterion E. 5. The sensitive resource review requirement and resulting protection measures are applicable in addition to and shall be applied concurrently with all other applicable standards and criteria in the county LUDO.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent

possible, the overall protection of affected resources and public interest.

Forest practices subject to ORS 527.610 to .770 and farm practices defined by ORS 30.947(2) are not regulated by the sensitive bird site overlay.

D. Procedure for Applying the Overlay Zone

1. Sensitive resource plan elements and description required for completed sensitive resource review application include the following:
 - a. A plot plan drawn to scale showing the location of all development including existing and proposed roads, driveways and structures.
 - b. Description of the operating characteristics of the proposed use including times when activity within the sensitive bird habitat area would generate noise, dust, vibration, lights, traffic or be visible from the nest site.
 - c. Timing of construction activities including grading or filling land, hauling materials and building.
 - d. Description of existing vegetation and vegetation to be removed for the proposed development.
2. Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed to the agency, to submit written comments to the County. If the County does not receive a response form ODFW within this time period, the County shall proceed to process the applicant's request.
3. Based upon the record, and evaluation of the proposal based on applicable criteria and review of the site specific ESEE analysis in the Comprehensive Plan, the Planning Director or designee shall approve or reject the sensitive resource plan. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan to achieve compliance with the applicable criteria.
4. Submittal of an altered sensitive resource plan review request will be considered a new application and will not be subject to limitations on re submittal of similar applications.
5. Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.

E. Applicable Criteria

Approval of a sensitive resource plan review request shall be based on the following criteria:

1. The approved sensitive resource plan shall consider the biology of the identified sensitive species, nesting, trees, critical nesting periods, roosting sites and buffer areas. Based on the biology of the species and the characteristics of the site, sensitive resource protection measures shall be applied to provide protection that will prevent destruction of the subject nesting site and will, reasonably avoid causing the site to be abandoned.
2. Development activities likely to result in disturbance to the resource shall be avoided where possible in the sensitive habitat protection area. If it is impossible to locate a temporary or permanent disturbance outside the sensitive habitat protection area the impacts of the proposed use will be minimized to the greatest extent possible. Activities within the habitat protection area that are likely to result in disturbance to the habitat protection area will be prohibited during the nesting season identified in the site specific ESEE analysis for each site.
3. New roads, driveways or public trails shall be located at the greatest distance possible from the nest site unless topographic vegetation or structural features will provide greater visual protection and/or noise buffer from the nest site.
4. Existing vegetation or other landscape features which are located on the subject property and obscure the view of the nest from the proposed structure or activity shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
5. No partitions or subdivisions shall be permitted which would force location of a dwelling or other structure, not otherwise permitted by the site specific ESEE, within the sensitive habitat protection area.
6. All exterior lighting, including security lighting, located within the designated sensitive habitat protection area shall be sited and shielded so that the light is directed downward and does not shine on the subject nest site.
7. The sensitive resource plan and resulting development shall conform to the requirements of the ESEE analysis for the specific significant sensitive bird site. Sensitive habitat plan reviews resulting in approvals will include necessary protection measures, as conditions of approval, to ensure protection of sensitive habitat areas.

F. Threatened and Endangered Species

Upon receipt of an application for an action or development which will potentially disrupt a habitation or breeding site of a species listed as endangered by the U.S. Fish and Wildlife Service, the County will

require verification of Federal coordination and review prior to deeming the application complete and initiating the local review process. ODFW will be consulted in the development and approval of the plan and will also coordinate with federal regulators during their review of the sensitive resource protection.

G. Interim Protection of Sensitive Bird Habitat Sites

Any parcel within a quarter mile of a sensitive bird site, not yet deemed significant but acknowledged for interim protection under the applicable Comprehensive Plan policy, shall forego any land use development, partitioning, building or on site septic construction, except for emergency repairs, until such time as the County has the opportunity to consult with ODFW. Consultation with ODFW will be held to determine whether an unacceptable level of interference would result from approval of the proposed action or activity. Only those activities deemed to have no more than an acceptable level of interference with the use or long term value of the potentially significant sensitive bird site will be permitted.

Interim wildlife protection granted under this section is only valid for a maximum of 120 days from the date the County acknowledges the need for interim protection to be applied.

SECTION 3.970 DIVISION 13 - POND TURTLE SENSITIVE AREA OVERLAY

In any zone which is in the Pond Turtle Wildlife Overlay (EPD-13), the requirements and standards of this Chapter shall apply in addition to those specified in the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern.

A. Purpose

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to protect the core water areas, nesting sites, connecting corridors, and hibernation sites of the Western Pond Turtle; and to permit development compatible with the protection of the wildlife resource.

B. Application of Provisions and Definition of Sensitive Habitat Areas

The sensitive habitat area is the area identified in the Wasco County Comprehensive Plan inventory and site specific ESEE for both the core habitat and upland management areas. The sensitive habitat, including both core habitat which extends between 150 and 600 feet from an important water body or connecting corridor and upland management area which extends as far as $\frac{1}{4}$ mile or 1320 feet from an important water body or connecting corridor in it furthest reaches. The specific size of the sensitive habitat area and rationale for identifying the distinction between core habitat and upland management area is discussed in the ESEE analysis. The need for variation in the program adopted to protect these areas is also explained in the ESEE analysis.

Significant sensitive habitat located within the Columbia River Gorge National Scenic Area is not subject to the provisions of this Section. The relationship between the habitat area inside the National Scenic Area and that protected by this goal 5 program is noted. Protection measures have been developed to provide compatible protection measures inside and outside the NSA.

Unless identified for interim protection under subsection E of this section, only inventoried sites determined to be significant and evaluated for protection through a site specific ESEE analysis are afforded Goal 5 protection.

Sensitive resource plan review requirements are applicable to all uses in the underlying zone(s). Any use permitted or permitted conditionally in the zone is

subject to the sensitive resource plan review procedure if located within the sensitive habitat area identified for the inventoried significant site. Land divisions of parcels including sensitive habitat area shall be reviewed to determine the need for sensitive resource plan review specifically considering review criteria in sub section D of this section. The sensitive resource plan review requirement is applicable in addition to and shall be applied concurrently with all other applicable standards and criteria in the county LUDO.

If setbacks or buffers specified in this ordinance overlap or conflict, they should be varied in a manner to achieve, to the greatest extent possible, the overall protection of affected resources and public interest.

Forest practices subject to ORS 527.610 to .770 and farm practices defined by ORS 30.947(2) are not regulated by the sensitive habitat overlay.

C. Procedure for Applying the Overlay Zone

1. Sensitive resource plan elements and description required for completed sensitive resource plan review application include the following:
 - a. A plot plan drawn to scale showing the location of all development including existing and proposed roads, driveways and structures.
 - b. Description of the general slope and aspect of the ground within the upland management area.
 - c. Description of the operating characteristics of the proposed use including times when activity within the sensitive turtle habitat area would potentially disturb surface soil, generate vibration, or create a need for traffic in core habitat or potential nesting areas (exposed south facing slopes within the upland management area).
 - d. Description of steps taken to avoid impacts to sensitive areas where possible and to minimize and mitigate for impacts in sensitive areas where impacts cannot be avoided.
 - e. Timing of construction activities including grading or filling land, hauling materials and building.
 - f. Description of existing vegetation and vegetation to be removed for the proposed development.
 - g. Description and location of proposed grazing activities.
2. Completed plot plan and sensitive resource plan review requests shall be submitted by the County to ODFW for comment. ODFW shall have 20 days from the date that the sensitive resource plan is mailed, to submit written comments to the County. If the County does not receive a

response from ODFW within this time period, the County shall proceed to process the applicant's request.

3. Based upon the record, and evaluation of the proposal based on applicable criteria and review of the site specific ESEE analysis in the Comprehensive Plan, the Planning Director or designee shall approve or reject the sensitive resource plan and protection measures. If a sensitive resource plan review request is rejected the applicant may alter the sensitive resource plan and protection measures to achieve compliance with the applicable criteria.
4. Submittal of an altered sensitive resource review request will be considered a new application and will not be subject to limitations on resubmittal of similar applications.
5. Once deemed complete, the County will proceed to process altered sensitive resource plan review requests as a new land use application.

D. Criteria applicable within Sensitive Pond Turtle Habitat Area

1. In the area designated Core Habitat
 - a. This area is determined to be a "no disturbance" area. New uses shall be prohibited on lands designated Core Habitat . Prohibited uses include but are not limited to:
 - 1) new building construction;
 - 2) new agricultural cultivation on land not zoned EFU;
 - 3) expansion of existing buildings into core habitat areas;
 - 4) new ground disturbance, except for accepted agricultural practices on land zoned EFU;
 - 5) new landscaping;
 - 6) motor vehicle use, except for those required to maintain existing utilities and roads, use of existing roads, and use for enhancement projects;
 - 7) livestock use/grazing on land not zoned EFU.
 - b. Alteration, and/or restoration of a lawfully established dwelling which does not result in new ground disturbance within the core habitat area

may be allowed subject to the sensitive resource plan review criteria listed in this section.

- c. Implementation or completion of a ground disturbing or mitigation activity permitted subject to the required sensitive resource plan review and applied protection measures is allowed in accordance with the terms and conditions of the permit.
- d. Replacement of a lawfully established dwelling. Any replacement dwelling shall be located outside of the core habitat area if possible and shall be permitted subject to the sensitive resource plan review criteria of this section and the development standards of the underlying zone. If it is not possible to replace the dwelling outside the core habitat area, replacement within the core habitat will be considered through the sensitive resource plan review process applied in the upland management area and impacts shall be minimized. Mitigation may be required to balance unavoidable impacts to the core habitat area.
- e. Any use allowed within the core habitat area shall be reviewed through the sensitive resource plan review process in sub section C. of this section and will only be permitted upon a determination that:
 - (1) the base zone otherwise authorizes the use,
 - (2) there is no other location on the tract that that can be used to practicably accommodate the use,
 - (3) the use has been proposed in a manner that will minimize the impact of the proposed use on the resource, and
 - (4) the proposal includes a plan for mitigation of unavoidable impacts prepared by a qualified professional that includes a monitoring plan designed to confirm the success of the mitigation effort.

2. In the area designated Upland Management Area

The following standards shall apply to any new ground disturbing activity. This includes: expansion, maintenance, replacement of existing structures or new structures: replacement or maintenance of existing utilities: new utilities; and septic installation requiring a building permit or septic permit; new grazing; new landscaping; and new cultivation.

- a. New ground disturbances proposed within the upland management Area shall be subject to a sensitive resource plan review by the Oregon

Department of Fish and Wildlife in accordance with the sensitive resource plan review process in sub section c. of this section.

