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UNION COUNTY
ZONING, PARTITION AND SUBDIVISION ORDINANCE

ADOPTED
NOVEMBER 2, 1983

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AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF
ZONING AND LAND USE REGULATIONS FOR UNION COUNTY

ARTICLE 1.00
INTRODUCTORY PROVISIONS AND DEFINITIONS

1.01 TITLE

This ordinance shall be known as the Zoning, Partition and Subdivision Ordinance - Series 1983 of Union County.

1.02 PURPOSE

The purpose of this ordinance is to promote public health, safety and general welfare of the citizens of Union County, encourage appropriate and orderly growth and development, and implement the Union County Land Use Plan.

1.03 INTERPRETATION

The interpretation and application of the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of the ordinance shall control.

1.04 COMPLIANCE WITH ORDINANCE PROVISIONS

All persons shall locate, construct, repair, alter, or use a building or other structure, or transfer land only as this ordinance permits.

1.05 CLASSIFICATION OF ZONES AND BOUNDARIES THEREOF

For the purpose of this ordinance, the following zones are hereby established for the unincorporated area of Union County.

ZONE CLASSIFICATION	ABBREVIATED DESIGNATION
Exclusive Farm Use	A-1
Forest Use	A-2
Agriculture/Forest Use	A-3
Rural Center	R-1
Rural Residential	R-2
Farm Residential	R-3
Commercial	C-1
Commercial Interchange	C-2
Light Industrial	I-1
Heavy Industrial	I-2
Public Airport	PA
Surface Mining	SM
Airport Overlay	AP
Flood Plain Overlay	FP
La Grande Urban Growth Area Overlay	UG-1

1.06 ZONING MAP

1. The location and boundaries of the zones designated in Section 1.05 are hereby established and shown as dot dash lines on the maps entitled "Union County Plan and Zoning Maps - November 2, 1983.
2. The Flood Plain Overlay Zone is identified on the Union County Zoning Maps and where base flood elevation data has been provided by the Federal Flood Insurance Administration through the report entitled "Flood Insurance Study for Union County, Oregon", dated November 1979. The Flood Insurance Rate Maps (Firm) and Flood Boundary and Floodway Maps are adopted as supplements to the Union County Zoning Maps.
3. A signed copy of the "Zoning Maps" shall be maintained on file in the office of the County Clerk and is hereby made a part of this ordinance.

1.07 LAND USE PLAN COMPLIANCE

Zoning decisions shall be in compliance with applicable local, state and federal laws, and the Union County Land Use Plan and various sections and elements thereof, including, but not limited to the following:

1. Land Use Plan Classifications.
2. Land Use Plan Policies.
3. Transportation Plan and Updates.
4. Urban Growth Area Joint Management Agreements.

1.08 DEFINITIONS

1. For the purpose of this Ordinance certain words, terms, and phrases are defined as follows:

ACCESSORY STRUCTURE OR USE: A structure or use which is incidental, appropriate, or subordinate to the main use of the property, and located on the same lot with the main use.

ADMINISTRATIVE CONDITIONAL USE: A conditional use application which is processed by the County Planning Director.

AGGREGATE MINING: The removal, in any calendar year of sand, gravel or broken stone beyond 5,000 cubic yards or affects more than one acre of land.

AGGREGATE PROCESSING: The temporary location of crushers and related activities such as batch plants, mineral refining plants, hot mix asphalt plants and concrete products plants.

AGRICULTURE: See Farm Use

AGENT: Individual or party given written authorization to act on behalf of a landowner(s).

ANIMAL HUSBANDRY: Includes the keeping, feeding, or breeding of livestock or poultry, dairying, bees, etc.

ANIMAL SHELTER: Any structure with a permanent covering designed for the part-time or full-time habitation of animals, excluding non-commercial operations of rabbits, fowl, bees and the like.

AREA OF SPECIAL FLOOD HAZARD: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

BILLBOARD: A sign which has a surface space upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

BOARDING HOUSE: A dwelling unit which provides an individual, or any number of persons related or bearing a generic character of a family unit living together where meals or lodging may also be provided for more than four (4) additional persons, excluding servants.

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

CLASS I STREAMS: 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. Stream flows may be either perennial or intermittent during part of the year. See Zoning maps for Class I designation of County streams.

COMMISSION OR PLANNING COMMISSION: The Planning Commission of Union County, Oregon.

CONTIGUOUS: Lots, parcels or lots and parcels that have a common boundary more than a common corner. Contiguous includes, but is not limited to, lots, parcels or lots and parcels separated only by an alley, street or other right-of-way. Contiguous does not include lots, parcels or lots and parcels separated by a four-lane highway.

COUNTY: The County Court, County Planning Commission or authorized designate of either body.

COUNTY COURT: The governing body of Union County, Oregon.

DWELLING, DUPLEX: A detached building containing two (2) dwelling units.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached building containing one (1) dwelling unit.

DWELLING UNIT: One (1) or more rooms designed for occupancy by one family and not having more than one cooking facility.

EXTERNAL IMPACTS: Uses which create smoke, odor, vibration, noise, dust or other conditions which would have an impact on adjacent uses.

FARM USE: Means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growth cultured Christmas trees as defined in ORS 215.203(3).

FARMING PRACTICES (accepted): A mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

FEEDLOT OR CONFINED FEEDING OR HOLDING OPERATION: The concentrated or confined feeding or holding of animals or poultry where the surface has been prepared with concrete, rock or vitrous material to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural infiltrative capacity of the soil.

FENCE, SIGHT OBSCURING: A fence or planting arranged in such a way as to obscure vision.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland (or tidal) waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): Means the official map on which the Federal Insurance Administration has delineated

both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOODWAY: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY FRINGE: The area between the floodway and the boundary of the base flood which can be diked without increasing upstream flood levels by more than one (1) foot in height.

GRADE (GROUND LEVEL): The average of the finished ground level at the center of all walls of the building.

GRAZING: The use of land for pasture of horses, cattle, sheep, goats, or other domestic animals.

HOME OCCUPATION: A lawful accessory activity carried on in a dwelling, provided the residential character is maintained, and the occupation is conducted in such a manner as not to give the outward appearance nor manifest any character of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

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

HUNTING AND FISHING PRESERVE: Area wherein the hunting of privately owned game birds and angling for privately owned game fish is permitted by state law.

JUNKYARD: Any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts, iron, steel, or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards where the parts of or in whole eight auto bodies are kept, and scrap metal processing facilities.

LAND USE PLAN OR COMPREHENSIVE LAND USE PLAN: Maps and the interpretations thereof, and written goals and policies related to land use, transportation, parks, housing, urbanization, etc., which have been adopted as elements of the County Land Use Plan.

LAND USE REGULATIONS: Means any county zoning ordinance, land division ordinance or similar general ordinance establishing standards for implementing a comprehensive land

use plan. "Land Use Regulation" does not include small tract Zoning map amendments, conditional use permits, individual subdivision, partitioning or planned unit development approvals or denials, annexations, variances, building permits and similar administrative decisions.

LIGHT INDUSTRY: Uses related to manufacturing, compounding, assembling, fabricating, repairing, packaging or treatment industries with limited external impacts. Because of their relatively close proximity to residential and commercial activities, or because of special requirements, they need locations removed from heavy types of industry.

LOADING SPACE: An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to the street.

LOT: A tax lot or contiguous tax lots under single ownership at the time of adoption of this ordinance, recorded as a lot-of-record.

LOT AREA: The total horizontal area within the lot lines of a lot. Land dedicated for roads within lot lines shall be included in total acreage. Aliquot subdivisions shall be deemed to contain an acreage as if the section were a square mile, provided the deviation in reduced size is 10% or less.

LOT, CORNER: A lot abutting on two (2) intersection streets other than an alley.

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

LOT-OF-RECORD: A lot which has been recorded by the County Clerk's office.

LOT, REVERSE CORNER: A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

LOT, THROUGH: A lot having frontage on (2) two parallel or approximately parallel streets other than alleys.

LOW INVESTMENT ACCESSORY STRUCTURES: A structure which is incidental, appropriate or subordinate to the main use of the property and which has a relatively low investment such as haysheds, loafing barns or animal shelters.

MAJOR PARTITION: A partition which includes the creation of a road or street, i.e., utilization of a means of access not previously approved for partitioning or subdividing.

MINE: Mine includes all mineral bearing properties of whatever kind and character, whether underground, quarry, pit, well, spring or other source from which any mineral

substance is obtained.

MINERAL: Mineral includes any and all mineral products metallic and nonmetallic, solid, liquid or gaseous substance except water for domestic and irrigation purposes.

MINING: The removal of mineral from a mine.

MINOR PARTITION: A partition that does not include the creation of a road or street, utilization of a means of access not previously approved for partitioning or subdividing. A portion of land transferred between adjacent landowners, where the parcel to be reduced in size is less than the minimum parcel size of the applicable zone, and where any adjustment of the lot line(s) by the relocation of a common boundary does not create an additional parcel, shall be a minor partition.

MINOR STREET: A street used primarily for access to the abutting properties.

MOBILE HOME: Any dwelling unit that does not meet Oregon Uniform Building Codes for frame homes, but has been constructed to the standards for mobile homes in the State of Oregon.

MOBILE HOME PARK: Three (3) or more mobile homes parked on a lot, which are defined as non-farm dwellings.

MOTEL: A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connected rows with or without cooking facilities, for rental to transients.

MOTOR HOME, CAMPER OR TRAVEL TRAILER: A building or vehicle, originally designed or presently constructed, to be used as temporary dwelling or lodging place and to be readily movable from place to place over streets.

MULTIPLE-FAMILY UNIT: A building used or arranged for use as the home or abode of three (3) or more families. Living independently of each other and doing their own cooking in said building and shall include flats and apartments.

NON-CONFORMING STRUCTURE OR USE: A lawful structure or use which exists at the time this ordinance or any amendment thereto becomes effective, and which does not conform to the requirements of the zone in which it is located.

NON-FARM OR NON-FOREST DWELLING: Any dwelling not provided in conjunction with farm or forest use or any dwelling located on a non-farm or non-forest parcel or lot.

NON-FARM OR NON-FOREST PARCELS OR LOTS: A substandard parcel which existed prior to April 11, 1979, as a unit or

contiguous units of land under single ownership which is less than forty (40) acres in size and less than the minimum parcel size of the Exclusive Agriculture, Timber/Grazing and Agriculture/Timber/Grazing plan classifications or a substandard parcel or lot created since April 11, 1979, which is less than the minimum parcel size of the applicable plan or zone classification.

OPERATOR: Any individual, public or private corporation, political subdivision, agency, board, or department of this state, any municipality, partnership, association, firm, trust, estate of any other legal entity whatsoever that is engaged in surface mining operations.

OVERBURDEN: The soil, rock and similar materials that lie above natural deposits of minerals.

OWNER: Means the party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, owner shall mean the contract vendee and except where land is being transferred through some other land sales instrument owner shall be the purchaser that holds security interest.

PARCEL: A unit of land that is created by a partitioning of land.

PARKING LOT: Any area used for standing and maneuvering of three (3) or more vehicles or requiring three or more parking spaces.

PARKING SPACE: A rectangle not less than 20 feet long and 9.5 feet wide together with maneuvering and access space required to park within the rectangle.

PARTITION: To divide an area or tract of land into two (2) or three (3) 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 lien foreclosures, divisions of land resulting from foreclosure of recorded contracts, for the sale of real property and divisions of land resulting from the creation of cemetery lots, and partition of land does not include any adjustment of lot line by the relocation of a common boundary where an 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 any applicable zoning ordinance.

PARTITIONER: Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or for another.

PERSON: Any individual, firm, association, syndicate, corporation, co-partnership, trust, branch of government or

legal entity.

PERSONAL USE AIRPORT: Means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be used 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 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 regulations of the Aeronautics Division.

PLANNED UNIT DEVELOPMENT: A parcel of land planned for residential purposes as a single unit, rather than an aggregate of individual lots.

PLAT: A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Director for consideration.

PRIVATE STREET: A private street shall provide access only to abutting lots. No streets providing access to other streets or to areas not abutting such streets shall be approved as private streets.

PUBLIC SEWER: Any sewerage disposal or treatment facility which serves three (3) or more dwelling units.

PUBLIC WATER SUPPLY: Any domestic water supply system which provides water to three (3) or more dwelling units or commercial or industrial operations which have 10 or more patrons or employees per day for more than 60 days per year.

REPAIR: The act of restoring by replacing a part or all of a structure or building to a sound state.

RESERVE STRIP: A strip of land adjacent to a street or road which limits or controls access to the street or road.

RIPARIAN ZONE: An area pertaining to or situated on the edge of the bank of a river, water course or lake.

SIGN: A presentation or representation or other type of advertising, not in an enclosed building or other than a house number which, by words, letters, figures, designs, pictures, lights or colors publicly displayed, gives notice relative to an assemblage, a solicitation, or a request for aid. This includes the board, metal, or surface upon which

the sign is painted, included or attached.

STORY: That portion of building between the upper surface of any floor and the upper surface of the floor next above. Except that the top story shall be that portion of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

STRUCTURE: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground.

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

SUBDIVIDED LAND: To divide an area or tract of land into four (4) or more lots or 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.

SUBSTANTIAL CONSTRUCTION: The completion of a structure's supporting foundation, excluding all minor improvements such as access roads, developed water sources, sewage disposal systems and electrical utilities.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which:

1. Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or
2. Equals or exceeds 50% of the market value of the structure before the damage occurred, if the structure has been damaged and is being restored, for the purposes of this definition substantial improvement is considered to commence when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. Whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure living conditions.

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TRAVEL TRAILER, PICKUP CAMPER OR MOTOR HOME PARK: A plot of ground upon which one (1) or more trailer coaches or motor homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

UTILITY FACILITY: Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its product or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, wind and water towers, sewage lagoons, sanitary land-fills and similar facilities, but excluding sewer, water, gas, telephone and power, local distribution lines and similar minor facilities.

VISION CLEARANCE AREA: A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection on the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides, where the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half (2.5) feet in height measured from the top of the curb.

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

YARD (FRONT): An open space between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building.

YARD (REAR): An open space between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of the main building.