- b. Avoidance of ground disturbance within the entire sensitive habitat area, including both the core habitat and upland management areas, precludes the need for any sensitive resource plan review.
- c. The following factors shall be considered when sensitive resource plans and proposed protection measures are reviewed:
 - (1) Where possible new ground disturbances will be located to avoid impact to open south and west facing slopes within the upland management area. If location of a new ground disturbance is necessary on a south or west facing slope the County will work with ODFW and the applicant to identify necessary steps to minimize potential impacts to habitat values in the upland management area.
 - (2) The location, size, scope, configuration or density of new uses shall be regulated to protect wildlife species. The timing and duration of all construction and all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are most sensitive to disturbance.
 - (3) Proposed livestock grazing on non EFU ground will be reviewed to ensure livestock are controlled to prevent overgrazing of vegetation. Restrictions on livestock may be necessary on non EFU ground because they are known to crush turtles in hibernation or in transit from pond to pond.
 - (4) New driveway/road access will be reviewed along with the timing for increased construction traffic on existing roads or driveways located or proposed to be located within the Upland management area. The purpose of the review will be to avoid adverse impacts to turtles most likely to result from vehicles crushing them and to avoid impeding movement of the turtles along the riparian corridors, to other ponds, and to nesting sites. If potential adverse impacts cannot be avoided, the County will work with ODFW and the applicant to identify necessary steps to minimize potential impacts to habitat values in the upland management area.
 - (5) Existing vegetation or other landscape features within the upland management area, which are confirmed to provide critical habitat values, shall be preserved and maintained.

A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.

- (6) No partitions or subdivisions shall be permitted which would force location of a dwelling structure or other ground disturbing activity, not otherwise permitted on the site to be allowed within the sensitive habitat area.
 - (7) The sensitive resource plan and proposed protection measures shall conform to the requirements of the ESEE analysis for the specific type of significant sensitive habitat area impacted.
- d. Alteration, restoration, or replacement of a lawfully established dwelling. Any replacement dwelling may be allowed so long as it complies applicable sensitive resource plan review criteria and other applicable provisions in the County's LUDO.
 - e. The applicant shall, as a condition of approval, record a deed restriction form adopted as Exhibit A, with the county clerk of the county restricting the use of the area identified as "Core Habitat".
 - f. The applicant shall, as a condition of approval, record the conditions of approval determined through the sensitive resource plan review process, with the county clerk of the county
 - g. Maintenance and repair of existing structures not requiring a construction permit, permitted work conducted within a closed structure, or repair of a failing septic system are exempt from sensitive resource plan review criteria.

E. Interim Protection of Sensitive Habitat Area

Any parcel identified as having sensitive pond turtle habitat, not yet included on the inventory or deemed significant, but acknowledged for interim protection under the applicable Comprehensive Plan policy, shall forego any land ground disturbing activity regulated by this section, except for emergency repairs, until such time as the County has the opportunity to consult with ODFW. Consultation with ODFW will be held to determine whether an unacceptable level of interference would result from approval of the proposed action or activity. Only those activities deemed to have no more than an acceptable level of interference with the use or long term value of the potentially significant sensitive habitat area will be permitted.

Interim wildlife protection granted under this section is only valid for a maximum of 120 days from the date the County acknowledges the need for interim protection to be applied.

SECTION 3.110 "F-1" FOREST ZONE

A. Purpose

The purpose of the "F-1" Forest Zone is to provide areas for the continued practice of timber production, harvesting and related areas, and to help protect those areas from the hazards of fire, pollution, and the conflicts of urbanization.

It is also the primary intent of the zone to preserve and protect watersheds including the protection of surface water sources relied on for public drinking water, wildlife habitats and other uses associated with the forest, and preserve and maintain the high positive visual aspect of the forest area.

Residential development is prohibited in the "F-1" Forest Zone as the conflicts created between safe and efficient watershed management and residential development are unable to be mitigated.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-1" Forest Zone shall comply with the following regulations:

B. Definitions

1. Auxiliary - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions—When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
 - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
 - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and
 - c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and

- d. shall be copied by the Planning Director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.
3. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 for commercial production.
4. Forest Operation - Any commercial activity relating to the establishment, management, or harvest of forest tree species as defined in ORS 527.620(6).
5. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937
6. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-1" zone shall not be located on a permanent foundation.
7. Tract - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

C. Permitted Uses

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

RESOURCE USE

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
3. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. All uses proposed shall comply with the definition of auxiliary as defined in Section (B)(1) of

this zone.

5. Uses to conserve water, soil, open space, forest or wildlife resources including accepted fish and wildlife practices.
6. Uninhabitable structures accessory to fish and wildlife enhancement.
7. Farm use, as defined in Oregon Revised Statutes (ORS) 215.203(2).
8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

EXISTING RESIDENTIAL USES

9. Maintenance, repair or replacement of existing legally implemented dwellings and/or accessory structures. Any replacement dwelling which meets the requirements listed below need not be replaced in kind and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards and fire protection standards for dwellings in the Forest zone.
 - a. A replacement dwelling must have:
 - (1) Intact exterior walls and roof structures;
 - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Interior wiring for interior lights;
 - (4) Heating system; and
 - (5) Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.
 - b. A replacement dwelling shall be subject to the following siting and fire protection standards:
 - (1) Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:
 - (a) General Development Standards,
 - (b) Fire Safety Standards,
 - (c) Fire Access Standards, and
 - (d) Siting Requirements for Compatibility.

(2) Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:

- (a) General Development Standards, and
- (b) Fire Safety Standards (other than location within a structural fire protection district)

Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address

- (c) Fire Access Standards,
- (d) Siting Requirements for Compatibility

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

- (a) General Development Standards,
- (b) Siting Requirements for Compatibility,
- (c) Fire Safety Standards (other than location within a structural fire protection district), and
- (d) Fire Access Standards.

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

10. A building or use accessory to a legally established residential use subject to applicable Development Standards, Siting Requirements, Fire Standards, and Fire Access Standards contained in this section.

UTILITY FACILITIES, ROADS, AND SERVICES

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

12. Additional local distribution lines (e.g., electric telephone, natural gas) and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

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

14. Disposal site for solid waste ordered by DEQ per ORS 259.049, together with the equipment, facilities or buildings necessary for its operation.

RECREATIONAL USE

15. Private hunting and fishing operations without any lodging accommodations or any other physical development.
16. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds.

EMERGENCY USE

17. Temporary emergency response camps and staging areas for personnel and equipment necessary for one or more responders to respond to wildland fire, flood, or other emergency event.
18. Towers, communication facilities, and fire stations for forest fire protection.

D. Uses Permitted Conditionally

In the "F-1" Forest Zone, the following uses and activities and their accessory uses may be permitted on a legal parcel when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance:

RESOURCE USE

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.
3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. 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.
5. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

EXISTING RESIDENTIAL

6. Home Occupations subject to Section 20.060.

UTILITY FACILITIES, ROADS, AND SERVICES

7. Television, microwave and radio communication facilities and transmission towers.
8. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
9. Reservoirs and water impoundments.
10. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.
11. Aids to navigation and aviation.
12. Public road and highway projects as described in ORS 215.213 (2)(q) through (s) and ORS 215.283 (2)(p) through (r).
13. 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. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.
14. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
15. Expansion of existing airports.

EMERGENCY

16. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.

E. Conditional Use Approval Standards

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Chapter 5 of this Ordinance and Section (H) and (I) of this zone, the following review criteria shall apply to conditional uses applied for in subsection (D) of this zone:

1. The proposed use will not significantly increase the fire hazard or significantly increase risks to fire suppression personnel.

2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.
- F. Prohibited Uses - All other uses not listed which are not determined to be similar uses as provided in Section 4.010 of this Ordinance.
- G. Parcel Size - The minimum lot or parcel size shall be 80 acres. The following exceptions may apply:
1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a ministerial action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
 2. Divisions to create parcels for specified non resource use permissible in the F-1 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.110.C.14. and Section 3.110.D.1, 2, 3, 4, 8, 9, 10, 11, 12, 17 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
 3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1, 1995 provided that:
 - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
 - b. The remaining parcel, not containing the dwelling, shall either:
 - (1) meet the minimum parcel size standard of the zone; or
 - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
 - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.

- d. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - e. A forest farm management easement shall be recorded for each resulting parcel.
4. Divisions of land containing 2 or more dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
 - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
 - d. At least one dwelling shall be located on each parcel created, including the parent parcel;
 - e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
 - f. A lot or parcel may not be divided under the provisions of this subsection if;
 - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
 - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
 - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval

is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:

- a. Shall not be eligible for siting of a new dwelling;
 - b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
 - d. Shall not result in a parcel of less than 35 acres, except:
 - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
 - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
 - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
 - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - g. A forest farm management easement shall be recorded for each parcel.
6. Division of land for public park uses provided that:
- a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for profit land conservation organization, to purchase at least one of the resulting parcels; and
 - b. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
 - c. The parcel created for park or open space uses shall not contain a dwelling, and:
 - (1) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

- (2) may not be considered in approving or denying an application for siting any other dwelling;
- (3) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
- (4) May not be smaller than 25 acres unless the purpose of the land division is:
 - (a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - (b) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.

H. General Development Standards

1. Setback - No structure other than a fence or sign shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Structures shall also meet all siting standards and setbacks listed for structures in the F-1 zone.
2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
3. Stream or Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.
5. Parking - Off street parking shall be provided in accordance with Chapter 4 when and if necessary.

6. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
7. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

I. Siting Requirements for Compatibility of New Accessory Structures and replacement dwellings in a new location

The following siting criteria shall apply to all replacement dwellings in a new location, and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

1. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
 - a. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
 - b. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
 - c. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.
2. Structure Set Backs - To satisfy 1. above, re-located dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.
3. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
4. Good Proximity to Public Roads - Siting structures close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.

5. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.
6. Road Maintenance Required - If road access to the re-located dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
7. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply relied on for the re-located dwelling is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
 - a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - b. A water use permit issued by the Water Resources Department for the use described in the application; or
 - c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
8. Forest Stocking Requirements - Approval of a replacement dwelling in a new location shall be subject to the following requirements:

Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

- a. The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
- b. The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;

- (1) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation (ORS 321.359) and impose the additional tax.
- (2) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

J. Fire Safety Standards

All new accessory structures replacement dwellings larger than the existing dwelling or in a new location shall institute the following fire safety measures for protection of the development and surrounding forest areas:

1. Fire Standards for New Accessory Structures and Some Replacement Dwellings:

- a. An adequate water supply, capable of pumping ten (10) gallons per minute (gpm) for two hundred fifty (250) consecutive minutes (2500 gallon supply) with a minimum of twenty-five (25) psi of pressure from the hose nozzle shall be employed prior to issuance of zoning approval; and
- b. The water supply provided for emergency purposes will be accessible to and used by emergency responders in accordance with the demands of any given emergency response situation. Water use during an emergency response will be determined by the response commander in accordance with their authority under state law; and
- c. Applicant shall provide verification from 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.
- d. Road access to within 15 feet of the water's edge or point of access to water supply for firefighting pumping units shall be provided. The access road shall have a turn around and permanent signage to ensure access to the water body.
- e. If a tank or cistern is relied on for emergency water storage, the tank shall be equipped with the necessary pipe fittings to make it accessible to emergency responders. Applicants can contact Oregon Department of Forestry and their local Fire Protection District to confirm the size and type of fitting necessary.
- f. At least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling or accessory structure and shall be capable of handling the (gpm) requirements of (a) above; and

- g. Separate power service independent of a dwelling shall be provided for the pump utilized in (a), above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer; and
- h. The replacement dwelling shall not be sited on a slope greater than forty percent (40%).
- h. All structures shall be surrounded by a maintained primary fire break not less than thirty (30) feet wide, on land surrounding the dwelling that is owned or controlled by the owner. Additional primary fire break shall be provided depending on the slopes at the site in accordance with the table below. A primary fire break can include green lawns, low shrubs (less than 2 feet in height), trees spaced more than 15 feet between crowns, and all trees limbed up above 8 feet. Non flammable materials such as rock rather than flammable bark mulch or other flammable material should be placed next to the house.