YARD (SIDE): A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building.

2. Words used in the present tense include the future. The singular number includes the plural, and the word "shall" is mandatory and not directory. Whenever the term "this ordinance" is used herewith, it shall be deemed to include all amendments thereto as may here-after from time to time be adopted.

ARTICLE 2.00
A-1 EXCLUSIVE FARM USE ZONE

2.01 PURPOSE

The Exclusive Farm Use Zone is intended to conserve and maintain productive agricultural land for continued agricultural use, in accord with the Exclusive Agriculture Land Use Plan classification provisions.

2.02 PERMITTED USES

The following uses are permitted outright in an A-1 Zone:

1. Farm Use.
2. Propagation and/or harvesting of a forest product.
3. A dwelling on real property used for farm use if the dwelling is:
 - A. Located on the same lot or parcel, as those terms are defined in this ordinance, as the dwelling of the farm operator; and
 - B. Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
4. Dwellings and other buildings customarily provided in conjunction with farm use. Prior to issuing any permits for more than one (1) dwelling, it shall be demonstrated that one of the above permitted uses (1 or 2) exists and would be continued on the property, or that assurances are provided that such use(s) will be developed.
5. Local distribution utility facilities, and similar minor facilities necessary for public service and repair, replacement and maintenance thereof, except commercial facilities for the purpose of generating power for public use by sale.
6. Exploration of geothermal resources.
7. Rehabilitation, replacements, minor betterment repairs and improvements, and other similar construction activities on private or public parks, playgrounds or community centers which are not considered to have land use impacts.

2.03 CONDITIONAL USES

The following uses may be established in an A-1 Zone as

conditional uses subject to the approval of the Planning Commission.

1. Utility facilities necessary for public service including but not limited to substations, power generating facilities for public use and sale, and/or other related structural uses.
2. Commercial activities that are in conjunction with farm use.
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 nonprofit community organization.
5. Golf courses.
6. Churches
7. Public or private schools.
8. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.
9. Single-family dwellings not provided in conjunction with farm use may be established subject to finding that the dwelling:
 - A. Is compatible with farm uses as defined and is consistent with the intent and purpose set forth in the Oregon Agricultural Land Use Policies in ORS 215.243.
 - B. Does not interfere seriously with accepted farming practices as defined on adjacent lands.
 - C. Does not materially alter the stability of the overall land use pattern which could establish a trend for the area.
 - D. Is situated upon generally unsuitable land for the production of timber and farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
 - E. Does not interfere with open space values.
 - F. Complies with other conditions set out in Section 19.07 6. for farm assessment disqualification.

G. Complies with such other conditions as the governing body considers necessary.

10. Home occupation.
11. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses as defined. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
12. Aggregate, mineral, or other resource exploration, mining, and processing.
13. Operations conducted for the mining and processing of geothermal resources.
14. The boarding of horses for profit.
15. A site for the disposal of solid waste with equipment, facilities or buildings necessary for its operation.

2.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the A-1 Exclusive Farm Use Zone shall be 160 acres.

2.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an A-1 Exclusive Farm Use Zone.

1. Any proposed division of land included within the A-1 Zone resulting in the creation of one or more parcels of land shall be reviewed and approved or disapproved by the County. (O.R.S. 215.263)
2. The Planning Commission and County Court shall not approve any proposed subdivision or partition of a lot or parcel described in 2.02 **3**.
3. Setbacks from property lines or road right-of-way shall be a minimum of twenty (20) feet front and rear yards and 10 feet side yards.

4. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.
5. Each residential dwelling in forested areas shall maintain a fuel break of not less than 30 feet from dense vegetation. Dead and down material shall be removed and no natural or ornamental shrubbery within the fuel break shall provide a means for rapid transmission of fire from outside natural areas. Wider breaks may be required on slopes exceeding 30 percent on advice of a State Forester.
6. Signs shall be limited to the following:
 - A. All off-premise signs within view of any State Highway shall be regulated by State regulations under ORS Chapter 377 and receive building permit approval.
 - B. All on-premise signs shall meet the Oregon Administrative Rule regulations for on-premise signs which have the following standards:
 1. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
 2. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
 3. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
 4. Maximum height of freestanding signs adjacent to interstate highways is 65 feet, for all other highways is 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign. Maximum height of roof signs is 15 feet above roof line or highway grade, whichever is higher to the top of the sign.
 - C. All on-premise signs within view or 660 feet of any State Highway shall obtain permit approval from the Permit Unit, Oregon State Highway Division.

No sign shall be moving, revolving or flashing, and all lighting shall be directed away from residential use or

zones, and shall not be located so as to detract from a motorists vision except for emergency purposes.

ARTICLE 3.00
A-2 FOREST USE ZONE

3.01 PURPOSE

The A-2 Forest Use Zone is intended to conserve and maintain forest land in accord with the Timber/Grazing Land Use Plan classification provisions.

3.02 PERMITTED USES

The following uses are permitted outright in an A-2 Zone:

1. Any use permitted outright in an A-1 Zone.

3.03 CONDITIONAL USES

The following uses may be established in an A-2 Zone subject to approval of the Planning Commission:

1. Any use permitted as a conditional use in an A-1 Zone.

3.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the A-2 Forest Zone shall be 80 acres.

3.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in an A-2 Forest Use Zone:

1. Setbacks from property lines or road right-of-way or road easements shall be a minimum of twenty (20) feet front and rear yards and ten (10) feet side yards.
2. Animal shelters shall not be located closer than 100 feet to a R-1 or R-2 Zone.
3. Each residential dwelling in forested areas shall maintain a fuel break of not less than 30 feet from dense vegetation. Dead and down material shall be removed and no natural or ornamental shrubbery within the fuel break shall provide a means for rapid transmission of fire from outside natural areas. Wider breaks may be required on slopes greater than 30 percent on advise of a State Forester.
4. Standards for signs in the A-2 Zone shall be the same as Section 2.05 6.

ARTICLE 4.00
A-3 AGRICULTURE/FOREST USE ZONE

4.01 PURPOSE

The A-3 Agriculture/Forest Use Zone is intended to conserve and maintain agriculture and forest land in accord with the Agriculture/Timber/Grazing Land Use Plan classification provisions.

4.02 PERMITTED USES

The following uses are permitted outright in an A-3 Zone:

1. Any use permitted outright in an A-1 Zone.

4.03 CONDITIONAL USES

The following uses may be established in an A-3 Zone:

1. Any use permitted as a conditional use in an A-1 Zone.

4.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the A-3 Zone shall be 40 acres.

4.05 DEVELOPMENT STANDARDS

Standards in the A-3 Zone shall be the same as standards in Section 3.05.

ARTICLE 5.00
R-1 RURAL CENTER ZONE

5.01 PURPOSE

The Rural Center Zone is intended to provide minimum standards for a variety of residential, recreation, commercial, industrial or public uses as may be located in a rural or recreation community. Development shall be in accord with the Rural Community/Recreation Center Land Use Plan classification provisions.

5.02 PERMITTED USES

The following uses are permitted outright in an R-1 Zone:

1. Raising, harvesting, storing or selling crops for the purpose of making a profit.
2. Breeding, feeding, production, managing and selling livestock, poultry, fish, furbearing animals or honeybees.
3. Dairying and sale of dairy products.
4. Other agriculture, horticulture or animal husbandry uses or activities.
5. Propagation and/or harvesting of a forest product.
6. Single-family dwelling per land unit meeting minimum lot size requirements.
7. Rehabilitation, replacements, minor betterment repairs and improvements and other similar construction activities on private or public parks, playgrounds or community centers which are not considered to have land use impacts.

5.03 CONDITIONAL USES

The following uses may be established in an R-1 Zone subject to the approval of the Planning Commission:

1. Any use permitted as a conditional use in an A-1 Zone, and not listed specifically as a permitted or conditional use in this zone.
2. Utility facilities.
3. Amusement or recreation uses.
4. Lodges, hotels or motels.
5. Restaurants.

6. Campground or travel trailer or motor home park.
7. Mobile home parks.
8. Cemeteries.
9. Duplex
10. Multi-family dwelling subject to Site Plan Requirements in accordance with Section 18.10.
11. Planned unit development.
12. Home occupation.
13. Other uses per criteria in Section 19.06 2.

5.04 MINIMUM LOT SIZE

The lot size in the R-1 Zone shall be as follows:

1. The minimum lot area shall be 20,000 square feet when public access and public water supply or public sewer are provided.
2. The minimum lot area shall be 10,000 square feet when public access and public water supply and public sewer are provided and the lot is in a recorded subdivision plat.
3. The minimum shall be one (1) acre when the above conditions are not met and where Oregon Department of Environmental Quality subsurface sewage disposal approval can be obtained.

5.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in the R-1 Zone:

1. All structures shall be set back from property lines a minimum of 20 feet front yard, 10 feet back yard, and 5 feet side yards, except that on a corner lot, the side yard on the street side shall be a minimum of 20 feet.
2. The highest floor of a permanently or temporarily occupied dwelling shall not exceed thirty-five (35) feet.
3. Minimum lot width shall be 100 feet.
4. The minimum lot depth shall be 100 feet.
5. Animals other than cats, dogs and other domestic pets shall be provided at least 10,000 square feet

of area, and shall be limited to the following density per 10,000 square feet:

- A. One (1) horse, cow or pig.
 - B. Five (5) sheep or goats.
 - C. Twenty-four (24) chickens or rabbits.
 - D. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days, shall not be considered in calculating the number of allowable animals.
6. Parking space shall be in accord with section 18.11 of this ordinance.
7. Each residential dwelling in forested areas shall maintain a fuel break of not less than 30 feet from dense vegetation. Dead or down material shall be removed and no natural or ornamental shrubbery within the fuel break shall provide a means for rapid transmission of fire from outside natural areas. Wider breaks may be required on slopes greater than 30 percent on advise of a State Forester.
8. Standards for signs in the R-1 Zone shall be the same as Section 2.05 6.

ARTICLE 6.00
R-2 RURAL RESIDENTIAL USE ZONE

6.01 PURPOSE

The Rural Residential Zone is intended to provide minimum standards for development of residential uses in those areas designated on Zoning maps as Rural Residential. Development shall be in accord with Rural Residential Land Use Plan provisions.

6.02 PERMITTED USES

The following uses may be established in an R-2 Zone:

1. Any use permitted outright in an R-1 Zone.

6.03 CONDITIONAL USES

The following uses may be established in an R-2 Zone as conditional uses subject to the approval of the Planning Commission:

1. Cemetery.
2. Schools, parks or playgrounds.
3. Golf Course.
4. Grange hall, community center or church.
5. Geothermal exploration and development.
6. Aggregate and mineral exploration, mining and processing.
7. Utility facilities.
8. Other public buildings or facility.
9. Radio or television transmitter or tower.
10. Home occupation.
11. Planned unit development.
12. Commercial activities undertaken in conjunction with farm use.
13. Other uses per criteria in Section 19.06 2.

6.04 MINIMUM LOT SIZE

The minimum lot size for new lots and parcels in the R-2 Zone shall be 20,000 square feet when public access and public water supply or public sewer are provided, otherwise

a one (1) acre minimum shall be required where Oregon Department of Environmental Quality subsurface sewage disposal approval can be obtained.

6.05 DEVELOPMENT STANDARDS

Development standards in the R-2 Zone shall be the same as standards in the R-1 Zone.

ARTICLE 7.00
R-3 FARM RESIDENTIAL ZONE

7.01 PURPOSE

The Farm Residential Zone is intended to provide areas suitable and desirable for small agricultural uses and rural living opportunities. Development shall be in accord with Farm Residential Land Use Plan classification provisions.

7.02 PERMITTED USES

The following uses are permitted outright in an R-3 Zone:

1. Any use permitted outright in an R-1 Zone.

7.03 CONDITIONAL USES

The following uses may be established in an R-3 Zone as conditional uses subject to the approval of the Planning Commission:

1. Cemetery.
2. Schools, parks, or playgrounds.
3. Utility facilities.
4. Home occupation.
5. Commercial activities undertaken in conjunction with farm use.
6. Geothermal exploration or development.
7. Aggregate and mineral exploration, mining and processing.
8. Boarding of dogs for profit.

7.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the R-3 Zone shall be ten (10) acres.

7.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in the R-3 Zone:

1. All structures shall be set back from property lines a minimum of 20 feet front and rear yards and 10 feet side yards.
2. Animal shelters shall not be located closer than 100

feet to an R-1 or R-2 Zone.

3. Each residential dwelling in forested areas shall maintain a fuel break of not less than 30 feet from dense vegetation. Dead and down material shall be removed and no natural or ornamental shrubbery within the fuel break shall provide a means for rapid transmission of fire from outside natural areas. Wider breaks may be required on slopes greater than 30 percent on advise of a State Forester.
4. Signs in the R-3 Zone shall be limited to the following:
 - A. Same as section 2.05 (6).

ATTACHMENT C
No. 1984-2

ARTICLE 7A.00
R-4 FOREST RESIDENTIAL ZONE

7A.01 PURPOSE

The Forest Residential Zone is intended to provide areas suitable and desirable for small acreage forest uses and seasonal or full-time living opportunities.

7A.02 PERMITTED USES

The following uses are permitted outright in an R-4 Zone:

1. Raising, harvesting, storing or selling crops for the purpose of making a profit.
2. Breeding, feeding, production, managing and selling livestock, poultry, fish, furbearing animals or honeybees.
3. Dairying and sale of dairy products.
4. Other agriculture, horticulture or animal husbandry uses or activities.
5. Propagation and/or harvesting of a forest product.
6. Single-family dwelling per land unit meeting minimum lot size requirements.
7. Rehabilitation, replacements, minor betterment repairs and improvements and other similar construction activities on private or public parks, playgrounds or community centers which are not considered to have land use impacts.

7A.03 CONDITIONAL USES

The following uses may be established in a R-4 Zone subject to the approval of the Planning Commission:

1. Utility facilities necessary for public service including but not limited to substations, power generating facilities for public use and sale, and/or other related structural uses.

2. Commercial activities that are in conjunction with forest use.
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 nonprofit community organization.
5. Golf courses.
6. Churches.
7. Public or private schools.
8. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.
9. Single-family dwellings not provided in conjunction with forest use may be established subject to finding that the dwelling:
 - A. Is compatible with forest uses as defined and is consistent with the intent and purpose set forth in Oregon Agricultural Land Use Policies in ORS 215.243.
 - B. Does not interfere seriously with accepted forest practices as defined on adjacent lands.
 - C. Does not materially alter the stability of the overall land use pattern which could establish a trend for the area.
 - D. Is situated upon generally unsuitable land for the production of timber and farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
 - E. Does not interfere with open space values.
 - F. Complies with such other conditions as the governing body considers necessary.
10. Home occupation.
11. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming or forest practices and

is compatible with farm and forest uses as defined. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber growth upon a parcel of land or contiguous land where the primary processing facility is located.

12. Aggregate, mineral, or other resource exploration, mining, and processing.
13. Operations conducted for the mining and processing of geothermal resources.
14. The boarding of horses for profit.
15. A site for the disposal of solid waste with equipment, facilities or buildings necessary for its operation.

7A.04 MINIMUM LOT SIZE

The minimum lot size for new lots or parcels in the R-4 Zone shall be 10 acres.

7A.05 DEVELOPMENT STANDARDS

The following standards shall apply to all development in a R-4 Zone:

1. All structures shall be set back from property lines a minimum of 20 feet front and rear yards and 10 feet side yards.
2. Animal shelters shall not be located closer than 100 feet to an R-1 or R-2 Zone.
3. Each residential dwelling in forested areas shall maintain a fuel break of not less than 30 feet from dense vegetation. Dead and down material shall be removed and no natural or ornamental shrubbery within the fuel break shall provide a means for rapid transmission of fire from outside natural areas. Wider breaks may be required on slopes greater than 30 percent on advise of a State Forester.
4. Signs shall be limited to the following:

ARTICLE 8.00
C-1 COMMERCIAL ZONE

8.01 PURPOSE

The Commercial Zone is intended to provide for the broad range of commercial operations and services required for the proper and convenient functioning of commercial centers. Uses permitted are intended to include all retail and service operations that may be appropriately located within a shopping district and that are normally required to sustain a locality.

8.02 PERMITTED USES

The following uses are permitted outright in a C-1 Zone:

1. Uses permitted outright in the R-1 Zone and subject to the regulations of the R-1 Zone.
2. Multi-family dwellings subject to Section 18.10 Site Plan Requirements.
3. Machinery, farm equipment, or implement sales, service, rental and/or repair.
4. Hatching and raising of fowl. The raising of rabbits, bees, and the like, and the keeping of domestic animals except pigs.
5. Amusement enterprise such as theater, pool hall, bowling alley, skating rink, or golf driving range.
6. Appliance sales, service and repair.
7. Auction, when entirely within an enclosed building.
8. Auto repair shop.
9. Auto sales, service, rental, or storage.
10. Bakery.
11. Bank or other financial institution.
12. Barber shop or beauty parlor.
13. Bicycle, motorcycle, and snowmobile sales, service or repair.
14. Blacksmith shop.
15. Blueprinting, photostating, or other reproduction process.
16. Building materials supply store and sales yard.

retail only.

17. Bus depot.
18. Business college.
19. Business machine sales, service, or repair.
20. Catering establishment.
21. Club or lodge hall.
22. Confectionery.
23. Delicatessen.
24. Drug store or pharmacy.
25. Dry goods store.
26. Dry cleaning or pressing.
27. Feed, seed, grain, and farm supplies.
28. Floor covering sales and service.
29. Florist shop.
30. Fuel oil distribution, retail, providing fuel storage is underground.
31. Garden supply store.
32. Gift shop.
33. Grocery store.
34. Hardware store.
35. Hotel.
36. Laboratory for experimental, photo, or electronic research or testing.
37. Laundry.
38. Locksmith.
39. Magazine or newspaper distribution agency.
40. Marine craft sales, service, supplies, or repair of small craft.
41. Meat market or frozen food store.
42. Mortuary.

43. Motel.
44. Newspaper publishing or printing plant.
45. Notion or variety store.
46. Nursery or greenhouse.
47. Office.
48. Outdoor advertising or billboard.
49. Parking lot or garage.
50. Paint store.
51. Pawn shop.
52. Radio-television repair shop.
53. Restaurant.
54. Restaurant or hotel supply.
55. Retail store or shop.
56. Scientific or professional instrument sales or repair.
57. Service station and/or car wash.
58. Small household, recreational, or business equipment rental, sales or repair.
59. Sporting goods sales, service or repair.
60. Studio, including music, dancing, art, photography, or health.
61. Tavern.
62. Taxidermy shop.
63. Telephone or telegraph exchange.
64. Tire shop, including tire recapping.
65. Trailer sales, service, repair and off-premise rental.
66. Upholstery shop.
67. Veterinarian's business or animal hospital.
68. Watch or clock repair.

8.03 CONDITIONAL USES PERMITTED

The following uses and their accessory uses may be established in a C-1 Zone as conditional use subject to the approval of the Planning Commission and when authorized in accordance with the provisions of Article 19.00.

1. Heliport.
2. Church.
3. Governmental structure or use including park, playground, recreational building, fire station, library, or museum.
4. Grange hall or community building.
5. Hospital, sanitarium, rest home, home for the aged, nursing home or convalescent home.
6. Exploration, mining or processing of geothermal resources.
7. Utility facilities.
8. Radio or television transmitter or tower.
9. Schools.
10. Temporary usage.
11. Off-premise advertising.
12. Trailer park.
13. Boarding of dogs for profit.
14. Outdoor amusement or recreational uses including but not limited to golf course, race track, rodeo arena or amusement park.
15. Other uses per criteria in Section 19.06 2..

8.04 DEVELOPMENT STANDARDS

1. Except as provided in Section 18.04, the yards in a C-1 Zone shall be as follows:
 - A. The front yard shall be a minimum depth of 20 feet.
 - B. The rear yard shall be a minimum depth of 10 feet where abutting a residential zone.

- C. The side yard shall be a minimum depth of 5 feet where abutting a residential zone.
 - D. No business building shall exceed a height of 45 feet.
 - E. No minimum lot size is defined for new lots and parcels in the C-1 Zone.
2. Animals other than cats, dogs and other domestic pets shall be provided at least 10,000 square feet of area, and shall be limited to the following density per 10,000 square feet:
- A. One horse or cow.
 - B. Five sheep or goats.
 - C. Twenty-four (24) chickens or rabbits.
 - D. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days, shall not be considered in calculating the number of allowable animals.
3. Signs in the C-1 Zone shall meet the following standards.
- A. All off-premise signs within view of any State Highway shall be regulated by State regulations under ORS Chapter 377 and receive building permit approval.
 - B. All on-premise signs shall meet the Oregon Administrative Rule Regulations for on-premise signs which have the following standards:
 - 1. Maximum total sign area for one business is 8% of building area plus utilized parking area, or 2,000 square feet, whichever is less.
 - 2. Display area maximum is 825 square feet for each face of any one sign, or half the total allowable sign area, whichever is less.
 - 3. Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premises signs with the total allowable area of 250 square feet, 125 square feet maximum for any one face of a sign.
 - 4. Maximum height of freestanding signs adjacent to Interstate Highways is 65 feet, for all other highways 35 feet, measured from the highway surface or the premises grade, whichever is higher to the top of the sign. Maximum height of roof signs is 15

feet above roof line or highway grade,
whichever is higher to the top of the sign.

- C. All on-premise signs within view or 660 feet of any State Highway, shall obtain permit approval from the Permit Unit, Oregon State Highway Division.
 - D. Signs in the C-1 Zone may be illuminated but shall not be moving, revolving or flashing, and all lighting shall be directed away from residential use or zones, and shall not be located so as to detract from a motorists vision except for emergency medical purposes.
4. Off-street Parking and Loading - The off-set parking and loading requirements contained in Section 18.11 shall apply to buildings and uses in the C-1 Zone.

ARTICLE 9.00
C-2 COMMERCIAL INTERCHANGE ZONE

9.01 PURPOSE

The Commercial Interchange Zone is intended to provide for the location of needed highway service, commercial facilities at the interchanges on controlled access highways. In providing for the location of commercial highway services, it is essential that the principal function of the interchange - the carrying of traffic to and from the freeway in a safe and expeditious manner - be preserved. The intent of this ordinance is to promote the public welfare and safety by encouraging orderly and compatible development of the C-2 Zone. The natural assets and scenic values of Union County are not to be lost to the traveler, the resident of the County or the owners of property within the C-2 Zone, merely because it is a commercial area.

9.02 USES PERMITTED OUTRIGHT

In the C-2 Zone only the following use and its accessory use is permitted outright:

1. Agriculture as authorized in the R-1 Zone.

9.03 CONDITIONAL USES PERMITTED

In the C-2 Zone the following uses and their accessory uses may be permitted, subject to the provisions of Article 19.00.

1. Hotel and motel.
2. Restaurant.
3. Truck and automobile service station.
4. Trailer, pick-up camper or motor home park.
5. Commercial amusement establishment or recreational use.
6. Repair garage, if all operations are conducted entirely within a completely enclosed building. Where a repair garage is located on a lot which does not abutt an alley and is within fifty (50) feet of a lot in any residential district, the garage wall, which parallels the nearest line of such district, shall have no openings other than stationary windows.
7. Tire sales and service, provided repairing service is conducted wholly within a building.

8. Gift shop.
9. Park, playground or community building.
10. Laundry agency, self-service laundry.
11. Off-premise advertising.
12. Boarding of dogs for profit.
13. Grocery stores.
14. Other uses per criteria in Section 19.06 (2).

9.04 DIMENSION STANDARDS

In the C-2 Zone, yards shall be maintained as follows:

1. There shall be a front yard of at least thirty (30) feet.
2. There shall be no side yard setback, except at least twenty (20) feet when adjacent to a Residential Zone, or on the street side of a corner lot.
3. There shall be no rear yard setback, except at least twenty (20) feet when adjacent to a Residential Zone.
4. No buildings or structure hereafter erected or enlarged shall exceed a height of forty-five (45) feet.

9.05 DEVELOPMENT STANDARDS

1. In addition to the above-required yard areas in Section 9.04, at least an additional two (2) percent of the gross area of the site shall be maintained with evergreen ground cover, lawn or with other suitable plantings native or adaptive to the area. The landscaped area shall be properly maintained in a sightly and well kept condition and in such a manner as not to obstruct vision clearance.
2. Signs
Sign standards in the C-2 Zone shall be the same as standards in Section 8.04 3.
3. Off-street parking and loading.
The off-street parking and loading requirements contained in Section 18.11 shall apply to buildings and uses in the C-2 zone.

ARTICLE 10.00
I-1 LIGHT INDUSTRIAL USE ZONE

10.01 PURPOSE

The Light Industrial Zone is intended to provide a sufficient amount of land for types of manufacturing or other industries with limited external impacts which, because of their characteristics, can be permitted in relatively close proximity to Residential and Commercial activities, or which, because of special requirements, need locations removed from other types of industries.

10.02 USES PERMITTED OUTRIGHT

Except for uses and processes listed and specifically prohibited herein, the following are permitted outright within the I-1 Zone:

1. Laboratories.
2. Warehouse including buildings for commercial storage of personal property not used for commercial purposes.
3. Wholesale business salesrooms.
4. Manufacturing, compounding, assembling, fabricating, repairing, processing, packaging or treatment industries with limited external impacts; because of their characteristics, or because of special requirements, they need locations removed from heavy types of industry.
5. Farm Use.

10.03 CONDITIONAL USES PERMITTED

In an I-1 Zone the following uses and their accessory uses may be established as conditional uses subject to the approval of the Planning Commission when authorized in accordance with the requirements of Article 19.00.

1. Wood processing.
2. Meat packing plant.
3. Retail businesses such as eating and drinking establishments and service stations.
4. Radio or television transmitter or tower.
5. Airport and heliport.
6. Junkyards.

7. Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries.
8. Utility facilities necessary for public service including, but not limited to, substations, power generating facilities for public and private use, and/or other related structural uses.
9. Boarding of dogs for profit.
10. Other uses per criteria in Section 19.06 2..

10.04 DIMENSIONAL STANDARDS

1. Minimum lot size:
No limitation, except where Oregon Department of Environmental Quality Standards require a minimum area for sewage disposal.
2. Setback requirements:
No limitation, except where development is:
 - A. Adjacent to a residential zone: At least residential zone setback requirements shall apply.
 - B. On corner lots: Corner lots shall have no sight-obstruction exceeding 2.5 feet in height, located closer than twenty (20) feet from the lot corner to the nearest street corner.

10.05 DEVELOPMENT STANDARDS

1. Off-street parking and loading shall be provided in accordance with Section 18.11 of this ordinance.
2. Site plans in accordance with Section 18.10 of this ordinance, shall be submitted and approved by the Planning Commission prior to issuance of a building permit.
3. Sign standards in the I-1 Zone shall be the same as standards in Section 8.04 3.

ARTICLE 11.00
I-2 HEAVY INDUSTRIAL USE ZONE

11.01 PURPOSE

The Heavy Industrial Zone is intended to provide for new or continued industrial development utilizing large amounts of labor, raw materials or energy, and possibly creating smoke, odor, vibration, noise, or other conditions not attracted to urban areas. Items manufactured, processed or produced in this zone shall be primarily for wholesale.

11.02 PERMITTED USES

The following uses are permitted outright in an I-2 Zone.

1. All uses involving manufacturing, processing or storage of materials except as may be declared a nuisance by action of the County Court.
2. Freight terminal warehouse.
3. Wholesale operation.
4. Animal hospital.
5. Storage facilities.
6. Lumber milling and wood processing.
7. Stockyard, feedlot or slaughter house.
8. Petroleum storage and distribution.
9. Farm use.

11.03 CONDITIONAL USE

The following uses may be established in an I-2 Zone as conditional uses subject to Planning Commission approval.

1. Eating and drinking establishment.
2. Governmental use or activity.
3. Airport and heliport.
4. Manufacturing and/or storage of explosives and chemicals.
5. Junkyards.
6. Waste disposal site.
7. Aggregate and mineral exploration, mining and processing.