Slope	Feet of Primary Safety Zone - (Structures)	Additional Primary Safety Zone - (Dwellings)
10%	30	50
20%	30	75
30%	30	100
40%	30	150

The secondary fire break shall extend, around the dwelling, 100 feet beyond the primary safety zone on land owned or controlled by the owner. Vegetation in the secondary fire break should be pruned and spaced so that fire will not spread between crowns of trees. Small brush and trees growing under larger trees should be removed to prevent spread of fire into tree crowns. Dead fuels should be removed; and

- i. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened, with a spark arrester, to prevent discharge of sparks. Screens shall be composed of long lasting inflammable material with a fine enough mesh to stop sparks and embers from escaping e.g. 14 guage metal screen with a ½” or smaller mesh;
 - j. The exterior roofing of all structures shall be of fire-resistant materials; and
 - k. Power and telephone lines shall be located underground whenever possible.
2. Fire Access to new Accessory Structures and Replacement Dwellings in a New Location
- a. Access drives (driveways) shall be maintained to a level that is passable for fire equipment.

- (1) Grades shall not exceed an average of eight percent (8%) with a maximum of twelve percent (12%) on short pitches. Driveway widths shall be a minimum of twelve (12) feet with of all-weather surface, capable of supporting vehicular traffic equal to or greater than seventy five thousand (75,000) pounds of gross vehicle weight.
 - (2) Turnouts - Driveways in excess of two hundred (200) feet should provide twenty (20) foot wide by forty (40) foot long passage space (turnout) at a maximum spacing of $\frac{1}{2}$ the driveway length, or at four hundred (400) feet, whichever is less. Turn outs may need to be closer than 400 feet to account for limited visibility at sharp corners or driveway switch backs.
 - (3) Dead-end driveways are defined as dead-end roads over one hundred fifty (150) feet in length serving a single residence. Dead end driveways shall have a turnaround of not less than a forty-eight (48) foot radius.
 - (4) Bridges, culverts, and other structures in the road bed shall be engineered, constructed, tested, posted, and maintained to support gross vehicle weights of seventy five thousand (75,000) pounds.
 - (5) Driveways shall be marked with the residents address. Letters and numbers shall be a minimum of three (4) inches in height and a half (.5) inch wide and made of a reflectorized material. Placement of the address numbers or letters shall occur at the entrance to the driveway and at each subsequent junction if the driveway splits on the way to the dwelling.
 - (6) Driveways shall have a vertical clearance of 13'6".
- b. Public Roads and Private Roads accessing 2 or more residences shall be constructed to provide adequate access for fire fighting equipment. Standards necessary to ensure routes are accessible to fire equipment shall address maximum grade, road width, turning radius, road surface, bridge design culverts and road access taking into consideration seasonal weather conditions. The county shall consult with the appropriate Rural Fire Protection District, Forest Protection District, and Deputy State Fire Marshal in establishing these standards.

SECTION 3.120 "F-2" FOREST ZONE

A. Purpose

The purpose of the "F-2" Forest Zone is to protect land designated as Forest on the Comprehensive Plan Map that is suitable and desirable for commercial forestry activities. The scope of the zone also encompasses the management of areas for the continued use of lands for renewable resource production, retention of water resources, open space, recreation, wildlife habitats and related forest uses. Residential development which might be affected by or in itself affect accepted forest management practices will be limited or prohibited so as to maximize the productivity of forest resource management in the zone. Residents of this zone must recognize that the intent of the zone is to protect resource management activities and that in the event of a conflict between residential use and normal forestry or agricultural practices, this code will be interpreted in favor of the resource management practice.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-2" Forest Zone shall comply with the following regulations:

B. Definitions

1. Auxiliary - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. Forest Tree Species - Trees recognized under rules adopted under ORS 527.620 (6) for commercial production.
3. Covenants, Conditions, & Restrictions (CC&Rs) or Irrevocable Deed Restrictions - When referred to in this section as a requirement for approval of a dwelling or land division in the Forest Zone mean documents in conformance with Exhibit A of OAR 660-006 recorded in the deed records for Wasco County and in any additional counties where affected properties are located. The CC& Rs also:
 - a. shall be irrevocable unless a statement of release is signed by an authorized representative of the appropriate county or counties, and then recorded in deed records; and
 - b. shall be enforceable by the Department of Land Conservation and Development or by the county or counties where the property is located that is subject to the recorded form; and

- c. shall not affect the validity of the transfer of property or the legal remedies available to buyers of property which is subject to the recorded form if the requirements for implementation of CC&Rs are not followed; and
 - d. shall be copied by the planning director, into a file and onto a map, sufficient to depict tracts which do not qualify for the siting of new dwellings based on the recorded CC&R document.
4. Cubic Foot Per Tract Per Year - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS). NOTE: On a lot or parcel for which NRCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and must be approved by the Department of Forestry. An alternative method would include contracting with a qualified professional forester to assess the forest productivity of a specific tract. General assumptions based on surrounding site capability cannot be substituted for site specific analysis by a qualified professional nor can unclassified soils be presumed to be more or less productive than surrounding soils previously classified by NRCS.
 5. Date of Creation and Existence - the date of reconfiguration through division or lot line adjustment after November 4, 1993, is the date of creation or existence for a lot parcel or tract. Reconfigured means any legal change in the boundary of the lot, parcel or tract.
 6. Forest Operation - Any commercial activity relating to the establishment, management or harvest of a forest tree species as defined in ORS 527.620(6).
 7. Forest Farm Management Easement - A binding document, to be recorded in the deed records of Wasco County, and prohibiting the landowner and landowner's successors in interest from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
 8. Public Road – means a road over which the public has the right to travel as a matter of public record [per ORS 368.001]
 9. Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation or the duration of an emergency response including clean up and restoration work. Any structure associated with a temporary use in the "F-2" zone shall not be located on a permanent foundation.

10. Tract – One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

C. Permitted Uses

In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses are permitted on a legal parcel subject to the general provisions and exceptions set forth by this Ordinance:

RESOURCE USES

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
3. Temporary forest labor camps. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B) of this zone.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
5. Uses to conserve soil, air and water quality and to provide for wildlife and fish resources.
6. Uninhabitable structures accessory to fish and wildlife enhancement.
7. Farm use as defined in Oregon Revised Statutes (ORS) 215.203(2).
8. Exploration for mineral and aggregate resources as defined in ORS 517.

EXISTING RESIDENTIAL USE

9. Maintenance, repair or replacement of existing legally implemented dwellings and/or accessory structures. Any replacement dwelling which meets the requirements listed below need not be replaced in kind and may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards and fire protection standards for dwellings in the Forest zone.

- a. A replacement dwelling must have:
 - (1) Intact exterior walls and roof structures;
 - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Interior wiring for interior lights;
 - (4) Heating system; and
 - (5) Must be removed, demolished or converted to a non residential use within three months of the completion of a replacement dwelling if it is replaced.
- b. A replacement dwelling shall be subject to the following siting and fire protection standards:
 - (1) Replacement of a legally established dwelling in kind in the same location will be allowed and the applicant will be informed about and encouraged to address:
 - (a) General Development Standards,
 - (b) Fire Safety Standards,
 - (c) Fire Access Standards, and
 - (d) Siting Requirements for Compatibility.
 - (2) Replacement of a legally established dwelling with a larger dwelling in the same location will be allowed and the applicant will be required to meet all applicable:
 - (a) General Development Standards, and
 - (b) Fire Safety Standards (other than location within a structural fire protection district)

Applicants replacing a dwelling in the same location with a larger dwelling will be informed about and encouraged to address

 - (c) Fire Access Standards,
 - (d) Siting Requirements for Compatibility
 - (3) **Replacement of a legally established dwelling in a new location** will be allowed and the applicant will be required to meet all applicable—
 - (a) General Development Standards,
 - (b) Siting Requirements for Compatibility,

- (c) Fire Safety Standards (other than location within a structural fire protection district), and
- (d) Fire Access Standards.

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

- 10. A building or use accessory to a legally established residential use subject to applicable Development Standards, Siting Requirements, Fire Standards, and Fire Access Standards contained in this section.

UTILITY FACILITIES, ROADS, AND SERVICES

- 11. Additional local distribution lines (e.g., electric telephone, natural gas) and accessory utility equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- 12. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.213 (l), (m) through (p) and ORS 215.283 (l), (k) through (n).
- 13. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 14. Disposal site for solid waste ordered by DEQ per ORS 259.049, together with the equipment, facilities or buildings necessary for its operation.

RECREATIONAL USE

- 15. Private hunting and fishing operations without any lodging accommodations or any other physical development.
- 16. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds.

EMERGENCY USE

- 17. Towers, communication facilities and fire stations for forest fire protection.

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

OTHER

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

D. Conditional Uses

In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses may be permitted, on a legal parcel, when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance:

RESOURCE USE

1. Permanent facility for the primary processing of forest products and permanent logging equipment repair and storage.
2. Log scaling and weigh stations.
3. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations.
4. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
5. 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.

EXISTING RESIDENTIAL USE

6. Home occupations subject to Section 20.060.

UTILITY FACILITIES, ROADS, AND SERVICES

7. Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
8. Television, microwave and radio communication facilities and transmission towers.
9. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004 and must be reviewed and determined to comply with Chapter 19 standards and criteria for energy facilities and commercial energy facilities.
10. Expansion of existing airports.
11. Public road and highway projects as described in ORS 215.213 (2)(q) through (s) and ORS 215.283 (2)(p) through (r).
12. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
13. Aids to navigation and aviation.
14. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
15. Reservoirs and water impoundments.
16. 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. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

RECREATIONAL USE

17. Parks and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle. Campgrounds authorized under this section are to be located at a site or contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the 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 660-004.
 - b. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
 - c. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six month period; and
 - d. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except for yurts meeting the following requirements:
 - (1) No more than one-third or a maximum of 10 campsites, whichever is less, may include a yurt; and
 - (2) The yurt shall be located on the ground or on a wood floor with no permanent foundation; and
 - (3) The Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in Wasco County if the Commission determines that the increase will comply with the standards described in ORS 215.296(1).
 - (4) As used here, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook up or internal cooking appliance.
 - e. Campfires will be subject to Oregon Department of Forestry regulated use closures during fire season. Camp grounds are not automatically exempted and need to comply with all applicable use restrictions.
- 18. Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;**
- a. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.