8. Concrete batching plant.
9. Asphalt plant.
10. Outdoor amusement or recreational use including but not limited to golf course, race track, rodeo arena or amusement park.
11. Radio or television transmitter or tower.
12. Utility facilities necessary for public service including, but not limited to, substations, power generating facilities for public and private use, and/or other related structural uses.
13. Boarding of dogs for profit.
14. Other uses per criteria in Section 19.06 2..

11.04 PROHIBITED USES

Thoses uses prohibited in the I-2 Zone are all types of residential dwellings and those uses declared a nuisance or uses which would inhibit I-2 uses.

11.05 DIMENSIONAL STANDARDS

Standards in the I-2 Zone shall be the same as in the I-1 Zone.

11.06 DEVELOPMENT STANDARDS

Standards in the I-2 Zone shall be the same as in the I-1 Zone.

ARTICLE 12.00
(PA) PUBLIC AIRPORT ZONE

12.01 PURPOSE

The Public Airport Zone is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and non-commercial aviation. It is intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. An airport related use is defined as an activity or use of the land whose immediate presence on or proximity to an airport is necessary to proper airport function, to meet the needs of the use when a significant portion of its business or activity is derived from the airport, or when special transportation costs or time factors make operation from less immediate sites prohibitively expensive.

12.02 It is also intended to provide areas for commercial and light industrial activities which are compatible with aviation use and uses specifically allowed outright and conditionally within this zone.

12.02 PERMITTED USES

The following uses are permitted outright in the PA Zone:

1. Uses and buildings which are necessary for airport operation, including aircraft hangars, fuel storage facilities, control tower, passenger and air freight terminals, aircraft runways, taxi-ways and tie-down areas, and other airport operation uses.
2. Retail sales and commercial services for air passengers or airport connected activities.
3. Air cargo warehousing and distribution facilities.
4. Aerial mapping and surveying.
5. Aircraft or aircraft component manufacturing or assembly.
6. Aircraft related research and testing.
7. Aircraft sales, repair, service and storage.
8. Schools relating to aircraft operations.
9. Aircraft or air transportation business.
10. Aviation clubs.

11. Auto rental agencies.
12. Taxi, bus and truck terminals.
13. Environmental monitoring and enforcement agencies.
14. Farm use.
15. Accessory buildings normally required in connection with a use as specified in this paragraph.
16. Commercial and light industrial uses which are compatible with aviation uses per approved Airport Lay-Layout Plan Plate, La Grande Municipal Airport Master Plan, dated February 1979, attached as Appendix A.
17. Fire fighting equipment and facilities.

12.03 CONDITIONAL USES

The following uses may be established in the PA Zone as conditional uses subject to the approval of the Planning Commission:

1. Other uses per criteria in Section 19.06 2..

12.04 DIMENSIONAL STANDARDS

1. Minimum Lot Size:

No limitation, except where Oregon Department of Environmental Quality standards require a minimum area for sewage disposal.

2. Setback Requirements

- A. Adjacent to a Residential Zone: The applicable residential zone setback requirements shall apply.
- B. On corner lots: Corner lots shall have no sight-obstruction exceeding 2.5 feet in height, located closer than twenty (20) feet from the lot corner to the nearest street corner.

3. Building height.

Building height shall conform to Article 14.00 - Airport Overlay Zone standards.

12.05 DEVELOPMENT STANDARDS

1. Off-street parking space shall be provided in accordance with Section 18.11 of this ordinance.
2. Site plans in accordance with Section 18.10 of this

ordinance, shall be submitted for all outright and conditional uses and approved by the Planning Commission prior to issuance of a building permit.

3. Limitations for signs shall be as in Section 8.04 3..

ARTICLE 13.00
(SM) SURFACE MINING ZONE

13.01 PURPOSE

The purpose of the Surface Mining Zone is to allow the extraction and processing of non-renewable surface mining materials needed by the community and region and to establish protective standards and procedures intended to provide a balance between mining activities and adjoining or nearby development.

13.02 COMPLIANCE

No surface mining operation may begin or expand in the Surface Mining Zone without obtaining approval from the Union County Planning Commission.

13.03 USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the SM Zone:

1. Extraction of any mineral or aggregate material.
2. Stockpiling and storage of mineral or aggregate materials.
3. Crushing and processing.
4. Caretaker's residence.
5. Sale of products produced from the site.
6. Related activities such as batch plants, mineral refining plants, hot mix asphalt plants and concrete products plants.
7. Agricultural uses not including dwellings.
8. Other uses per criteria in Section 19.06 2.

13.04 SITE PLAN REQUIREMENTS

Site plans in accordance with Section 18.10 of this Ordinance shall be submitted for outright and conditional uses and approved by the Planning Commission prior to issuance of a building permit.

13.05 MINING STANDARDS

All mining operations shall comply with the following standards and requirements.

1. Use Setbacks. Any mining, equipment, or structural use within a Surface Mining Zone shall maintain a

minimum setback of 100 feet from a residential zone or residential dwelling and 50 feet from a stream or river channel unless a different setback is specified by the Planning Commission.

2. Size of Open Pit. An open pit in a mining area operation shall not exceed five (5) acres in size. However, continued mining may occur concurrently with the satisfactory completion of the required reclamation as specified by Department of Geology and Mineral Industries. An open pit operation occurring within 500 feet of another unreclaimed open pit mine under the same ownership shall be considered to be adjoining and shall comply with the five (5) acre maximum exposure requirement.
3. Air, Water and Noise Standards. Air and water quality and noise level requirements shall comply with State and Federal standards. The discharge of any contaminants or the disposal of any seepage waters shall be approved by the Department of Environmental Quality.
4. Road Maintenance Responsibility. All improved or unimproved on-site drives and nearby public streets providing access to the mining site shall be maintained in a durable dustless condition and any damage sustained by the use of the mining operator's heavy equipment shall be repaired on an annual basis or upon completion of the mining activity, whichever comes first.
5. Traffic Routing. All trucks and heavy equipment transporting mining materials shall avoid travel through residential areas where possible by using the routes indicated on an approved traffic plan.

13.06 EXPIRATION OF APPROVAL

Approval of the Site Plan shall expire twelve (12) months from the date of approval unless the required permits have been issued and the mining operation has commenced and is in progress.

13.07 PERFORMANCE GUARANTEE

The mining operator shall enter into an agreement with Union County guaranteeing faithful performance of all the requirements of a surface mining permit in a Surface Mining Zone. The agreement shall be in accordance with the procedures and specifications outlined in Article 29.00 of this Ordinance.

ARTICLE 14.00
AIRPORT OVERLAY ZONE

14.01 PURPOSE

The purpose of the Airport Overlay Zone is to provide safe and suitable airport operations without dangerous obstructions to air space and to provide an environment around airports which will not be adversely affected by noise and safety problems and which is compatible with an airport and its operations.

14.02 PROCEDURE

1. Any land use action within the Airport Overlay Zone is subject to the regulations herein described and those of the underlying zone. If any conflicts in regulation or procedure occur between the zones, the provisions of the Airport Overlay Zone shall govern.
2. The Airport Overlay Zone is identified by the Approach and Clear Zone Plan, from the February 1979, La Grande Municipal Airport Master Plan, which is attached as Appendix B and performs three functions:
 - A. Sets the boundary for the Airport Overlay Zone.
 - B. Defines the Federal Aviation Regulations for height restriction.
 - C. Limits structures within approach - clear zones.

14.03 PERMITTED USES

The following uses are permitted outright in an AP Zone:

1. Any permitted use in the underlying zone.

14.04 CONDITIONAL USES

The following uses may be established in an AP Zone as conditional uses subject to the Planning Commission approval.

1. Any uses permitted as a conditional use in the underlying zone.

14.05 PROHIBITED USES

The following uses are prohibited in an AP Zone:

1. Dwellings and residences are not allowed in the Clear Zone and Transition Zone as identified on the AP Overlay Zone map.

2. Landfills, garbage dumps, water impoundments or other uses which attract birds.
3. Churches, auditoriums, schools, hospitals and day-care centers and other public or private meeting places which are designed to accommodate more than 25 persons at one time.
4. Uses which interfere with aviation resulting from height of structures, glare from buildings, smoke, lights which shine upward and radio interference from transmission.
5. All structures not in relation to navigation within the clear zone.

14.06 DEVELOPMENT STANDARDS

In a zone with which an AP Overlay Zone is combined, the following standards shall apply:

1. That all conditional uses proposed in this zone are subject to site plan requirements of Section 18.10.
2. The height of any structure or part of a structure, such as a chimney, tower, antenna, etc., shall be limited according to requirements established by the La Grande Municipal Airport Master Plan, Approach and Clear Zone Plan map elevation horizons and utility structures shall observe F.A.A. height regulations.
3. All new public use airports, heliports or landing fields shall be designed so that the incidence of aircraft passing in the vicinity of dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust or bright lights.
4. All landowners requesting permission to construct a dwelling in the AP Overlay Zone must sign a Hold Harmless Agreement before final approval, see Appendix C.

ARTICLE 15.00
FLOOD PLAIN OVERLAY ZONE

15.01 PURPOSE

The flood Plain (FP) Overlay Zone is a superimposed zone applied in combination with existing identified zones for the purpose of promoting the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specified areas.

15.02 AREAS OF SPECIAL FLOOD HAZARD

The boundaries of areas recognized as Flood Plains (FP) shall be the boundaries of special flood hazard areas which are areas subject to a one (1) percent or greater chance of flooding in any given year, identified by the Federal Insurance Administration (F.I.A.) in a scientific and engineering report entitled "The Flood Insurance Study for Union County, Oregon", dated November, 1979.

The Flood Plain Overlay Zone is identified on the Union County Zoning Maps as a superimposed zone. In addition, where base flood elevation data has been provided by the FIA the Federal Flood Insurance and Floodway Maps are hereby adopted by reference and declared to be a supplemental part of this ordinance.

Where base flood elevation data has not been provided by FIA, the County Building Inspector shall obtain, review, reasonably utilize any base flood elevation data from Federal, State or other sources, in order to administer residential and non-residential construction within potential special flood hazard areas. When no base data exists, the zoning and building permit applications shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made, where available, through the use of historical data, high water marks, photographs of past flooding, etc..

15.03 LIMITATIONS

The areas within the FP Overlay Zone shall be regulated by the following general and specific standards in combination with the applicable underlying zone, e.g., FP/R-1. The outright and conditional uses permitted in accordance with the provisions of the underlying zones shall be permitted only where the FP general and specific standards can be complied with.

1. GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

A. Filing of a development permit or building permit, where applicable, shall be obtained before construction or development begins within any area of special flood hazard. Development permits are required for all structures including mobile and for all other development including fill, except low investment accessory structures; building permits shall be for all structures. Application for a development and building permits shall be made to and maintained by the County Building Inspector and findings submitted to the County Planning Department. Specifically, the following information is required for development permits:

- (1). Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures.
- (2). Elevation in relation to mean sea level to which any structure has been floodproofed.
- (3). Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 15.03 1 B.
- (4). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and
- (5). If the Building Inspector determines an alteration to a watercourse could have an effect to a neighboring community, such community shall be involved in the review of the development permit.

B. ANCHORING

- (1). All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2). All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (a). Over-the-top ties be provided at each of the four(4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.

- (b). Frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four (4) additional ties per side.
 - (c). All components of the anchoring system be capable of carrying a force of 4,800 pounds, and
 - (d). Any additions to the mobile home be similarly anchored.
- (3). An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the County Building Inspector, that this standard has been met.

C. CONSTRUCTION, MATERIALS AND METHODS

- (1). All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2). All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

D. UTILITIES

- (1). All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2). New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and
- (3). On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. SUBDIVISION PROPOSALS

- (1). All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2). All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and

constructed to minimize flood damage.

- (3). All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and
- (4). Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

F. ALTERATION TO WATERCOURSES

No development activity shall alter a water course which will reduce its carrying capacity.

G. LOW INVESTMENT ACCESSORY STRUCTURES

- (1). Obtain a building permit prior to construction.
- (2). Be anchored in compliance with Section 15.03 1. B. (1).

2. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

A. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.

B. NON-RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial or non-residential structure other than low investment accessory structures shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation, or together with the attendant utility and sanitary facilities, shall:

- (1). Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- (2). Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and
- (3). Be certified by a registered professional

engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the County Building Inspector.

C. MOBILE HOMES

- (1). Mobile homes shall be anchored in accordance with Section 15.03 1 B.
- (2). For new mobile home parks and mobile home subdivisions, or expansions to existing mobile home parks and mobile home subdivisions, or existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
 - (a). Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - (b). Adequate surface drainage and access for a hauler are provided, and
 - (c). In the instance of elevation on pilings, that:
 - I. Lots are large enough to permit steps.
 - II. Piling foundations are placed in stable soil no more than ten (10) feet apart, and
 - III. Re-inforcement is provided for pilings more than six (6) feet above the ground level.
- (3). No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

D. FLOODWAYS

Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and have erosion potential, the following provisions apply:

- (1). Encroachments are prohibited, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2). If Section (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.03. limitations.
- (3). Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

15.04 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Union County, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereafter.

16.01 AUTHORIZATION FOR ADMINISTRATION

The City of La Grande Zoning Ordinance, No. 2573, Series 1979; Zoning Map, Series 1979; Subdivision Ordinance, No. 2572, Series 1979; and any subsequent revisions therein, is adopted by reference herein for administration of land use activities within the "La Grande Urban Growth Area", defined as the area of land between the corporate limits of the City of La Grande and the La Grande Urban Growth Boundary. Union County and City of La Grande shall have joint input for land use decisions and actions affecting the Urban Growth Area. However, in order to promote consistency between the City planning effort and County land use decisions and actions affecting the Urban Growth Area, Union County shall incorporate that portion of La Grande Comprehensive Land Use Plan which addresses the Urban Growth Area into the County Land Use Plan.

16.02 PROCEDURES FOR PROCESSING LAND USE DECISIONS

1. County Planning Department shall refer to the City each request affecting the La Grande Urban Growth Area.
2. City will review all necessary planning requests affecting the La Grande Urban Growth Area and send transmittals of proposed actions to the County Planning Department for review.
3. County Planning Director shall, within 10 days from the date a transmittal is sent from the City, make comments and recommendations regarding the proposed action.
4. After consideration of all comments and recommendations regarding the transmittal, City shall conduct Plan reviews and hearings pursuant to City Ordinances.
5. If the Planning request is substantially altered after review by the City, the revised request shall be transmitted to the County Planning Department for further comments and recommendations. A copy of the final action will be sent to the County Planning Department.