- c. Accommodations shall only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.
- d. Fishing accommodations must be located within 1/4 mile of fish-bearing waters.
- e. Other conditions imposed by the Approving Authority deemed necessary.

19. Youth Camps subject to the limitations and requirements of OAR 660-006-0031.

20. Public parks and campgrounds subject to OAR 660-034.

EMERGENCY USE

21. Fire stations for rural fire protection and permanent fire protection staging areas including permanent grading and structures necessary to stage fire equipment for emergency response by one or more than one emergency responder.

OTHER

22. Cemeteries.

23. Firearms training facility.

24. Any gathering subject to review by the Wasco County Planning Commission under the provisions of ORS 433.763. This includes any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three month period and any part of which is held in open spaces. Approval of a land use permit for this type of gathering is required. Special criteria listed in ORS 433.763 must be addressed.

E. Standards and Criteria for Establishment of New Dwelling(s) in the F-2 Zone

New single-family dwellings may be authorized on legally created parcels in the F-2 zone subject to applicable standards listed in this section, including General Development Standards, Fire Safety Standards, Fire Access Standards, and Siting Requirements for Compatibility. Unless otherwise stated in this section, a Forest Farm Management Easement will be required as a condition of approval for any dwelling approved in the F-2 zone.

- 1. Lot of Record Test. One single family dwelling on a lot of record, meeting the following qualifications:
 - a. The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired and owned continuously by the present owner:

- (1) Prior to January 1, 1985; or
 - (2) By devise or interstate succession from a person who acquired and had owned continuously the lot or parcel prior to January 1, 1985.
- b. The tract or parcel on which the dwelling is to be sited is composed of soils not capable of producing four thousand (4,000) cubic feet per year of forest tree species as defined in subsection B of this section.
- c. The tract or parcel on which the dwelling is to be sited is located within fifteen hundred (1,500) feet of a public road as defined by subsection B of this section that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - (1) A United States Bureau of Land Management road; or
 - (2) A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency. Note: any access authorization must be demonstrated to provide a permanent access route to the home site.
- d. The tract on which the dwelling will be sited does not include a dwelling.
- e. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract.
- f. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.
- g. As used in this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
- h. When the lot or parcel on which the dwelling will be sited lies within an area designated as big game winter range, the siting of the dwelling shall be consistent with the limitation on density upon which the Section 3.290 (Sensitive Wildlife Habitat Overlay) describes to protect habitat.
- i. Approval of a dwelling is subject to meeting the siting standards and fire standard requirements for dwellings pursuant to Subsections (l) General

Development Standards, (J) Siting Requirements, and (K) Fire Safety Standards, of this section.

2. Large Tract Test. If a dwelling is not allowed under the Lot of Record test, a dwelling may be allowed on land zoned for forest use if:
 - a. It complies with all applicable provisions of law and is sited on a tract that does not include a dwelling; and
 - b. The tract consists of at least 240 contiguous acres, or 320 non-contiguous acres in one ownership in the same county or contiguous counties; and
 - c. CC&Rs or a deed restriction defined in subsection B of this section, has been executed and recorded that encumbers all other lots or parcels that comprise the tract used to meet the acreage test.
3. Dwelling for Caretaker in a Public Park or Fish Hatchery. A single family dwelling may be authorized within the Forest Zones for a caretaker's residence when the residence will be located on land dedicated and developed as a public park, and the residence is to be occupied by a caretaker and caretaker's family only.
4. Temporary Hardship Dwelling. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use, subject to Chapter 8 Temporary Use Permit, for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283 .

F. Conditional Use Approval Standards

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Chapter 5 of this Ordinance, the following review criteria shall apply to a conditional use applied for in subsection (D) of this Section:

1. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
2. The landowner for the use shall sign and record in the deed records for the County a forest Farm Management Easement document binding the landowner and landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

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

H. Parcel Size - The minimum lot or parcel size shall be 80 acres. The following

exceptions may apply:

1. Exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land is a ministerial action and exempt from Section 21.120. Units of land less than 80 acres may be exchanged to consolidate ownership as long as no new parcels are created from such exchange. Section 21.115(B) & (C), Section 21.125 & Section 21.130 are required to be met to consolidate transferred units of land into receiving parcel boundaries as necessary to avoid creating new parcels. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
2. Divisions to create parcels for specified non resource use permissible in the F-2 Zone - Lot or parcel size may be reduced below 80 acres only for the uses listed in Section 3.120.C.14 and 3.120.D. 1, 2, 3, 4, 7, 8, 9, 13, 14, 15, 17, 20, 21, 22, & 23 OAR 660-006-0025 (3) (m)-(o) and (4) (a)-(o) providing these uses meet all other applicable standards and criteria in this section.
3. Divisions of land containing single dwelling - The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1,1995 provided that:
 - a. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
 - b. The remaining parcel, not containing the dwelling, shall either:
 - (1) meet the minimum parcel size standard of the zone; or
 - (2) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
 - c. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
 - d. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - e. A forest farm management easement shall be recorded for each resulting parcel.

4. Divisions of land containing at least two dwellings - The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
- a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - b. Each dwelling complies with the criteria for a replacement dwelling in this zone;
 - c. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
 - d. At least one dwelling shall be located on each parcel created, including the parent parcel;
 - e. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.
 - f. A lot or parcel may not be divided under the provisions of this subsection if;
 - (1) an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
 - (2) an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
 - (3) an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
5. Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:
- a. Shall not be eligible for siting of a new dwelling;

- b. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - c. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
 - d. Shall not result in a parcel of less than 35 acres, except:
 - (1) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
 - (2) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
 - e. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
 - f. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - g. A forest farm management easement shall be recorded for each parcel.
6. Division of land for public park uses provided that:
- a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-forprofit land conservation organization, to purchase at least one of the resulting parcels; and
 - b. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
 - c. The parcel created for park or open space uses shall not contain a dwelling, and:
 - (1) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - (2) may not be considered in approving or denying an application for siting any other dwelling;

- (3) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
- (4) May not be smaller than 25 acres unless the purpose of the land division is:
 - (a) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - (b) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.

I. General Development Standards

1. Setback - No structure other than a fence or sign shall be located closer than forty (40) feet from the right-of-way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.
2. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
3. Stream and Lake Buffers - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
4. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.
 - (1) Parking - Off street parking shall be provided in accordance with Chapter 4 when and if necessary.
 - (2) Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent

properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

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

J. Siting Requirements for Compatibility of New Dwellings and Accessory Structures

The following siting criteria shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:

1. Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.
 - a. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.
 - b. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.
 - c. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone.
2. Dwelling and Accessory Structure Set Backs - To satisfy 1. above, dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.
3. Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.
4. Good Proximity to Public Roads - Siting close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.

5. Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.
6. Road Maintenance Required - If road access to the dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.
7. Authorization for Domestic Water Supply - The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water or surface water. For purposes of this section, evidence of a domestic water supply means:
 - a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - b. A water use permit issued by the Water Resources Department for the use described in the application; or
 - c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.
8. Forest Stocking Requirements - Approval of a dwelling shall be subject to the following requirements:
 - a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
 - b. The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
 - c. The property owner of a parcel more than 30 acres in size, shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by

Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;

(1) Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation and impose (ORS 321.359) the additional tax.

(2) The landowner for the dwelling shall sign and record in the deed records for the county a Forest Farm Management Easement. document binding the landowner and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.93.936 or 30.93.937.

K. Fire Safety Standards

All dwellings, and other structures shall institute the following fire safety measures for protection of the development and surrounding forest areas:

1. Fire Standards for All New Dwellings - New dwellings shall be located upon a parcel within a fire protection district responsible for responding to structural fires.

a. If not located in a Structural Fire Protection District, residential fire protection services may be provided for by contract with a district that provides structural fire protection. If the dwelling is not in a structural fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district or to contract for services and that the district is able and willing to annex the parcel or provide contract services.

b. Prior to receiving zoning approval on a building permit application, the applicant will be required to demonstrate that the contract for service or annexation process has occurred and service is being provided to the subject parcel.

2. Fire Standards for New Dwellings and Accessory Structures:

a. An adequate water supply, capable of pumping ten (10) gallons per minute (gpm) for two hundred fifty (250) consecutive minutes (2500 gallon supply) with a minimum of twenty-five (25) psi of pressure from the hose nozzle shall be employed prior to issuance of zoning approval; and

b. The water supply provided for emergency purposes will be accessible to and used by emergency responders in accordance with the demands of any given

emergency response situation. Water use during an emergency response will be determined by the response commander in accordance with their authority under state law; and

- c. Applicant shall provide verification from 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.
- d. Road access to within 15 feet of the water's edge or point of access to water supply for firefighting pumping units shall be provided. The access road shall have a turn around and permanent signage to ensure access to the water body.
- e. If a tank or cistern is relied on for emergency water storage, the tank shall be equipped with the necessary pipe fittings to make it accessible to emergency responders. Applicants can contact Oregon Department of Forestry and their local Fire Protection District to confirm the size and type of fitting necessary.
- f. At least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling or accessory structure and shall be capable of handling the (gpm) requirements of (a) above; and
- g. Separate power service independent of the dwelling shall be provided for the pump utilized in (a), above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer; and
- h. The dwelling shall not be sited on a slope of greater than forty percent (40%)
- i. All structures shall be surrounded by a maintained primary fire break not less than thirty (30) feet wide, on land surrounding the dwelling that is owned or controlled by the owner. Additional primary fire break shall be provided depending on the slopes at the site in accordance with the table below. A primary fire break can include green lawns, low shrubs (less than 2 feet in height), trees spaced more than 15 feet between crowns, and all trees limbed up above 8 feet. Non flammable materials such as rock rather than flammable bark mulch or other flammable material should be placed next to the house.

Slope	Feet of Primary Safety Zone - (Structures)	Additional Primary Safety Zone - (Dwellings)
10%	30	50
20%	30	75
30%	30	100
40%	30	150

The secondary fire break shall extend 100 feet beyond the primary safety zone on land owned or controlled by the owner. Vegetation in the secondary fire break should be pruned and spaced so that fire will not spread between crowns of trees. Small brush and trees growing under larger trees should be removed to prevent spread of fire into tree crowns. Dead fuels should be removed; and

- j. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened, with a spark arrester, to prevent discharge of sparks. Screens shall be composed of long lasting inflammable material with a fine enough mesh to stop sparks and embers from escaping e.g. 14 guage metal screen with a ½” or smaller mesh;
- k. The exterior roofing of all structures shall be of fire-resistant materials; and
- l. Power and telephone lines shall be located underground whenever possible.

3. Fire Access to new Dwellings and Accessory Structures

- a. Access drives (driveways) shall be maintained to a level that is passable for fire equipment.
 - (1) Grades shall not exceed an average of eight percent (8%) with a maximum of twelve percent (12%) on short pitches. Driveway widths shall be a minimum of twelve (12) feet with of all-weather surface, capable of supporting vehicular traffic equal to or greater than seventy five thousand (75,000) pounds of gross vehicle weight.
 - (2) Turnouts—Driveways in excess of two hundred (200) feet should provide twenty (20) foot wide by forty (40) foot long passage space (turnout) at a maximum spacing of ½ the driveway length, or at four hundred (400) feet, whichever is less. Turn outs may need to be closer than 400 feet to account for limited visibility at sharp corners or driveway switch backs.
 - (3) Dead-end driveways are defined as dead-end roads over one hundred fifty (150) feet in length serving a single residence. Dead end driveways shall have a turnaround of not less than a forty-eight (48) foot radius.
 - (4) Bridges, culverts, and other structures in the road bed shall be engineered, constructed, tested, posted, and maintained to support gross vehicle weights of seventy five thousand (75,000) pounds.
 - (5) Driveways shall be marked with the residents address. Letters and numbers shall be a minimum of three (4) inches in height and a half (.5) inch wide and made of a reflectorized material. Placement of the address numbers or

letters shall occur at the entrance to the driveway and at each subsequent junction if the driveway splits on the way to the dwelling.

- (6) Driveways shall have a vertical clearance of 13'6".
- b. Public Roads and Private Roads accessing 2 or more residences shall be constructed to provide adequate access for fire fighting equipment. Standards necessary to ensure routes are accessible to fire equipment shall address maximum grade, road width, turning radius, road surface, bridge design culverts and road access taking into consideration seasonal weather conditions. The county shall consult with the appropriate Rural Fire Protection District, Forest Protection District, and Deputy State Fire Marshal in establishing these standards.

SECTION 3.220 "F-F" FOREST-FARM

A. Purpose

The purpose of the Forest-Farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.

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

B. Permitted Uses

In the "F-F" Forest-Farm zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Farm use, as defined in ORS 215.203(2).
2. One single-family dwelling and other buildings and accessory uses provided in conjunction with a forest or farm use, including mobile home subject to Section 4.160 provided the following are met: (Revised 1-92)
 - a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record. (Added 1-92)
 - b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor. (Added 1-92)
3. Propagation or harvesting of a forest product.
4. Utility facilities necessary for public service.
5. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.

7. Subdivisions.
8. Planned Unit Developments (PUD).
9. Energy facilities subject to the provisions of Chapter 19.
10. Agricultural Produce Stand (subject to Chapter 20). (Revised 1-92)
11. The breeding, boarding and training of horses for profit. (added 2-89)
12. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. (added 2-89)
13. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. (added 2-89)
14. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (added 2-89)
15. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (added 2-89)

C. Uses Permitted Conditionally

In the "F-F" Forest-Farm zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this Section:

1. Additional single-family dwellings, including mobile homes, in conjunction with a commercial farm or forest use subject to income requirements in Section 3.210 D.2. or D.3. (amended 6-98).
2. A single-family dwelling, including mobile home, not provided in conjunction with a forest or farm use.
3. Commercial activities that are in conjunction with farm use.

4. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.
5. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
6. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
7. Home occupations, subject to chapter 20.
8. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
9. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
10. Public or private schools.
11. Churches.
12. The propagation, cultivation, maintenance and harvest of aquatic species. (added 2-89)
13. Solid waste disposal site as provided in ORS 215.283(2)(j).
14. Sanitary landfill.
15. Facilities to manufacture alcohol from farm or timber waste.
16. Kennels.
17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. (added 2-89)
18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. (added 2-89)
19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. (added 2-89)

D. Property Development Standards

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section. (added 2-89)
3. Setbacks - In the "F-F (10)" zone no structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet.
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 4.
9. Fire and Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:

- a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and
- b. If electricity is provided, service separate from the dwelling shall be provided for the pump delivery water to the standpipe in (a), above; and
- c. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and
- d. Power and telephone should be located underground where practicable. *Practicable is defined as 'feasible in the circumstances' by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground.* (added 6-98); and
- e. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units (added 6-98); and
- f. Exterior roofing shall be of fire-resistant materials (added 6-98); and
- g. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground (added 6-98); and

Size of Fuel Break Safety Zone by Percent Slope

<u>Slope</u>	<u>Feet of Primary Safety Zone</u>	<u>Feet of Additional Down Slope</u>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- h. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below (added 6-98); and

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

On a slope change

<u>Where the downhill slope is</u>	<u>Feet of Setback</u>
10%	50
20%	75
25%	100
40%	150

- i. Driveways and Private Roads shall be maintained to a level that is passable for fire equipment (added 6-98); and
 1. Driveway and private roads shall be built and maintained to provide a minimum of twelve (12) foot width, a minimum curve radius of forty-eight (48) feet and a vertical clearance of thirteen feet (13), six (6) inches.
 2. Grades shall not exceed an average of 8% with a maximum of 12% on short pitches.
 3. Vehicle Passage Turnouts – Driveways in excess of two hundred (200) feet in length, shall provide twenty (20) foot wide by forty (40) foot long turnouts at a maximum spacing of ½ the driveway length or four hundred (400) feet, whichever is less. Existing driveways may be used as a turnout if they meet the spacing requirements above.
 4. Deadend driveways over one hundred (150) feet in length shall have turnarounds of not less than a forty-eight (48) foot radius.
- j. Public Roads providing access to a driveway or access to the dwelling shall be brought to a level that is passable for fire/emergency equipment (added 6-98); and

- k. Roads shall be built and maintained to provide a minimum eighteen (18) foot width, all weather surface, with a minimum curve radius of forty-eight (48) feet, and a vertical clearance of thirteen (13) feet, six (6) inches (added 6-98).
10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. (Added 5-93)

SECTION 3.600 "LU" Limited Use Overlay Zone (added 2-89

A. Purpose

The purpose of the "LU" Limited Use Overlay zone is to limit the list of permitted and conditional uses in an underlying zone. The "LU" zone may be applied to lands zoned using a "reasons" exception under ORS 197.732(1)(c) in order to carry out the administrative rule requirement pursuant to OAR 660-04-018(3)(a). This rule requires that uses permitted because of "reasons" be limited to those justified in the exception.

Where appropriate the "LU" zone may be applied to "physically developed" and "irrevocably committed" exceptions under ORS 197.732 (1)(a) & (b) in order to reduce the list of permitted uses in a zone to those that are suitable for a particular location. In such cases, the "LU" zone may be used to carry out the administrative rule requirements for "physically developed" and "irrevocably committed" exceptions pursuant to OAR 660-04-018 (2)(a) and (b).

B. Overlay Zone Requirements:

1. When the "LU" zone is applied, the uses permitted in the underlying zone shall be limited to those uses and general activities specifically referenced in the ordinance adopting the "LU" zone. The "LU" zone cannot be used to authorize uses other than those expressly provided in the underlying zone.
2. The "LU" zone can be used to identify appropriate uses and require a conditional use permit for other uses normally permitted outright or prohibit uses permitted outright or conditionally in the zone.
3. Reasonable conditions may be imposed by the "LU" zone when necessary to carry out the provisions of this ordinance.
4. Until the overlay zone has been removed or amended through the plan and land use regulation amendment process, the only permitted uses and general activities in the zone shall be those specifically referenced in the adopting ordinance.

C. Procedures:

1. The Limited Use Overlay zone may be applied through the rezoning process at the time the underlying zone designation is being changed.
2. It shall not be necessary to mention in the public hearing notice of a rezoning

application that this overlay zone may be applied.

3. The ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses or become conditional uses or be prohibited. The description of the permitted use may be qualified as necessary to achieve the intent of the "LU" zone.

D. Limitations

1. The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the exception, pursuant to OAR 660-04-018 (2)(a), (2)(b) or (3)(a).
2. A review of all zones in the Land Use and Development Ordinance determines that none of those zones limit the uses and general activities as required by OAR 660-04- 018 (2)(a), (2)(b) or (3)(a).
3. The "LU" zone, when applied in combination with the proposed underlying zone, is consistent with the Comprehensive Plan and other applicable policies of the County.

E. Official Zoning Map

1. The official zoning map shall be amended to show an "LU" suffix on any parcel where the Limited Use Zone has been applied.
2. Subsequent amendment to the zoning map or permitted uses for any parcel with an "LU" suffix that has been limited due to an exception pursuant to ORS 197.732(1) shall require a new exception.

Chapter 3 - Wasco County Land Use and Development Ordinance

Section 3.510 – “RI” Rural Industrial zone; January 17, 2005

SECTION 3.510 "RI" RURAL INDUSTRIAL ZONE

A. Purpose

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

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

B. Permitted Uses

In the "RI" Rural Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new industrial use listed in C of this zone, that will be located entirely within an existing, lawfully erected commercial or industrial building or structure demonstrating compliance with off-street and public parking and loading area requirements in Chapter 4.

C. Uses Permitted Subject to Site Plan Review

In the “RI” zone, the following small scale low impact industrial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 35,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process.
2. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
3. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
4. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

5. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
6. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
7. Transfer company and trucking companies.
8. Laundry and cleaning service industries.
9. Circus, rodeo or like activity.
10. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.
11. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
12. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).
13. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

D. Uses Permitted Conditionally

In the "RI" Rural Industrial zone, the following small scale low impact rural commercial and industrial uses and activities and their accessory buildings and uses may be permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review), the applicable limit on commercial (3,500 square feet) or industrial (35,000 square feet) floor area, and this section:

1. Any use permitted subject to site plan review or conditionally in the Rural Commercial zone.
2. Primary or value added processing and/or sale of raw material produced in the rural vicinity of the proposal (NOTE: this type of activity is exempt from any small scale low impact commercial or industrial size limitation but may be subject to conditions imposed through the Conditional Use Review).
3. Junk yard or automotive wrecking yard, enclosed in a view obscuring fence or wall.
4. Recreation areas and facilities, including but not limited to: golf courses.
5. Bulk storage of petroleum or gas.
6. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.
7. Concrete batching plants and the manufacture and sale of concrete products.
8. Campground as defined by OAR 660-033-0130

D. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
 - b. Side Yards - Where the side or rear of a lot or parcel in an "M-1" zone abuts the an residential zone, there shall be a side or rear yard of not less than fifty (50) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of at least ten (10) feet from exterior side property lines for corner building sites. Where the side of a lot or parcel in the "RI" zone abuts the side of an "A-1" zone, there shall be a side or rear lot setback of 100 feet from the common property line. In other cases, a side yard shall not be required.
 - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line unless a greater setback is required next to an adjoining agricultural or residential zone in 2.b. above.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 4. Height - Maximum height for all structures shall be forty-five (45) feet. Height is measured from average grade.
 5. Stream Setback - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.
 6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises .
 - b. No sign shall project above the building.
 - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
 - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
 - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
 - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - g. Signs capable of movement shall be prohibited.