16.03 CITY SERVICES AND DEVELOPMENT STANDARDS

1. City may extend City services to any site at the expense of the affected property owners or service district, and to the development standards of the City.

2. For the purpose of this ordinance, City services may include, but not be limited to the following:

Water, sewer, street lighting, road maintenance, fire protection and sidewalks.

3. City services, when constructed to City standards, shall be maintained through one of the following options:
 - A. A cooperative agreement between City and County taking the form of a written agreement passed by resolution prior to approval of a final plat, or at any time, covering existing improvements or dedications.
 - B. A maintenance district established by the developer with the legal mechanism for the district to be presented to the City prior to the approval of the final plat.
 - C. Any other method of providing perpetual financing for maintenance services and improvements.

16.04 ANNEXATION

1. Annexation within the Urban Growth Area shall be in accordance with annexation procedures contained in Oregon Revised Statutes, City Ordinances, and Oregon Case Laws.
2. The City, upon annexation of portions of the Urban Growth Area, shall request jurisdiction and maintenance responsibility for public streets and roads under County maintenance at the time of annexation pursuant to Oregon Law. The City shall maintain all City services within the annexed area including street lighting and fire-police protection unless an agreement has been entered into with a special district.

16.05 APPEALS

Land use decisions of the city involving the urban growth area shall be appealed to the Union County Court. Either jurisdiction wishing to challenge the validity of an action taken within the urban growth area as being in compliance with the State Land Conservation and Development Commission's Goal for Land Use Planning may appeal that specific action to the Land Use Board of Appeals.

ARTICLE 17.00
URBAN GROWTH AREA OVERLAY ZONES FOR
~~ISLAND CITY~~, ELGIN AND NORTH POWDER

17.01 AUTHORIZATION FOR ADMINISTRATION

Provisions within this Ordinance which apply within the Urban Growth Areas of ~~Island City~~, Elgin and North Powder shall be administered by the County in cooperation with the respective City. Union County and the respective City shall have joint input for land use decisions and actions affecting the Urban Growth Area. However, in order to promote consistency between the City Planning effort and County land use decisions and actions affecting the Urban Growth Area, Union County shall incorporate that portion of the respective City Comprehensive Land Use Plan which addresses the Urban Growth Area into the County Land Use Plan.

17.02 PROCEDURES FOR PROCESSING LAND USE DECISIONS

Land Use decisions and actions within the affected Urban Growth Area shall be processed recognizing the following:

1. That the County will not allow development outside Urban Growth Areas that may likely create a demand for municipal services and/or facilities not planned to be provided by the respective City; and
2. That no land outside of the Urban Growth Area will be annexed into a City unless the Urban Growth Area is changed to encompass the area; and
3. That the respective City Land Use Plan recommendations for unincorporated land within the Urban Growth Area will be utilized by the County in Land Use decisions and actions; and
4. That the County will administer the County Zoning Ordinance in accord with the respective City Land Use Plan. The respective City Council or Planning Commission will receive notification of any proposed action at least ten (10) days prior to the action.

ARTICLE 18.00
SUPPLEMENTARY PROVISIONS

18.01 GENERAL PROVISIONS FOR DWELLINGS ON
LEGALLY CREATED PARCELS

Every dwelling hereafter erected shall be located on a legally created parcel, and there shall be no more than one (1) dwelling on one (1) lot, except:

1. A dwelling unit demonstrated to be in conjunction with farm use, or allowed outright; or
2. Where a conditional use permit has been obtained.

18.02 USES PERMITTED ON SUBSTANDARD LEGALLY CREATED PARCELS

Any previously created lot, or the aggregate of contiguous lots or land parcels held in a single ownership, of less than the lot size requirement of the zone in which the property is located that was legally created on or prior to April 11, 1979, and that conformed with the previous applicable ordinance, shall be used pursuant to the following criteria:

1. Substandard legally created parcels "less than 40 acres in size" and identified within the A-1, A-2, or A-3 zones shall be recognized as non-farm or non-forest use lots. Therefore, any residential development on these parcels shall meet the criteria for dwellings not in conjunction with farm use, Section 2.03 (a), with the primary concern for location of the dwellings. Application for a conditional use permit shall be made to the Planning Director. The application will be processed according to provisions in Section 22.05. Other uses shall conform to the applicable zone.
2. Substandard legally created parcels "greater than 40 acres in size" and identified within the A-1, A-2 zones shall be used for the same purpose(s) as standard lots, and shall meet the same requirements as those lots which comply with the minimum lot size standards.
3. Those substandard legally created parcels which can meet the following six (6) specific criteria are guaranteed a building right for one (1) single-family dwelling as an outright use. The County Planning Department will keep a record of all such approvals and submit the record to the Land Conservation and Development Commission before the end of each even-numbered year.
 - A. The lot was acquired (transferred to or created) by the present owner between January 1, 1965 and

January 1, 1975;

- B. A single-family dwelling was an allowed use when the present owner acquired the lot;
 - C. The lot is in an unincorporated area and outside Greenway and hazard areas;
 - D. The lot is outside of areas designated for urban (land within an UGB is assumed to be earmarked for urban uses), industrial, and commercial uses;
 - E. The lot is not contiguous to another legally created parcel under the same ownership (including lots transferred among relatives); and
 - F. The lot has not received farm or forest use assessment for more than five (5) years (any five (5) years).
4. All other substandard legally created parcels shall be used for the same purpose(s) as standard lots and shall meet the same requirements as those lots which meet minimum lot size standards.

18.03 GENERAL PROVISIONS REGARDING ACCESSORY USES

Accessory uses shall comply with requirements for the principal use except where specifically modified by this Ordinance.

18.04 GENERAL EXCEPTIONS TO YARD REQUIREMENTS

The following exceptions to the front yard requirements of a dwelling is authorized for a lot in any zone. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the subject lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half (1/2) way between the depth of the abutting lot and the required front yard depth.

18.05 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

The following structures or structural parts are not subject to the building height limitations of this Ordinance except as provided in Section 14.06; chimneys, cuppolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, elevator flagpoles, radio and television towers, water towers, elevator shafts, windmills, conveyors, and other similar projections.

18.06 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall meet with uniform building code regulations.

18.07 CLEAR-VISION AREAS

A clear-vision area shall be maintained on the corners of all property at the intersection of two (2) or more streets or a street and a railroad.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified below in subsection 3, or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
2. A clear-vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street or road center line grade except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
3. The following measurements shall establish clear-vision areas:
 - A. In an A-1, A-2, A-3, R-1, R-2 or R-3 Zone the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.
 - B. In all other zones where yards are required, the minimum distance shall be twenty (20) feet or, at intersections including an alley, ten (10) feet, except that when an angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be thirty (30) feet.
4. All access for ingress and/or egress to property at the intersection of two (2) or more streets, roads or highways shall be set back from the corner intersection of the street lot lines for a distance of thirty (30) feet.

18.08 RIPARIAN ZONE SETBACKS

In order to maintain vegetative cover along Class I streams

and rivers known as riparian habitat a setback for any new development such as structures or roads shall be required on a sliding scale proportional to one-half the stream width, at right angles to the annual high-water line or mark. A minimum of 25 feet either side of streams will be recognized. Woody vegetation presently existing in the riparian zone shall be maintained, however, thinning or harvesting of merchantable tree species may occur within the riparian zone where 75% of the existing shade over the stream is maintained.

18.09 SCIENTIFIC & NATURAL AREAS, POTENTIAL AGGREGATE REMOVAL SITES, CRITICAL WILDLIFE HABITAT AREAS, AND HISTORICAL SITES

1. Any land use action requiring County zoning or partitioning approval which is within 1320 feet of or could have an impact on:
 - A. Historical sites or structures,
 - B. Scientific or natural areas,
 - C. Potential aggregate removal sites, and
 - D. Critical wildlife habitat areas identified by the Union County Land Use Plan, shall be reviewed by the Planning Director for appropriate public notification measures.
2. Affected Land Management Agencies, land owners and interested persons will be notified of the proposed land use action and will be given an opportunity to submit testimony per the applicable application procedure prior to a decision on the land use action.
3. Land use decisions will consider the economic, social, environmental, and energy consequences when attempting to mitigate conflicts between development and resource preservation.
4. The following criteria shall be addressed and satisfied by the applicant during the appropriate decision making process:
 - A. ECONOMIC: The use proposed is a benefit to the community and would meet a substantial public need or provide for a public good which clearly outweighs retention of the following resources.
 - (1). Historical sites or structures,
 - (2). Scientific or natural area,
 - (3). Potential aggregate removal sites, and
 - (4). Critical wildlife habitat areas identified by the Union County Land Use Plan.

- B. SOCIAL: The proposed development would not result in the loss of a rare, one of a kind or irreplaceable historical site or structure, scientific or natural area, aggregate removal site or critical wildlife habitat area.
- C. ENERGY: The development, as proposed, would support energy efficient land use activities for such things as transportation costs, efficient utilization of urban services, and retention of natural features which create micro climates conducive to energy efficiency.
- D. ENVIRONMENTAL: If financially similar alternative options for development are available which would create less of an environmental impact on any of the four listed resources in A. above, major consideration should be given to these options.

18.10 SITE PLAN REQUIREMENTS

- 1. Land development in areas classified within the Zoning Ordinance as I-1: Light Industrial, I-2: Heavy Industrial, PA: Public Airport, SM: Surface Mining, AP: Airport Overlay Zone, and multi-family dwellings, allowed either outright or conditionally shall be subject to the provisions of this section. Before a new building may be constructed or an existing building may be enlarged or substantially altered, a site development plan shall be submitted to the Planning Commission for approval. Appeals of Planning Commission decisions will be to the County Court.
 - A. The applicant shall submit Site Plans to the Planning Department for Planning Commission consideration. These shall be drawn to scale and of sufficient detail to insure their review in compliance with this section. A Site Plan shall include the following:
 - 1. Property lines of subject property(s).
 - 2. Existing and proposed building locations, dimensions and height in respect to the subject property.
 - 3. Off-street parking spaces and loading areas.
 - 4. Existing and proposed points of ingress and egress - both vehicular and pedestrian ways.
 - 5. All proposed screening and landscaping.
 - 6. Existing topographic and preliminary grading plan.
 - 7. Adjacent road rights-of-way.
 - 8. Existing and proposed lighting including location, size and type of signs and other advertising features.

- B. The Planning Commission may request any additional information it deems necessary to insure proper development of the property.
 - C. Site plans shall be either approved, conditionally approved pending modification, or denied.
2. Plan Review Considerations: Review of the site plan in consideration of any proposed construction shall include the following considerations:
- A. Height limitations on buildings and structures.
 - B. Off-street parking ratios.
 - C. The location, width, and improvements of vehicular and pedestrian access.
 - D. Limitation upon the size, dimension, lighting and location of signs and advertising structures.
 - E. Location and size of off-street loading areas.
 - F. Landscaping and screening of grounds and storage areas.
 - G. Measures designed to minimize environmental impacts from noise, dust, odor, fumes, vibration, smoke and glare which would have an adverse effect on adjacent properties.
 - H. Measures taken to conserve energy or maximize use of alternate energy resources.
 - I. Location and dimension of structures.
3. Plan Review in Public Airport Zone: Public notice of the proposed construction shall be given by mail at least ten (10) days prior to the day of the Planning Commission review of the Site Plan to the Federal Aviation Administration, Oregon Aeronautics Division, and La Grande Airport Commission. In addition to #2 above, review of the Site Plan in a Public Airport Zone shall assure that the following are not allowed:
- A. The creation of electrical interference with navigational signals or radio communication between the airport and aircraft.
 - B. Placement of lights which makes it difficult for pilots to distinguish between these and airport lights.
 - C. Location of materials which results in glare in the

eyes of pilots.

- D. Industrial discharge impairing visibility.
- E. Creation of water impoundments or landfills which would attract birds, creating bird strike hazards.
- F. Placement of structures so as to endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

18.11 OFF-STREET PARKING AND LOADING

1. OFF-STREET PARKING: At the time of erection of a new structure, or at any time of enlargement or change in use of an existing structure within any zone in the County, off-street parking spaces shall be provided for the new construction as indicated in this section unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the new gross floor of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking for employees. Where employees are specified, the term shall apply to all persons, including the proprietors working on the premises during the peak shift.

USE	STANDARD
A. Residential Uses	
(1) Dwelling	One space per dwelling unit
(2) Boarding house, lodging house or rooming house	One space per guest accommodation
B. Institutions	
(1) Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	One space per two beds for patients or residents
(2) Hospital	Three spaces per two beds
C. Places of Public Assembly	
(1) Library, reading room	One space per 400 square feet plus one space per two employees
(2) Preschool nursery, kindergarten	Two spaces per teacher
(3) Elementary or junior high	One space per classroom

school	plus one space per teacher, plus one space per administrative employee
(4) Senior high school	One space per classroom plus one space per administrative employee plus one space per six students
(5) Other public assembly, including church	One space per four seats or eight feet of bench length
D. Commercial Amusements	
(1) Theater	One space per four seats
(2) Bowling alley	Five spaces per alley plus one space per two employees
(3) Dance hall, skating rink	One space per 100 square feet of floor area plus one space per two employees
E. Commercial	
(1) Retail store	One space per 250 square feet of floor area
(2) Service or repair shop, retail store handling exclusive bulky merchandise such as automobiles and furniture	One space per 400 square feet of floor area
(3) Bank or office (except medical or dental)	One space per 400 square feet of floor area plus one space per two employees
(4) Medical or dental offices	One space per 200 square feet of floor area plus one space per two employees
(5) Mortuary	One space per four seats or eight feet of bench in chapels
(6) Motel	One space per guest room plus one space for the owner or manager

which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are complied with.

- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts to establish the joint use.
- E. Off-street parking spaces for dwelling shall be located on the same lot with the dwelling. All other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.
- F. Required parking spaces shall be available for the parking of operable passenger automobiles for residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G. A plan drawn to scale, indicating how the off-street parking and loading requirements will be met, is to be filed with the Planning Director.
- H. Design requirements for parking lots and loading areas:
 - (1). Areas used for standing and maneuvering of vehicles shall have durable surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.
 - (2). Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents.

- (3). Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- (4). Access aisles shall be of sufficient width for vehicles turning and maneuvering.
- (5). Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (6). Service drives to off-street parking and loading areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- (7). Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line adjoining said lines through a point twenty feet from their intersection.

18.12 PROCEDURE FOR CLASSIFYING NEW SCIENTIFIC & NATURAL AREAS, HISTORICAL SITES & CRITICAL WILDLIFE HABITAT AREAS

1. Before new scientific and natural areas, historical sites and critical wildlife habitat areas are added to the Land Use Plan a public hearing shall be held according to Section 22.02 through 22.04 to determine the following:
 - a. That before productive forest or range land is converted or classified to include other uses, it will be demonstrated that such areas are more needed by the area economy for those uses.
 - b. That forest or grazing land may include parks, natural preserves, archeological, geological, biological or botanical sites; habitat for threatened or endangered species or other uses of a significant nature, provided such land is not removed from commercial timber production or grazing until the economic, social, environmental and energy consequences of such have been determined.

ARTICLE 19.00
CONDITIONAL USES

19.01 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

Uses designated in this Ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the Planning Commission in accordance with the standards and procedures specified in this article. Changes in use, expansion or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this Ordinance, shall conform to all regulations pertaining to conditional uses.

19.02 APPLICATION FOR CONDITIONAL USES

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the Planning Director upon forms prescribed for that purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. There shall be a fee, as provided for in Article 31.00 herein, accompanying a request for a conditional use. A public hearing shall be conducted by the Planning Commission on all conditional use applications according to Section 22.03 and 22.04 of this Ordinance.

19.03 COMMISSION ACTION

In addition to the general requirements of this Ordinance, in granting a conditional use the Commission may attach conditions which it finds are necessary to carry out the purposes of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of signs, limit coverage of height of buildings because of obstruction of view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

19.04 NOTIFICATION OF ACTION

The Planning Director shall notify the applicant in writing of the action of the Planning Commission within five days after the decision has been rendered.

19.05 TIME LIMIT ON A CONDITIONAL USE

Authorization of a conditional use shall be void after one

year unless substantial construction pursuant thereto has taken place. However, one year time extensions may be granted by the Planning Director if the applicable circumstances are unchanged.

19.06 GENERAL STANDARDS GOVERNING CONDITIONAL USES

The following standards and criteria shall govern conditional uses, except as provided in subsection 19.07:

1. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the Planning Commission in granting the conditional use.
2. Other uses similar to those enumerated within specified zones except in the A-1, A-2 and A-3 zones which are consistent with the purposes and intent of the applicable zone may be modified by the Planning Commission if the use is found:
 - A. To be compatible with outright or conditional uses of the applicable zone.
 - B. Not to interfere seriously with established and accepted practices on adjacent lands.
 - C. Not to materially alter the stability of the overall land use pattern of the area.
 - D. That the proposed use can comply with the standards of the zone, and
 - E. To comply with such other conditions as the Planning Commission or its designate considers necessary to carry out the purposes of this ordinance.

19.07 SPECIFIC STANDARDS GOVERNING CONDITIONAL USES

The following conditional uses shall be regulated by their individual specific requirement:

1. JUNKYARDS

In addition to the general provisions of this section, junkyards shall meet the following provisions:

- A. Junkyards shall be fully enclosed by a sight-obscuring fence, free of advertising, other than is allowed by the sign requirements, maintained in good condition, not less than six (6) feet in height, and of a design approved by the Planning Commission.
- B. All appliances, equipment or automobiles, wrecked

or otherwise, shall be kept inside the fenced area at all times.

2. HOME OCCUPATION.

The purpose of this section is to permit the operation of certain small-scale business activities, hereafter described as "home occupations", which are conducted as an accessory use to a dwelling in zones which allow such activities as conditional uses.

Home occupations are not recognized as any full-scale commercial or professional activity ordinarily required to be conducted in a commercial or industrial zone.

A home occupation shall conform to the following:

- A. The home occupation shall be secondary to the main use of the property as a residence.
- B. The home occupation shall be limited to either an accessory structure or a dwelling in which more than 50% of the dwelling is devoted to residential use. If located within an accessory structure, the home occupation shall not utilize over 1200 square feet of floor area.
- C. Structural alteration shall not detract from the outward appearance of the property as a residential use.
- D. No more than one person other than members of the immediate family be engaged in the home occupation.
- E. No lighted window display and no sample commodities displayed outside the building shall be allowed. Signs and displays shall not be located in the street right-of-way. The sign shall identify only the home and occupation of the resident.
- F. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, smoke, odor, interference with radio or television reception, or other factors.
- G. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- H. No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience.

3. MINERAL, AGGREGATE OR GEOTHERMAL RESOURCE EXTRACTION

AND/OR PROCESSING.

Standards for extraction and processing of minerals, aggregate or geothermal resources.

- A. Submitted plans and specifications shall contain sufficient information to allow the County Staff or Planning Commission to set standards pertaining to:
 - (1) Location, quality and quantity of resource available.
 - (2) Setback from property lines.
 - (3) Location of vehicular access points.
 - (4) Protection of pedestrians and vehicles through the use of fencing.
 - (5) Prevention of the collection and stagnation of water at all stages of the operation.
 - (6) Location and type of processing facilities.
 - (7) Rehabilitation of the land upon termination of the operation.
- B. Asphalt plants, concrete products manufacture, cement plants, and similar uses often associated with extraction of earth products shall be permitted in conjunction with extraction operations on a temporary basis and subject to an annual review, except in industrial zones where they are allowed on a permanent basis.
- C. Environmental Limitations
 - (1) Mining equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, dust which are injurious or substantially annoying to persons living in the vicinity or to crops or livestock being in the vicinity.
 - (2) Contamination or impairment of the groundwater table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction and/or processing activity. All operations which include some form of washing process must make application with the Oregon Department of Environmental Quality and comply with the applicable laws, rules and regulations.

- (3) All extraction and/or processing activities which will produce noise, air, dust, odors, and other pollutants shall acquire an air contaminant discharge permit from the Oregon Department of Environmental Quality and/or comply with the applicable laws, rules and regulations.

4. MOBILE HOME PARKS

In addition to the general provisions of this section, a mobile home park may be permitted as a conditional use provided it meets the following requirements:

A. Site Plan Application

- (1) Preliminary Site Plan Application Requirements.

The application to construct a new Mobile Home Park or to expand an existing Mobile Home Park shall be accompanied by a plot plan showing the general layout of the entire Mobile Home Park and drawn to a scale not smaller than one inch representing forty (40) feet. The drawing shall show the following information:

- (a) Name of the person who prepared the plan.
- (b) Name of the Mobile Home Park and address.
- (c) Scale and north point of the plan.
- (d) Vicinity map showing relationship of Mobile Home Park to adjacent properties.
- (e) Boundaries and dimensions of the Mobile Home Park.
- (f) Location and dimensions of each Mobile Home site designate each site by number, letter, or name.
- (g) Location and dimensions of each existing or proposed building.
- (h) Location and width of park streets.
- (i) Location and width of walkways.
- (j) Location of each lighting fixture for lighting the Mobile Home Park.
- (k) Location of recreational areas and buildings, and area of recreational space.
- (l) Location and type of landscaping, plantings, fence, wall, or combination of any of these, or other screening material.
- (m) Location of point where Mobile Home Park water system connects with public system.
- (n) Location of available fire and irrigation hydrants.
- (o) Location of public telephone service for

the park.

- (p) Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.

(2). Final Site Plan Submission Requirements.

If approval is given to the preliminary site plan, the owner may satisfy final site plan requirements for a permit to construct by submitting four copies of the following required detailed plans:

- (a) New structures.
- (b) Water supply and sewage disposal systems.
- (c) Electrical systems.
- (d) Road, sidewalk and patio construction.
- (e) Drainage system.
- (f) Recreational area improvements.

B. Access, Park Streets and Walkways

(1) Access

A Mobile Home Park shall not be established on any site that does not have frontage on and access to a County or public road which has a minimum right-of-way width of sixty (60) feet.

(2) Park Streets

A park street shall connect each mobile home site to a public street or road. The park street shall be a minimum of thirty (30) feet in width, with a surface width of twenty (20) feet if no parking is allowed, and thirty (30) feet if parking is allowed.

(3) Walkways

Walkways of not less than three (3) feet in width shall be provided in accordance with the approved service buildings and recreation areas.

(4) Paving

Park streets and walkways shall be paved with a crushed rock base and asphaltic or concrete surfacing, according to the structural specifications.

C. Area Dimensions

- (1) Mobile home sites shall be no less than 4,000

square feet with minimum width of forty (40) feet and minimum length of eighty (80) feet.

- (2) Mobile homes shall meet the applicable setback requirements from property line within respective zone.
- (3) A mobile home and accessories thereto shall be separated from adjoining mobile home and its accessories by a minimum of fifteen (15) feet.
- (4) Not more than five (5) percent of the total Mobile Home Park area may be used to accommodate persons wishing to park their motor homes or camping vehicles overnight.

D. Other Site Requirements

- (1) All signs shall conform to the sign requirements of the applicable zone.
- (2) At least two hundred (200) square feet of recreational area shall be provided for each mobile home site. This area may be in one or more locations in the park, and shall be suitably improved and maintained for recreational purposes.
- (3) Accessory structures shall be limited to such structures as an awning, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
- (4) Oregon Revised Statutes Chapter 466 and Rules and Regulations governing the construction and statutory operation of travelers' accommodations and tourist parks, adopted by the Oregon State Board of Health, shall be applicable in the development and operation of Mobile Home Parks.

5. PLANNED UNIT DEVELOPMENT

A. Purpose

The Planned Unit Development (PUD) is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individual comprehensive planning. Often based on the concept of cluster planning, it allows flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking area, and best utilization of potential sites characterized by special features such as geography, topography, size and shape. The product is a development which would be

as good or better than that resulting from the traditional lot by lot development, while substantially maintaining the same development density and area coverage permitted in the applicable zone.

B. Area of Application

Planned Unit Development may be established only in the R-1 and R-2 Zones on parcels of land which are greater than five (5) acres in size and suitable for and of sufficient size to be planned and developed in a manner consistent with the purpose and objectives of this section.

C. Planned Unit Development Procedure

PUD shall follow the procedure and submission of plans required by County Subdivision Regulations plus the following additional elements:

- (1) The preliminary plan shall include the following information:
 - (a) Proposed land uses, building locations and housing unit densities.
 - (b) Proposed circulation pattern indicating the status of street ownership.
 - (c) Proposed open space uses.
 - (d) Proposed grading and drainage pattern.
 - (e) Proposed method of water supply and sewage disposal.
 - (f) Economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.
 - (g) Relation of the proposed development to the surrounding area and the comprehensive plan.
- (2) Prior to discussion of the Plan at a Planning Commission meeting, the Planning Director shall distribute copies of the proposal to appropriate agencies for study and comment.
- (3) The Planning Commission shall consider the Preliminary Development Plan at a meeting at which time the comments of persons receiving the Plan for study shall be reviewed. In considering the Plan, the Planning Commission shall seek to determine that:
 - (a) There are special physical conditions or

objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.

- (b) Resulting development will not be inconsistent with the Comprehensive Plan provision or Zoning objectives of the area.
 - (c) The area around the development can be planned to be in substantial harmony with the Proposed Plan.
 - (d) The Plan can be completed within a reasonable period of time.
 - (e) Any proposed commercial or industrial development can be justified economically.
 - (f) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 - (g) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- (4) The Planning Commission shall notify the applicant whether, in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.
- (5) In addition to the requirements of this section, the Planning Commission may attach conditions it finds are necessary to carry out the purpose of this Ordinance.
- (6) Building permits in a planned unit development shall be issued only on a basis of the approved Plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to the approved Plan.

6. SINGLE-FAMILY RESIDENTIAL DWELLING NOT PROVIDED IN CONJUNCTION WITH FARM USE

A. The Planning Commission shall not grant final approval of an application made under Section 2.03 9. for the establishment of a non-farm dwelling on land in the A-1 EFU Zone that is valued at true cash value for farm use under D.R.S. 308.370 without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under D.R.S. 308.370.

B. The Planning Commission may grant "tentative" approval

to establish a non-farm dwelling upon making the findings required by Section 2.03 9. A-E . Final approval shall be given by the Planning Director upon receipt of evidence that the lot or parcel upon which establishment of the non-farm dwelling is proposed has been disqualified for valuation at true cash value for farm use under O.R.S. 308.370.

C. The owner of a lot or parcel upon which the establishment of a non-farm dwelling has been tentatively approved shall within sixty (60) days after the date tentative approval was granted, simultaneously:

- (1) Notify the County Assessor that the lot or parcel is no longer being used as farm land; and
- (2) Request that the County Assessor disqualify the lot or parcel for valuation at true cash value for farm use under O.R.S. 308.370.

7. TEMPORARY USE PERMIT

A. Purpose: A temporary use permit is to allow on a temporary basis, structures, activities or uses which are temporary or seasonal in nature provided such structure, activity or use is consistent with the intent of the zone in which it is located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege of permanently rezoning or a special privilege not shared by other properties in the same zone.

B. Criteria: A temporary use permit shall be approved, denied or conditionally approved by the Planning Commission upon finding that the proposed structure, activity or use:

- (1). Will not be contrary to the public interest or the intent and purpose of this section and the particular zone involved.
- (2). Will not cause a substantial adverse effect upon property values or environmental conditions in the immediate vicinity or in the zone in which the property of the applicant is located.
- (3). Is requested under such circumstances or conditions which are not the result of any act of the applicant subsequent to the adoption of the particular zoning regulations from which relief is sought; and
- (4). Will relate only to property that is under control of the applicant.