- h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
- 7. Parking - Off street parking shall be provided in accordance with Chapter 4.
- 8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways waterways. The exterior of shielding and hooding materials shall be composed of non reflective opaque materials.
- 9. New Driveways – All new driveways which access a County road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
- 10. Outdoor Storage – Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

Chapter 3 - Wasco County Land Use and Development Ordinance

Section 3.310 – “RR-2” Rural Residential 2 acre zone; January 17, 2005

SECTION 3.310 "RR-2" RURAL RESIDENTIAL 2 ACRE ZONE

A. Purpose

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

B. Permitted Uses

In the "RR-2" Rural Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling on any legally created parcel including mobile homes at least eighteen (18) feet wide subject to Section 4.160, provided proper sanitation approval is obtained.
2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.
3. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
4. Forest uses, including the propagation and harvesting of forest products.
5. Agricultural Produce Stands in accordance with Chapter 20, Site Plan Review.
6. Home occupation, subject to chapter 20.
7. Cemetery.
8. Subdivisions in accordance with Chapter 21.
9. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

In the "R-2" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
2. Private schools or day nursery centers.
3. Parks, playgrounds and recreation areas and community or neighborhood centers.
4. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
5. Temporary tract office for the sale of lots in subdivision in which the office is located.
6. Utility Facility necessary for public service.
7. Bed and breakfast inns.
8. Dude ranches and hunting and fishing lodges, including overnight facilities in accordance with Chapter 20, Site Plan Review and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

D. Property Development Standards

1. Property Size - The minimum property size is two (2) acres with a one hundred twenty five (125) foot average lot width.
2. Setbacks -
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
 - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
 - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. Height is measured from average grade. Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)
5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Fire Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:
 - a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and
 - b. Separate power service independent of the dwelling shall be provided for the pump utilized in a. above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer; and
 - c. A minimum water flow equal to twenty (20) gallons per minute for fifty (50) minutes, for a total water capacity of one thousand (1,000) gallons shall be provided. This water source shall be available year-round, and must be usable by the rural fire protection provider (if applicable); and
 - d. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and
 - e. Power and telephone should be located underground where practicable. *Practicable is defined as 'feasible in the circumstances' by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground.* (added 6-98); and
 - f. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units. Access shall be a minimum of twelve (12) feet in width, maximum twelve percent (12%) grade, with a fourteen (14) foot vertical clearance. The access road shall have a fifty thousand (50,000) pound carrying capacity. Access roads over one hundred fifty (150) feet in length shall provide a turn-around for vehicles. (added 6- 98); and
 - g. Exterior roofing shall be of fire-resistant materials (added 6-98); and

- h. The owners of the dwelling and structures shall: maintain a primary fuel free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below or to the property boundaries whichever is the shortest distance. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground (added 6-98); and

Size of fuel break safety zone by percent slope

<u>% Slope</u>	<u>feet of primary zone</u>	<u>feet of secondary zone</u>
<u>0</u>	<u>30</u>	<u>0</u>
<u>10</u>	<u>30</u>	<u>50</u>
<u>20</u>	<u>30</u>	<u>75</u>
<u>25</u>	<u>30</u>	<u>100</u>
<u>40</u>	<u>30</u>	<u>150</u>

- i. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs equal to those listed below or as far as the property size and configuration allows if the full setback cannot be accomplished. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below (added 6-98); and Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

<u>On a slope change Where the downhill slope is</u>	<u>Feet of Setback</u>
<u>10%</u>	<u>50</u>
<u>20%</u>	<u>75</u>
<u>25%</u>	<u>100</u>
<u>40%</u>	<u>150</u>

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.
10. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

Wasco County Ordinance Chapter 3 - Tygh Valley Zoning

Tygh Valley Agricultural (RC-TV-AG)	November 16, 1999
Tygh Valley Commercial (RC-TV-C)	January 16, 2000
Tygh Valley Light Industrial/Commercial (RC-TV-M1)	January 19, 2000
Tygh Valley Medium Industrial/Commercial (RC-TV-M2)	November 16, 1999
Tygh Valley Residential (RC-TV-R)	November 16, 1999
Tygh Valley Rural Reserve (RC-TV-RR)	November 16, 1999

SECTION 3.606 “RC-TV-AG” TYGH VALLEY AGRICULTURAL ZONE

A. Purpose

The purpose of the “RC-TV-AG” zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.

B. Permitted Uses

In the “RC-TV-AG” zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Section 4.160 (Exterior Finishing of Mobile Homes).
2. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not include the on-premises display of sale of stock in trade.
3. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers in accordance with Chapter 20 (Site Plan Review).
4. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Section 1.080 (Definitions).
5. Forest uses, including the propagation and harvesting of forest products.
6. Creation, restoration and enhancement of wildlife habitat.
7. Dude ranches and hunting and fishing lodges in accordance with Chapter 20 (Site Plan Review).

C. Uses Permitted Conditionally

In the “RC-TV-AG” zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

1. Home Occupations, subject to Chapter 20 (Site Plan Review).
2. Bed and breakfast Inn in an existing residence, subject to Chapter 20 (Site Plan Review).
3. Commercial activities in conjunction with farm use.
4. Dog kennels, except that such uses are prohibited on high value farmland.
5. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.
6. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and WCLUDO Section 3.800 (Mineral & Aggregate Overlay).
8. Utility facilities “necessary” for public service.
9. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).
10. Water supply and treatment facility.
11. Sewage disposal and treatment facility.

D. Property Development Standards

1. Property Size - New lots or parcels shall have a minimum average width of 500 feet and a minimum area of 20 acres.
2. Setbacks
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

- b. Side Yard - No structure other than a fence shall be located closer than twenty-five (25) feet from side property.
 - c. Rear Yard - No structure other than a fence shall be located closer than forty (40) feet from the rear property line.
 - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
 - e. Agricultural setbacks – Any new structures requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty five (35) feet. with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.
5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - c. Signs capable of movement shall be prohibited
 - d. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
 - e. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
6. Parking - Off street parking shall be provided in accordance with Section 4.110 (Off-Street Parking)

7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
8. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division manufactured dwellings shall:
 - a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
 - b. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. If the home is placed on a basement, the 12 inch limitation shall not apply.
 - c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
 - d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

SECTION 3.602 “RC-TV-C” TYGH VALLEY COMMERCIAL ZONE

A. Purpose

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

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “RC-TV-C” zone shall comply with the following regulations.

B. Permitted Uses

In the “RC-TV-C” zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:

Any new commercial service, or retail use, listed in Section C of this zone, that will be located entirely within an existing, lawfully erected building or structure.

C. Uses Permitted Subject Site Plan Review

In the “RC-TV-C” zone The following small scale low impact commercial uses and their accessory uses are permitted in a building or buildings not exceeding 4,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Any combination of the following uses:

- a. Retail or service business.
- b. Eating or drinking establishment.
- c. Offices.
- d. Veterinary clinic and kennel entirely within an enclosed building.
- e. Studio.
- f. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an “A” or “R” zone, there shall be no openings in the building walls facing the boundaries of an “A” or “R” zone other than stationary windows, except where such building walls abut streets or alleys.

- g. Residential use in the same building as an allowed use.

D. Uses Permitted Conditionally

In the “RC-TV-C” zone, the following uses and small scale low impact commercial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 square feet of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

1. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
2. Automobile service stations.
3. Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).
4. Utility facilities necessary for public service, except landfill.
5. Recreational Vehicle Park.
6. Church.
7. Place of public assemble, stadium, auditorium, recreation building or natatorium.
8. Public or semi public buildings.
9. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).
10. Public or private school.
11. Child care center.
12. Parks, athletic fields, playgrounds or community centers owned by a governmental agency or non-profit community organization.
13. Medical center.
14. Water supply or treatment facility.

E. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses. If no use is proposed the minimum lot size shall be 2 acres.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

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

In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Height - Maximum height for all structures shall be thirty-five (35) feet. with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

a. Signs shall pertain only to goods and services sold on the premises.

b. No sign shall project above the building.

c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

- e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
 - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - g. Signs capable of movement shall be prohibited
 - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
6. Parking - Off street parking shall be provided in accordance with Section 4.110 (Off-Street Parking).
7. Design standards - Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
- a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.
 - b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
9. Outdoor Storage - outdoor storage must be enclosed by a sight obscuring fence, wall or landscaping; all of which shall be maintained.
10. Access –
- a. No access will be allowed off of US Highway 197.
 - b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.
 - c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

- d. Any commercial use generating in excess of 200 trips per day shall be required to prepare a traffic impact study demonstrating that traffic generated can be accommodated within Oregon Department of Transportation Standards or necessary improvements, identified by the traffic study, to the affected highway will be made prior to commencement of the commercial operation.

SECTION 3.603 “RC-TV-M1” TYGH VALLEY LIGHT INDUSTRIAL/COMMERCIAL ZONE

A. Purpose

The “RC-TV-M1” zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and commercial uses with limited external impact.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “RC-TV-M1” zone shall comply with the following regulations.

B. Permitted Uses

In the “RC-TV-M1” zone, the following uses and activities and their accessory uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new industrial use listed in C of this zone, that will be located entirely within an existing, lawfully erected building or structure.

C. Uses Permitted Subject to Site Plan Review

In the “RC-TV-M1” zone, the following small scale low impact industrial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process.
2. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
3. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
4. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.
5. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

6. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
7. Transfer company and trucking companies.
8. Laundry and cleaning service industries.
9. Circus, rodeo or like activity.
10. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.
11. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
12. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).
13. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

D. Uses Permitted Conditionally

In the "RC-TV-M1" zone, the following small scale low impact industrial and commercial uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Offices.
 - d. Veterinary clinic and kennel entirely within an enclosed building.
 - e. Studio.
 - f. Public garage, including usual automobile repairs and servicing enclosed within the building that when within fifty (50) feet of an "A" or an "R" zone, there shall be no openings in the building walls facing the boundaries of an

“A” or “R” zone other than stationary windows, except where such building walls abut streets or alleys.

- g. Residential use in the same building as an allowed use in a. through f. above.
- 2. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
- 3. Automobile service station in a building or buildings not exceeding 4,000 square feet of floor space.
- 4. Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).
- 5. Utility facilities necessary for public service, except landfill.
- 6. Recreational Vehicle Park with an office and accessory structures not exceeding 4,000 square feet of floor space.
- 7. Church.
- 8. Place of public assembly, stadium, auditorium, recreation building or natatorium in a building or buildings not exceeding 4,000 square feet of floor space.
- 9. Public or semi public buildings.
- 10. Commercial amusement establishments (stadium, theatre, bowling alley, theatre) when enclosed in a building or buildings not exceeding 4,000 square feet of floor space.
- 11. Public or private school.
- 12. Child care center.
- 13. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization.
- 14. Medical center.
- 15. Water supply or treatment facility.
- 16. Junk yard or automotive wrecking yard.
- 17. Recreation areas and facilities, including but not limited to: golf courses.

18. Bulk storage of petroleum or gas.
 19. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.
- E. Property Development Standards
1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.
 2. Setbacks
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
 - b. Side Yards - Where the side of a lot or parcel in an "M-1" zone abuts the side of an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard shall not be required.
 - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
 - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.
 - e. Agricultural setbacks - Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 4. Height - Maximum height for all structures shall be forty-five (45) feet.
 5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall pertain only to goods and services sold on the premises.

- b. No sign shall project above the building.
 - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
 - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
 - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
 - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - g. Signs capable of movement shall be prohibited.
 - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
6. Parking - Off street parking shall be provided in accordance with Chapter 4.
7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
8. Outdoor Storage - Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.
9. Design standards -Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.
- a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.
 - b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.

SECTION 3.604 “RC-TV-M2” TYGH VALLEY MEDIUM INDUSTRIAL ZONE

A. Purpose

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

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “RC-TV-M2” zone shall comply with the following regulations.

B. Permitted Uses

In the “RC-TV-M2” zone, the following uses and activities and their accessory uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new industrial use, listed in C of this zone, that will be located entirely within an existing, lawfully erected building or structure.

C. Uses Permitted Subject to (Site Plan Review)

In the “RC-TV-M2” zone, the following small scale low impact commercial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats.
2. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process.
3. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
4. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
5. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

6. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
7. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
8. Transfer company and trucking companies.
9. Laundry and cleaning service industries.
10. Circus, rodeo or like activity.
11. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.
12. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
13. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).
14. Utility facilities necessary for public service, except landfill.
15. Veterinary clinic or kennel.

D. Uses Permitted Conditionally

In the "RC-TV-M2" zone, the following small scale low impact uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

1. Concrete batching plants and the manufacture and sale of concrete products.
2. One mobile home or watchman's quarters accessory to a permitted or conditional use.
3. Mobile homes or recreational vehicles, as defined in Section 1.090, accessory to a permitted industrial use for the purpose of providing housing for personnel subject to the following additional criteria:
 - a. The request for the mobile home or recreational vehicle shall be submitted in writing. Such request shall state the roles of the persons who will occupy the mobile home or recreational vehicle and provide

documentation of employment with the permitted industrial use by at least one member of the household.

- b. The request shall meet all applicable County health and sanitation requirements.
 - c. The location and use of the mobile home or recreational vehicle shall meet all other requirements of the zoning district.
 - d. No conditional use for a mobile home or recreational vehicle shall be transferable to any other owner or occupant.
 - e. Upon termination of the permitted industrial use or conditional use holders termination of employment with the permitted industrial use the conditional use mobile home or recreational vehicle shall be removed within sixty (60) days.
4. Automobile Service Stations.
 5. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.
 6. Recreation areas and facilities, including but not limited to: golf courses.
 7. Bulk storage of petroleum or gas.
 8. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.
 9. A campground as defined by OAR 660-033-0130.

E. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, maintenance of setbacks and compatibility with adjacent areas.
2. Setbacks
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.
 - b. Side Yard - Where the side of a lot in the Medium Industrial Zone abuts the side of a lot in an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
 - d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
 - e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 4. Height - Maximum height for all structures shall be seventy-five (75) feet.
 5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall pertain only to goods and services sold on the premises.
 - b. No sign shall project above the building.
 - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
 - d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.
 - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

- f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - g. Signs capable of movement shall be prohibited
 - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
6. Parking - Off street parking shall be provided in accordance with Chapter 4.
7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.
8. Outdoor Storage - All outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

SECTION 3.601 “RC-TV-R” TYGH VALLEY RESIDENTIAL ZONE

A. Purpose

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

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the “RC-TV-R” zone shall comply with the following regulations.

B. Permitted Uses

In the “RC-TV-R” zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. One Single-family dwelling/manufactured home on each legal lot/parcel subject to Section 4.160. Pre-existing sub standard lots/parcels must provide proof of adequate sewer and water subject to DEQ standards. New lots/parcels which have tested to a higher density (see property development standards) shall adhere to the well and/or sub-surface septic system location requirements approved in conjunction with a partition and concurrent binding site plan.
2. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not include the on-premises display of sale of stock in trade.
3. Subdivisions subject to section 21.

C. Uses Permitted Conditionally

In the “RC-TV-R” zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

1. Public parks, recreation areas and community or neighborhood centers.
2. Public and semi-public buildings and uses not otherwise specified in this section.
3. Golf courses.
4. Mobile home parks subject to the density of the “RC-TV-R” zone and the provisions of Chapter 16.
5. Utility facilities necessary for public service except landfill.
6. Bed and breakfast inns.
7. Multi-family dwelling complex.
8. Home occupation, subject to Chapter 20.
9. Planned Unit Developments subject to section 18.
10. Retirement Center or nursing home.
11. Church.

D. Property Development Standards

1. Property Size- The purpose of this section is to ensure compliance with state rules and statutes requiring that unincorporated communities be zoned in a manner ensuring that when fully built out development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.
 - a. New lots or parcels served by an approved community, municipal or public water system shall have a minimum average width of 250 feet and a minimum area of 2 acres.

Lot/parcel owners can elect to test to a higher density, up to .5 acres, with a minimum average lot width of 100', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to

meeting the requirements of Section 21. This site plan shall indicate an approved location for sub-surface septic system(s) which shall not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic facilities from adjoining properties to ensure the full well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Watermaster prior to acceptance by the Planning Department.

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

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

2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
- b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.
- c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.
- d. Water Setbacks - All structures or similar permanent fixtures shall be set

back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

- e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
- 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
 - 4. Height - Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

- 5. Signs – Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size for the intended purpose.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
 - d. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - e. Signs capable of movement shall be prohibited.
- 6. Parking - Off street parking shall be provided in accordance with Chapter 4.
- 7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

8. Building Orientation – New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.
9. Garage/Carport Placement – Garages and carports are encouraged to be located on the side of the single family dwelling.
10. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division, manufactured dwellings shall:
 - a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.
 - b. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. If the home is placed on a basement, the 12 inch limitation shall not apply.
 - c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.
 - d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - e. Be encouraged to have an attached or detached garage or a carport.
11. Access –
 - a. No access will be allowed off of US Highway 197.
 - b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.
 - c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

SECTION 3.605 “RC-TV-RR” TYGH VALLEY RURAL RESERVE ZONE

A. Purpose

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

B. Permitted Uses

In the “RC-TV-RR” zone, the following uses and activities and their accessory uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

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

C. Uses Permitted Conditionally

In the “RC-TV-RR” zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

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

D. Property Development Standards

1. Property Size - No new parcels.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.

d. Water Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.

- e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.
- 3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
- 4. Height - Maximum height for all structures shall be twenty five (25) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

- 5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
 - c. Signs capable of movement shall be prohibited.
 - d. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
 - e. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
- 6. Parking - Off street parking shall be provided in accordance with Section 4.110 (Off Street Parking)
- 7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

Wasco County Ordinance Chapter 3 - Wamic Zoning

Wamic Commercial (RC-Wam C-2)	February 1, 2000
Wamic Medium Industrial (RC-Wam M-2)	February 1, 2000
Wamic Residential (RC-Wam R-5)	February 1, 2000
Wamic Residential (RC-Wam R-2)	February 1, 2000

SECTION 3.613 "RC-Wam C-2" WAMIC COMMERCIAL ZONE

Purpose

The purpose of the "RC-Wam-C-2" Commercial Zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC-Wam-C-2" Commercial Zone shall comply with the following regulations.

A. Permitted Uses

In the "RC-Wam-C-2" Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Any new commercial service, or retail use that will be located within an existing building or structure.

B. Uses Permitted Subject to Site Plan Review

The following uses and their accessory uses are permitted subject to the applicable provisions of this Chapter and Chapters 20 Site Plan Review and Chapter 4 Off street Parking.

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business
 - b. Eating or drinking establishment
 - c. Offices
 - d. Veterinary clinic and kennel entirely within an enclosed building
 - e. Public garage, including usual automobile repairs and servicing enclosed within the building that:
 - (1) When within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R"

zone other than stationary windows, except where such building walls abut streets or alleys.

f. Residential use in the same building as a use permitted in this subsection (B)

C. Uses Permitted Conditionally

In the "RC-Wam-C-2" Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 square feet of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).
2. Automobile service stations.
3. Wind energy conversion system subject to the provisions of Chapter 19.
4. Utility facilities necessary for public service.
5. Recreational Vehicle Park
6. Church
7. Place of public assembly (stadium, auditorium, recreation building or natatorium).
8. Public or semi public buildings.
9. Commercial amusement establishments when enclosed in a building(stadium, theatre, bowling alley, theatre).
10. Public or private school.
11. Child care center
12. Parks, playgrounds or community centers owned by a governmental agency or non-profit community organization. (Goal 3).
13. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
14. Water supply or treatment facility.

D. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, landscaped area, maintenance of setbacks and compatibility with adjacent uses.
2. Sewer and water requirements - Applicant must obtain approval for an on-site sewage disposal system or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.
3. The county shall notify the Wamic Water and Sewer District of land use action made under this chapter.
4. Setbacks
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
 - b. Side Yard - Where the side of a lot or parcel in a "RC-Wam-C-2" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.
 - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Height - Maximum height for all structures shall be thirty-five (35) feet.
7. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

8. Signs - Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
9. Parking - Off street parking shall be provided in accordance with Chapter 4 to Subsections B and C of this section.
10. Site Plan Review - Provisions of Chapter 20 shall apply to Subsections B and C of this section.
11. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

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SECTION 3.614 "RC-Wam M-2" WAMIC MEDIUM INDUSTRIAL ZONE

A. Purpose

The purpose of the "RC-Wam-M-2" Medium Industrial Zone is to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC-Wam-M-2" Medium Industrial Zone shall comply with the following regulations.

B. Permitted Uses

In the "RC-Wam-M-2" Medium Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space, subject to the general provisions and exceptions set forth by this Ordinance:

1. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats.
2. Railroad yard, shipyard and barge docking facilities.
3. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
4. Wholesale business, storage warehousing, transfer company and trucking companies.
5. Contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
6. Light manufacturing, compounding or assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process.
7. Welding and machine shop.
8. Laundry and cleaning service industries.

9. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
10. Retail or combination retail whole lumber and building materials yard, not including concrete mix.
11. Outdoor storage when enclosed by a fence, wall or sight obscuring landscaping; all of which shall be maintained.
12. Circus, rodeo or like activity.
13. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

C. Uses Permitted Conditionally

In the "RC-Wam-M-2" Medium Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 square feet of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.
2. Concrete batching plants and the manufacture and sale of concrete products.
3. Automobile Service Stations.
4. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.
5. Recreation areas and facilities, including but not limited to golf courses.
6. Bulk storage of petroleum or gas.
7. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.

D. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, landscaped area, maintenance of setbacks and compatibility with adjacent areas.

2. Sewer and water requirements – Applicant must obtain approval for an on-site disposal system or if applicable obtain a Department of Environmental Quality (DEQ) Waste water Pollution control facility (WPCF) permit before approval or as a condition of approval of the land use permit.
3. The County shall notify the Wamic Water and Sewer District of land use actions made under this chapter.

4. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.
- b. Side Yard - Where the side of a lot in the "RC-Wam-M-2" Medium Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
6. Height - Maximum height for all structures shall be seventy-five (75) feet.
7. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured

horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.

8. Signs - No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.
9. Parking - Off street parking shall be provided in accordance with Chapter 4.
10. Site Plan Review - Provisions of Chapter 20 shall apply.
11. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

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SECTION 3.612 "RC-Wam-R-5" WAMIC RESIDENTIAL ZONE

A. Purpose

The purpose of the "RC-Wam-R-5" Residential zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC-Wam-R-5" Residential zone shall comply with the following regulations.

B. Permitted Uses

In the "RC-Wam-R-5" Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling, including mobile homes except single-wides, on each legal lot/parcel including mobile homes with a minimum of eight hundred (800) square feet of floor area subject to Section 4.160 provided that the minimum average density is maintained and proper sanitation approvals are obtained. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.
2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.
3. Home occupation, subject to Chapter 20.
4. Planned Unit Development.
5. Subdivisions subject to Chapter 21.

C. Uses Permitted Conditionally

In the "RC-Wam-R-5" Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.
2. Public parks, recreation areas and community or neighborhood centers.
3. Public and semi-public buildings and uses not otherwise specified in this section.
4. Golf courses.
5. Utility facilities necessary for public service except landfill.
6. Bed and breakfast inns.

D. Property Development Standards

1. Property Size -

- a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of five (5) acres with a three hundred (300) foot average lot width.
- b. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres. In addition, an applicant shall demonstrate that:
 - (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks -

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

- b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
 - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.
- Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.
5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
- a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

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SECTION 3.611 "RC-Wam-R-2" WAMIC RESIDENTIAL ZONE

A. Purpose

The purpose of the "RC-Wam-R-2" Residential zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC-Wam-R-2" Residential zone shall comply with the following regulations.

B. Permitted Uses

In the "RC-Wam-R-2" Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling, including mobile homes except single-wides, on each legal lot/parcel provided that the minimum average density is maintained and proper sanitation approvals are obtained. Dwellings on pre-existing sub standard lots/parcels must be connected to a Department of Environmental Quality permitted community or municipal sewer system.
2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.
3. Home occupation, subject to Chapter 20.
4. Planned Unit Development.
5. Subdivisions subject to Chapter 21.

C. Uses Permitted Conditionally

In the "RC-Wam-R-2" Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.
2. Public parks, recreation areas and community or neighborhood centers.
3. Public and semi-public buildings and uses not otherwise specified in this section.
4. Golf courses.
5. Utility facilities necessary for public service except landfill.
6. Bed and breakfast inns.

D. Property Development Standards

1. Property Size

- a. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of two (2) acre with a one hundred twenty-five (125) foot average lot width.
- b. New lots or parcels served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum property size of two (2) acres with a one hundred twenty-five (125) foot average lot width.
- c. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres In addition, an applicant shall demonstrate that:
 - (1) The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.

2. Setbacks -

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

- b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
 - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all dwellings shall be thirty-five (35) feet.
- Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.
5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
- a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River.

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SECTION 3.240 "RR" RURAL RESIDENTIAL

A. Purpose

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

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

B. Permitted Uses

In the "RR" Rural Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling on any legally created parcel including mobile homes at least eighteen (18) feet wide subject to Section 4.160, provided proper sanitation approval is obtained.
2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.
3. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
4. Forest uses, including the propagation and harvesting of forest products.
5. Agricultural Produce Stands in accordance with Chapter 20, Site Plan Review. (Revised 1-92)
6. Home occupation, subject to chapter 20.
7. Cemetery.
8. Planned Unit Developments in accordance with Chapter 18.
9. Subdivisions in accordance with Chapter 21.
10. Energy facilities subject to the provisions of Chapter 19.
11. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

In the "RR" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving

Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
2. Private schools or day nursery centers.
3. Parks, playgrounds and recreation areas and community or neighborhood centers.
4. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
5. Temporary tract office for the sale of lots in subdivision or Planned Development in which the office is located.
6. Personal-use airports for airplanes and helicopter pads, including seasonal hangars, maintenance and service facilities, where approach zones will not constitute hazards to adjoining residential properties.
7. Mobile home parks.
8. Recreational vehicle parks.
9. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.
10. Kennels.
11. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
12. Bed and breakfast inns. (added 2-89)
13. Dude ranches. (added 2-89)

D. Property Development Standards

1. Property Size - The minimum property size for new parcels is five (5) acres with a three hundred (300) foot minimum average lot width.
2. Setbacks
 - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.
 - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.

- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for structures shall be thirty-five (35) feet. Height is measured from average grade.
5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Fire Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:
 - a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and
 - b. Separate power service independent of the dwelling shall be provided for the pump utilized in a. above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer; and
 - c. A minimum water flow equal to twenty (20) gallons per minute for fifty (50) minutes, for a total water capacity of one thousand (1,000) gallons shall be provided. This water source shall be available year-round, and must be usable by the rural fire protection provider (if applicable); and
 - d. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and

- e. Power and telephone should be located underground where practicable. *Practicable is defined as 'feasible in the circumstances' by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground.* (added 6-98); and
- f. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units. Access shall be a minimum of twelve (12) feet in width, maximum twelve percent (12%) grade, with a fourteen (14) foot vertical clearance. The access road shall have a fifty thousand (50,000) pound carrying capacity. Access roads over one hundred fifty (150) feet in length shall provide a turn-around for vehicles. (added 6-98); and
- g. Exterior roofing shall be of fire-resistant materials (added 6-98); and
- h. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground (added 6-98); and

Size of Fuel Break Safety Zone by Percent Slope

Slope	Feet of Primary Safety Zone	Feet of Additional Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- i. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below (added 6-98); and

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

On a slope change Where the downhill slope is	Feet of Setback
10%	50
20%	75
25%	100
40%	150

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.
10. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

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

A. Purpose

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

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

B. Permitted Uses

In the "R-R(10)" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to subsections (D) and (E) of this section.
2. Farm use, as defined in ORS 215.203(2).
3. Propagation or harvesting of a forest product.
4. Utility facilities necessary for public service.
5. Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.
6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.
7. Subdivisions.
8. Energy facilities subject to the provisions of Chapter 19.
9. Agricultural Produce Stand (subject to Chapter 20).
10. The breeding, boarding and training of horses for profit.
11. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
12. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

13. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
14. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
15. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

In the "R-R(10)" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this Section:

1. Commercial activities that are in conjunction with farm use as defined in ORS 215.203(2).
2. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.
3. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
4. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
5. Home occupations, subject to Chapter 20.
6. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
7. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
8. Public or private schools.
9. Churches.
10. The propagation, cultivation, maintenance and harvest of aquatic species.
11. Facilities to manufacture alcohol from farm or timber waste.
12. Kennels.
13. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

14. 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.
15. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

D. Standards for Establishment of a Dwelling and Accessory Structures

1. Scenic Development Standards including:
 - a. Dwellings should be sited and landscaped to blend with their surroundings.
 - b. House and roof colors that are non-reflective, preferably earth tone colors, that blend with surrounding vegetation or landscape, should be used on all exterior surfaces.
 - c. Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.
 - d. Existing landforms will be preserved and utilized for screening where applicable.
 - e. Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing landforms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and reseeded with natural vegetation.
 - f. All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.
 - g. Fences should be constructed of non-reflective materials and/or painted with non-reflective colors. Placement and alignment should be done to minimize their visibility.
2. In areas of parcels characterized by a predominance of oak or oak woodlands, native vegetation shall be retained to the greatest extent possible.

**Referenced publication is "Wildlife on White Oak Woodland", a Woodland Fish and Wildlife Project Publication available from the Wasco County Planning Office and ODFW in The Dalles.*

(Washington Department of Fish and Wildlife has a draft report with additional quantifiable standards for accomplishing the above management goals. The recommendations are as of yet strictly draft recommendations and not to be cited as this time. Staff can follow up with ODFW to confirm if and when their recommendations become final and work with ODFW to verify their applicability to sites in the TLSA. In the meantime Oly Helgerson, OSU Extension Agent

operating out of Stevenson, Washington will be able to provide guidance to individuals wishing to manage their oak woodlands.)

E. Property Development Standards

1. Property Size - The minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.
3. Setbacks - In the "R-R (10)" zone no structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 4.
9. Fire and Safety Standards - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:
 - a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and

- b. Separate power service independent of the dwelling shall be provided for the pump utilized in a. above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer; and
- c. A minimum water flow equal to twenty (20) gallons per minute for fifty (50) minutes, for a total water capacity of one thousand (1,000) gallons shall be provided. This water source shall be available year-round, and must be usable by the rural fire protection provider (if applicable).
- d. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and
- e. Power and telephone should be located underground where practicable. *(Practicable is defined as "feasible in the circumstances" by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground);* and
- f. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units; and
- g. Exterior roofing shall be of fire-resistant materials; and
- h. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and

Size of Fuel Break Safety Zone by Percent Slope

<u>Slope</u>	<u>Feet of Primary Safety Zone</u>	<u>Feet of Additional Down Slope</u>
0%	30	0
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- i. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below; and

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

<u>On a slope change</u> <u>Where the downhill slope is</u>	<u>Feet of Setback</u>
10%	50
20%	75
25%	100
40%	150

- j. Driveways shall be maintained to a level that is passable for fire equipment; and
 - 1. Driveways shall be built and maintained to provide a minimum of twelve (12) foot width, a minimum curve radius of forty-eight (48) feet and a vertical clearance of thirteen (13) feet, six (6) inches.
 - 2. Grades shall not exceed an average of 8% with a maximum of 12% on short pitches.
 - 3. Vehicle Passage Turnouts – Driveways in excess of two hundred (200) feet in length, shall provide twenty (20) foot wide by forty (40) foot long turnouts at a maximum spacing of ½ the driveway length or four hundred (400) feet, whichever is less. Existing driveways may be used as a turnout if they meet the spacing requirements above.
 - 4. Deadend driveways over one hundred fifty (150) feet in length shall have turnarounds of not less than a forty-eight (48) foot radius.
- k. Public Roads providing access to a driveway or access to the dwelling should be brought to a level that is passable for fire/emergency equipment.

10. Road Disclosure Acknowledgement:

Prior to the issuance of required permits for development, disclosure of the type of road which accesses the development shall be made known to the applicant/owner. If the road is determined to be a public road of local access and which does not meet county road access standards, the applicant shall sign a road Disclosure Acknowledgement which will be recorded in the deed records of Wasco County and which sets forth the following:

- a. A statement that the property is served by a sub-standard road which does not meet the standards for safe access for emergency vehicles.
- b. A statement that the property owner/applicant is aware of the type and extent of hazards present associated with the development of the subject property; and

- c. A statement acknowledging that the property owner assumes all risk associated with the development of the subject property.
10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.
 11. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.