C. Conditions: Reasonable conditions may be imposed by the Planning Commission in connection with the temporary use permit as necessary to meet the purposes of the applicable zone. Guarantees and evidence may be required that such conditions will be or are being complied with. Any temporary use permit shall clearly indicate the time period for which the permit is issued, not to exceed 2 years. No temporary use permit shall be transferrable to any other owner or occupant, but may be renewable upon the approval of the Planning Director.

D. Application: An application for a temporary use permit shall be made to the Planning Department on a form prescribed by this Ordinance, together with a letter of intent. The application will be processed according to Section 22.02 through 22.04.

ARTICLE 20.00
NONCONFORMING USES AND STRUCTURES

20.01 CONTINUATION OF NONCONFORMING USES OR STRUCTURES

Subject to the provision of Section 20.02 through 20.07, a nonconforming structure or use may be continued, but shall not be altered or extended except upon a finding by the the Planning Commission by a two-thirds (2/3) vote of the voting members present:

1. That in the logical development of the area in which the nonconforming use is located the Zone will be changed within a reasonable period of time to one in which the nonconforming uses would no longer be such a use.
2. That an alteration or extension of the nonconforming use would not operate to lessen the value of property in the same Zone and reasonably adjacent to the property concerned.
3. That the extent of such alteration or expansion shall be prescribed by the Commission in connection with its findings; and
4. That the expansion or alteration complies with such other conditions as the Planning Commission considers necessary.

The procedure to be followed and the fees to be charged on an application for permission to extend or to alter a nonconforming use shall be substantially the same as those provided in Section 22.02 through 22.04 and Article 31.00 of this Ordinance in the case of a conditional use.

20.02 NONCONFORMING STRUCTURE

A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension is in conformance with this Ordinance.

20.03 DISCONTINUANCE OF A NONCONFORMING USE

If a nonconforming use which does or does not involve a structure is discontinued from active use for a period of one (1) year, further use of the property shall be for a conforming use.

20.04 UNOCCUPIED BUILDING

If a building is unoccupied on the effective date of this Ordinance, then the last evidence of use shall be considered to be its use of record and the one (1) year period of discontinuance allowed by Section 20.03 shall commence on

the effective date of this Ordinance.

20.05 DESTRUCTION OF A NONCONFORMING USE

If a nonconforming structure or structure containing a nonconforming use is destroyed by fire, other casualty or natural disaster substantial construction shall be initiated within one year from the occurrence to restore or replace the structure or use in order for it to continue.

20.06 COMPLETION OF BUILDING

Nothing contained in this Ordinance shall require any change in the plans, alteration, construction, or designated use of a building upon which construction work has commenced prior to the adoption of this Ordinance, except that if the designated use will be nonconforming it shall, for the purpose of Section 20.03 be a discontinued use if substantial construction is not initiated within one year of the date of issuance of the building permit. A 1 year extension may be permitted to correspond with a building permit extension.

ARTICLE 21.00
LAND USE REGULATION & LAND USE PLAN AMENDMENTS

21.01 AUTHORIZATION TO INITIATE AN AMENDMENT

An amendment to the text or map of the Union County Land Use Plan or the text or map of this or other land use regulations or adoption of a new land use regulation may be initiated by the Planning Commission, by the County Court, or by application from a property owner(s) or his authorized agent.

21.02 APPLICATION

An application for amendment by a property owner(s) or his authorized agent shall be filed with the Planning Director on forms provided by the Planning Department at least thirty (30) days prior to the Planning Commission hearing. The application shall be accompanied by a fee as prescribed in Article 31.00 of this ordinance.

21.03 PROCEDURES

1. A pre-applicant conference shall be held between the applicant(s) and the Planning Director to discuss the proposed amendment(s), applicable Land Use Plan or other land use regulation requirements and hearing procedures.
2. The Planning Director may recommend an expansion of the geographical limits set forth in an application for a Plan or Zoning map amendment if, in his judgement, such expansion would result in better conformity with the application and the affected area. The Planning Director shall present any such recommendation for expansion to the applicant(s) for concurrence.
3. Notice of a public hearing before the Planning Commission shall be given according to provisions in Section 21.04.
4. The Planning Commission shall conduct a public hearing to receive pertinent evidence and testimony according to provisions in Section 21.05.
5. The Planning Commission shall, after the hearing, recommend to the County Court approval, disapproval, or modification of the proposed amendment.
6. The County Court shall give notice or cause notice to be given for a public hearing according to provisions in Section 21.04.
7. The County Court shall conduct a public hearing to

review the Planning Commission's recommendation and receive any "new" pertinent evidence and testimony according to provisions in Section 21.05.

Substantially new testimony at the County Court hearing could result in referral to the Planning Commission.

8. Notice of County Court's final action shall be given in the following:
 - A. The signed copy of each amendment to the Land Use Plan or a land use regulation shall be maintained on file in the office of the County Clerk. Additional copies and a record of such amendments shall be maintained by the Planning Department and made available to the public.
 - B. Four (4) copies of the ordinance amending the Land Use Plan or land use regulation, or new land use regulations and findings to support the adoption shall be mailed or otherwise submitted to the Director of the Oregon Department of Land Conservation and Development within five (5) working days after the final decision by the County Court.
 - C. In addition, the final court order on the action shall be sent within five (5) working days to persons who participated in the proceedings leading to the adoption and who requested notice in writing.
9. An appeal or objection to the County Court decision shall be conducted according to Section 22.07 of this ordinance or OLCO Oregon Administrative Rule 660-18-000 "Division 18 - Post Acknowledgement Procedures".

21.04 NOTICE OF PLANNING COMMISSION AND COUNTY COURT HEARING

All notices shall contain the time, place and a brief description of the application and shall be circulated in the following manner:

1. Separate notice on the Planning Commission and County Court hearings shall be published in a newspaper of general circulation in the County at least ten (10) days prior to the prospective hearings.
2. Individual notice shall be mailed to the recorded owners within 300 feet of the property for which a Plan map or Zoning map change has been requested. Failure of the property owner to receive the notice described shall not invalidate any amendment.

3. A proposal to amend the Land Use Plan or land use regulation or to adopt a new land use regulation shall be submitted to the Director of the Oregon DLCD at least forty-five (45) days before the final County Court hearing on adoption. The proposal submitted shall contain four (4) copies of the text and any supplemental information the County believes is necessary to inform the Director of DLCD as to the effect of the proposal and shall indicate the date of the final hearing on adoption by the County Court.
4. Planning decisions will be coordinated with other local, State and Federal agencies that may have an effect upon, or be affected by the decision.

21.05 PLANNING COMMISSION AND COUNTY COURT HEARING

1. Hearing Procedure. Hearings on proposed proceedings shall be in accordance with the rules of procedure adopted by the Planning Commission and County Court for the conduct of public hearing pursuant to this Zoning Ordinance.
2. The Burden of Proof. The burden of proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Essential to presenting proof is the applicant, or an authorized agents' attendance at the prescribed hearing for the action unless otherwise prescribed by the hearing body. Unless otherwise provided for in this ordinance, such burden shall be to prove:
 - A. That granting the request is within the public interest, taking into consideration that the greater the departure from the present land use patterns, the greater the burden on the applicant.
 - B. The proposed change is compatible with the Land Use Plan policies or LCDC Goals and Guidelines.
3. A decision on a Land Use Plan text or map amendment by the Planning Commission and County Court shall be based on the applicant's ability to meet all of the following:
 - A. Community attitudes and/or physical, social, economic, or environmental changes have occurred in the area or related areas since plan adoption and that a public need supports the change, or that the original plan was incorrect.
 - B. Alternative sites for the proposed uses will

be considered which are comparable with the other areas which might be available for the uses proposed.

4. The decision of the hearing body shall be based upon and accompanied by a brief statement that explains the following:
 - A. The criteria and standards considered relevant to the decision;
 - B. The basic facts relied upon in rendering the decision; and
 - C. The ultimate facts and justification for the decision based on the criteria, standards and facts set forth.
5. Recess of Hearing. The Planning Commission or County Court may recess a hearing in order to obtain additional information or to notify additional property owners who it believes may be interested in the application. Upon recessing, the Commission shall announce time and date when the hearing will resume.
6. If the application for amendment is denied, no new application for the same or substantially similar action shall be filed for at least one (1) year from the date of the final order denying the application.

ARTICLE 22.00
ADMINISTRATIVE PROVISIONS

22.01 ADMINISTRATIVE ACTION

Administrative action includes action on: conditional use permits, variances, temporary use permits, change of or reinstatement of non-conforming use, minor and major partitioning and subdivisions.

1. The County Court shall be the final hearings body and make the final decision on this ordinance and Land Use Plan amendments pursuant to Article 21.00.
2. The Planning Commission shall be the hearings body and make the final decision on the following actions: conditional use permits, variances, temporary use permits, change of or reinstatement of non-conforming uses, major partitions and subdivisions.
3. The Planning Director shall make final decision on conditional use permits for non-farm dwellings on pre-existing substandard lots or parcels and minor partitions. In addition, the Planning Commission or County Court, upon an affirmative vote of a majority of members, may delegate their authority for all or a portion of all administrative actions to the Planning Director.

22.02 APPLICATION PROCESS

1. Pre-application Conference: A pre-application conference between the applicant and Planning Director shall be conducted to insure that:
 - A. The application is consistent with the substantive and procedural provisions of the Land Use Plan and Zoning Ordinance;
 - B. Applicant is aware of all procedural matters relevant to the processing of an application for the respective hearing proceeding.
 - C. Applicant is aware of his responsibilities and type of information which will be required to enable the reviewing body to act favorably upon his request.

22.03 NOTICE OF PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND COUNTY COURT

1. Notice: The Planning Director shall receive application and give notice of a hearing in the following manner; except where more restrictive regulations apply (see Article 21.00):

- A. By publication of a notice in a newspaper of general circulation not less than ten (10) days prior to the day of the hearing.
- B. By sending notices by mail not less than ten (10) days prior to the day of the hearing to the property owners within lines parallel to and 300 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown on the records of the County Assessor. Failure of a person to receive the notice specified in this subsection shall not invalidate any proceedings in connection with an application.
- C. By sending notice by mail not less than ten (10) days before a hearing on an application within the Urban Growth Boundary of any incorporated town in the County, except La Grande (see Article 16.00) to the appropriate City Planning Commission or City Council.

22.04 PUBLIC HEARING PROCEDURE

- 1. Hearings on proposed proceedings shall be in accordance with the rules or procedure adopted by the Planning Commission and County Court for the conduct of administrative hearings pursuant to this Ordinance.
- 2. The Commission shall hold at least one (1) public hearing on an application and within sixty (60) days of receipt thereof, unless such time limitation be extended with the written consent of the applicant, take action denying or approving application and issuance of the permit or determining the contested case. Unless otherwise ordered by the Commission, the Planning Director shall take such applications in the order in which they are filed with him and shall not accept applications which he deems cannot be acted upon initially at a scheduled Commission meeting in a rational manner within sixty (60) days of receipt unless the applicant files a written consent to a longer period for action.
- 3. Recess of Hearing: The Planning Commission may recess a hearing in order to obtain additional information or to notify additional property owners who it believes may be interested in the application. At the time of recessing, the Commission shall announce time and date when the hearing will be resumed.
- 4. The Burden of Proof: The burden of proof is placed

on the applicant seeking an action pursuant to the provisions of this Ordinance. Essential to presenting proof is the applicant, or an authorized agents' attendance at the prescribed hearing for the action unless otherwise prescribed by the hearing body. Unless otherwise provided for in this Ordinance, such burden shall be to prove:

- A. That granting the request is within the public interest, taking into consideration that the greater the departure from the present land use patterns, the greater the burden of the applicant.
 - B. That the proposed change is compatible with the Land Use Plan designations and policies for the proposed site.
5. Approval or denial of an administrative action shall be based upon and accompanied by a brief statement that explains:
- A. The criteria and standards considered relevant to the decision;
 - B. Statement of basic facts relied upon in rendering the decision; and
 - C. Ultimate facts which explain and justify the decision based on the criteria, standards and basic facts set forth.
6. If the application for administrative action is denied, no new application for the same or substantially similar action shall be filed for at least one (1) year from the date of the final order denying the application.

22.05 APPLICATION FOR CONDITIONAL USE PERMIT FOR NON-FARM DWELLINGS ON PRE-EXISTING SUBSTANDARD LOTS AND PARCELS

The application for a conditional use permit for non-farm dwellings on pre-existing substandard lots or parcels shall be filed with the Planning Department on the form prescribed by the Planning Department and shall include the following information:

1. The name and address of the applicant and recorded landowner(s).
2. The legal description of the property.
3. A plot plan, drawn to scale, illustrating the size and location of existing and proposed uses and

structures on the property.

4. A statement explaining the compliance with the following criteria from O.R.S. 215.213(3):
 - A. Is compatible with farm uses described in subsection (2) of O.R.S. 215.203 and is consistent with the intent and purposes set forth in O.R.S. 215.243; and (see Appendix D for O.R.S.'s)
 - B. Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of O.R.S. 215.203, on adjacent lands devoted to farm use; and (see Appendix D for O.R.S.)
 - C. Does not materially alter the stability of the overall land use pattern of the area; and
 - D. Is situated upon 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.
 - E. Complies with other conditions set forth in Section 19.07 6. for farm assessment disqualification.

22.06 NOTICE AND PROCEDURES FOR CONDITIONAL USE PERMIT FOR NON-FARM DWELLINGS ON PRE-EXISTING SUBSTANDARD LOTS AND PARCELS

1. Within ten (10) days after the request for conditional use approval is made the Planning Director shall mail notice of such request to all interested agencies and departments, County Court, Planning Commission members, and to all area landowners within 300 feet of the proposed development, and to such other vicinity residents as may be affected. If within fourteen (14) days after mailing notice of the request, interested agencies or departments, Planning Commission members, or area residents determine that the development cannot or does not meet the provisions of O.R.S. 215.213(3), they shall document in writing such concern and request that a public hearing be held by the Planning Commission at their earliest convenient meeting to consider the request.
2. Upon request of the applicant, the Planning Director may, at the time of application, set a public hearing date to consider approval of the request. Any request for modification of the provisions herein shall require a public hearing.

22.07 DECISION ON CONDITIONAL USE APPROVAL

1. A conditional use by action of the Planning Director shall be approved, conditionally approved, scheduled for a public hearing, or when further information is needed, a decision may be postponed. The Planning Director or Planning Commission may set a date for public hearing, based upon factual objections to mailed notices regarding the request.
2. The Planning Director shall give a decision on the request within twenty-four (24) days after the application, if it is found that no public hearing has been requested. The request shall be approved if it satisfies the conditions in O.R.S. 215.213(3).
3. A decision of the Planning Director may be appealed, per Article 32.07 within thirty (30) days to the Planning Commission at a public hearing. A decision by the Planning Commission may be appealed within thirty (30) days to the County Court.

ARTICLE 23.00
SUBDIVISION AND PARTITIONING REGULATIONS

23.01 APPLICATION OF REGULATIONS

No persons shall subdivide or partition land in Union County and outside of the limits of any city except as provided in this ordinance. All partitions and subdivision plats and all streets and ways utilized for the purpose of creating lots or parcels are required to be approved in accordance with these regulations prior to the sale of any such lot or parcel. All changes in property boundary lines shall be in accordance with these regulations.

A person desiring to subdivide or partition land within the unincorporated area of the County shall submit tentative plans and final documents for approval as provided in this Ordinance and the State Law.

23.02 ENFORCEMENT

1. Recording a lot or parcel.

No lot or parcel created by subdividing or by major or minor partitioning shall be submitted for recording unless it has been approved as required by this Ordinance.

2. Sale of Lots Within Subdivisions and Major and Minor Partitions.

A. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by this Ordinance.

B. A person may offer or negotiate to sell any parcel in a major partition or in a minor partition with respect to which approval of a tentative plan is required by this Ordinance, prior to the approval of the tentative plan for the major or minor partition; but no person may dispose of, transfer, or sell any parcel in a major partition or in a minor partition for which approval of a tentative plan is required by this Ordinance.

3. Permits

No building permit or permit for the installation of a subsurface sewage disposal system shall be issued for any structure or parcel or lot in a partition or subdivision for which a plan or plat has not been approved and recorded in the manner prescribed herein.

4. The County may withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein. Approval of a partition or subdivision does not imply that any road maintenance or improvement will be made by the County.

23.03 PARTITION OR SUBDIVISION PROCEDURE

1. Preliminary Review

Prior to creating any new parcel or lot the developer should obtain the checklist for subdivision and/or partition requirements, and discuss his intent with the Planning Director. (It may be desirable to prepare sketch maps, and assemble other information as needed to discuss the proposal with the Planning Director.)

In considering possible partition or subdivision activities, the developer should recognize:

- A. That the proposal may be denied, unless it meets all conditions for partitioning or subdividing; and
- B. That the factors below will be considered to determine suitability of the proposal:
 - (1) Land Use Plan and Zoning provision.
 - (2) Initial and potential future development of the area.
 - (3) Initial and potential future area street design and related requirements.
 - (4) Sewage disposal and water supply provisions.
 - (5) Phone and electrical service availability.
 - (6) Fire protection requirements.
 - (7) School district service capability.
 - (8) Protection of agriculture, timber production and rangeland areas.
 - (9) Development limitations, e.g., flooding, land slides, seasonal access, etc..
 - (10) Other information as may be pertinent.
- C. That efficient energy utilization and conservation should be considered.

2. Initiation of Partition or Subdivision Procedures

Partitioning or subdivision procedures may be initiated if the developer determines that his proposal can satisfy the following:

A. It is in accord with the area Land Use Plan and Zoning requirements.

B. It is suitable for partitioning, and does not materially alter the stability of the overall land use pattern of the area, nor initiate or encourage a pattern of development incompatible with existing area uses. In determining suitability the following policies shall be recognized:

(1) That access and provisions for water supply, sewage disposal, school capacity, fire protection, surveying, and possibly other requirements must be satisfied.

(2) That the development does not seriously interfere with accepted farming, timber production, and rangeland practices in areas affected by the proposal; and that it is important to protect both the economic and social integrity of farmland, timberland, and rangeland in order to maintain or improve the economic base and the quality of living important to the residents of Union County.

(3) That the proposal is consistent with the need to minimize flood damage.

ARTICLE 24.00
PARTITIONING

24.01 PROCEDURES FOR PARTITIONING

The developer shall follow minor or major partition procedures based on definitions thereof.

1. The procedure for major partitioning shall be the same as that for minor partitioning except that the access road or street right-of-way and improvements shall be approved by the Planning Commission prior to, or as part of, the partitioning procedure.

Such access road or street shall be found to meet either of the following requirements:

- A. Be improved to the standards (or bonded for the provision thereof), required for the respective road or street type, i.e., arterial, collector, minor or marginal access as outlined in Section 27.01 8. C. of this Ordinance.
- B. Meet the appropriate right-of-way standards specified in Section 27.01 8. C. and be suitable to be maintained as an all-weather road.

2. Partial Development:

Where the partition includes only a portion of the contiguous land owned by the developer, a sketch of a tentative layout of streets in the remainder of the ownership may be required to be provided.

24.02 TENTATIVE PLAN STANDARDS

A tentative plan and at least ten (10) copies (unless a lesser number is determined acceptable by the Planning Director) for distribution to other departments and agencies shall be submitted along with the vicinity map and an application for partition approval. The tentative plan shall include the following items:

- 1. A vicinity map shall be provided showing:
 - A. All existing parcel or lot lines and street rights-of-way immediately adjoining the proposed partition and the location of the nearest existing public road(s).
 - B. The manner in which streets and alleys in the proposed partition may connect with existing or proposed streets and alleys in neighboring property to produce the most advantageous development of the entire area.

- C. The date, northpoint, and scale of the drawing.
- D. The location of the proposed development by section, township, and range and legal description sufficient to define the location and boundaries of the proposed partition or subdivision.
- E. The names and addresses of the owner, subdivider, engineer, surveyor and the land planner as applicable.
- F. The acreage of the proposed development.
- G. Identification clearly stating the map is a tentative plan.
- H. The following conditions:
 - (1) The location, widths and names of all existing streets or other public ways, pathways or bike trails within or adjacent to the proposed development; railroad rights-of-way and other features such as section lines and corners; political subdivisions or corporate lines.
 - (2) The approximate location of areas subject to inundation or storm water overflow and elevation of the highest flood of record.
 - (3) Location, type, and direction of flow of all water courses.
 - (4) Natural features, such as rock outcropping, marshes, wooded areas, historic or other unique features.
 - (5) Existing use or uses of the property and adjacent property, including approximate location of all existing structures.
 - (6) The Land Use Plan and Zoning classifications on land adjacent to the tract.

2. Explanatory Information

The following information shall be included as part of the tentative plan, but may be submitted in the form of statements in lieu of being drawn or included as part of the map:

- A. Proposed deed restrictions in outline form.
- B. Proposed source of domestic water supply.

- C. Provisions to be made for sewage disposal, drainage, and flood control.
 - D. Fire protection rating and protective agency.
3. The County Planning Director will notify all property owners within 300 feet of the proposed partition or subdivision. Failure of a person to receive the notice specified in this subsection shall not invalidate any proceedings in connection with the application for partition approval. Within ten (10) days after the request for partition approval is made the Planning Director shall mail notice of such request to all interested agencies and departments, County Court, Planning Commission members, and to all area land owners within 300 feet of the owner(s) property boundaries of the proposed development, and to such other vicinity residents as may be affected. If within fourteen (14) days after mailing notice of the request, interested agencies or departments, Planning Commission members, or area residents believe that the development cannot or does not meet the provisions of Articles 23.00 and 24.00 of this Ordinance, they may document in writing such concern and request that a public hearing be held by the Planning Commission at their earliest convenient meeting to consider the request.

Upon request of the developer, the Planning Director may, at the time of application, set a public hearing date to consider approval of the request. Any request for modification of the provisions herein shall require a public hearing.

24.03 DECISION OF PARTITION APPROVAL

A tentative plan for partitioning may be approved, conditionally approved, disapproved for cause, scheduled for a public hearing, or when further information is needed, a decision may be postponed. The Planning Director or Planning Commission may set a date for a public hearing, based upon responses to mailed notices regarding the request, or to findings related to the following:

1. Whether the proposal is suitable for partitioning as outlined in Articles 23.00 and 24.00 of this Ordinance.
2. Whether affected agencies and residents are substantially in accord with the proposed partitioning.

The Planning Director shall give a decision on the request within twenty-four (24) days after application, if it is found that no public hearing has been requested. The request

shall be approved if it satisfies the conditions in Articles 23.00 and 24.00 of this ordinance.

A decision of the Planning Director may be appealed per Article 32.00 within thirty (30) days to the Planning Commission at a public hearing. A decision by the Planning Commission may be appeal within thirty (30) days to the County Court.

24.04 TIME EXTENSTIONS

Approval of the tentative plan is valid for one (1) year from the effective date of approval. A one (1) year time extension may be authorized by the Planning Director if the tentative plan is unchanged and applicable land use regulations remain the same. If the tentative plan or related conditions in the area have changed, new application for approval must be requested.

24.05 FINAL PARTITIONING REQUIREMENTS

If approval is given to the tentative plan, the owner may satisfy remaining partition requirements by completing the following:

1. Consumation of sale of property: or
2. Obtain sewage disposal aproval for each parcel or lot;
3. The Planning Commission shall require that minor and major partitions of parcels in the R-1 and R-2 Zones, which create parcels 10 acres or less, be surveyed by a Registered Land Surveyor and that a map of said survey complying with ORS 209.250 be filed and recorded in the office of the Union County Surveyor. The legal descriptions of said parcels so created shall refer to the recorded map or survey. A copy of said recorded map shall be submitted to the County Planning Commission.

ARTICLE 25.00
SUBDIVIDING

25.01 APPLICATION FOR SUBDIVISION APPROVAL

A tentative plan and at least ten (10) copies (unless a lesser number is determined acceptable by the Planning Director), for distribution to other departments and agencies shall be submitted along with the vicinity map and application for subdivision approval to the Planning Director. The tentative plan shall include the items indicated in Section 25.03 of this Ordinance. There shall be a fee, as provided for in Article 31.00, herein, accompanying the application.

A public hearing shall be scheduled and conducted by the Planning Commission according to Sections 22.03 and 22.04 of this Ordinance.

25.02 DECISION FOR SUBDIVISION APPROVAL

A. Tentative Plan Decision

A tentative plan for subdividing may be approved, conditionally approved, disapproved for cause, or when further information is needed, a decision may be postponed by the Planning Commission.

A decision of the Planning Commission may be appealed within thirty (30) days to the County Court.

B. Time Extensions

Approval of the tentative plan is valid for one (1) year from the effective date of approval. A one (1) year time extension may be authorized by the Planning Director if the tentative plan is unchanged from the approved plan. If the plan or related conditions in the area have changed, including plan or zone changes, new application for approval must be requested.

C. Final Subdivision Requirements

If approval is given to the tentative plan, the owner may satisfy remaining subdivision requirements by completing the following:

- (1) Obtain sewage disposal approval for each parcel or lot.
- (2) Developing or confirming availability of domestic water supply.
- (3) Complete necessary road improvements.
- (4) Satisfy platting requirements as outlined in

O.P.S. Chapter 92 and Section 25.04 of this Ordinance, and submit the plat, and related information to the Planning Commission for final plat approval.

When the Planning Director determines that the plat conforms in all respects to the tentative plan as approved, and that all improvements are installed or performance agreements sufficient to complete the improvements have been posted with the County Court, the plat will be considered officially accepted by the Planning Commission and consideration of the plat will be placed on the agenda of the next scheduled meeting of the Planning Commission. The applicant and his surveyor or engineer shall be notified of the meeting date and time. Following the consideration of the plat, the Planning Commission shall approve, disapprove for cause, or when further information is required, postpone a decision on the plat. In no case shall a decision be postponed longer than 45 days. The applicant shall be notified in writing of the decision of the Planning Commission.

The plat and exact copy shall be circulated by the developer to obtain the following signatures in their sequential order prior to recording.

- (a) The County Surveyor.
- (b) Planning Commission Chairperson (upon Planning Commission approval).
- (c) The County Assessor.
- (d) The County Tax Collector.
- (e) The County Court.

Upon obtaining the above signatures and filing with the County Clerk for recording, the plat will become effective immediately.

(5) Expiration

Unless an extension of time is granted by the Planning Commission, failure to record the final plat within ninety (90) days after approval shall nullify such approval.

25.03 TENTATIVE PLAN STANDARDS

Tentative plans and related written information for subdivisions shall include the following:

1. A vicinity map at a small scale, e.g., one inch equals 2000 feet, shall be provided showing:
 - A. All existing parcel or lot lines and street

rights-of-way immediately adjoining the proposed partition or subdivision and the location of the nearest existing public road(s).

- B. The manner in which streets and alleys in the proposed partition or subdivision may connect with existing or proposed streets and alleys in neighboring property to produce the most advantageous development of the entire area.
2. A detailed drawing, generally prepared at a scale of one inch equals 100 feet, and drawn on material 18 inches by 24 inches in size. The following information shall be shown on the detailed map:
- A. The subdivision name.
 - B. The date, northpoint and scale of the drawing.
 - C. The location of the proposed development including section, township, range and legal description sufficient to define the location and boundaries of the proposed subdivision.
 - D. The names and addresses of the owner, subdivider, engineer, surveyor, and land planner as applicable.
 - E. The acreage of the proposed development.
 - F. Identification clearly stating the map is a tentative plan.
 - G. The following conditions:
 - (1) The location, widths and names of all existing or proposed streets or other public ways, pathways or hike trails within or adjacent to the proposed development; grades of all proposed streets; railroad rights-of-way and other features such as section lines and corners; political subdivisions or corporate lines.
 - (2) The location in the adjoining streets or property of existing or proposed sewers and water mains, culverts and drain pipes, electrical conduits or lines proposed to be used or connected to the property to be subdivided. The invert elevations of sewers, culverts, and drains shall be shown at points of proposed connection.
 - (3) Contour lines having the following minimum intervals; two (2) foot contour intervals for ground slopes of less than ten (10) percent,

ten (10) foot contour lines for slopes up to 50% or greater. The elevations of all control points which are used to determine the contours shall be indicated and must be the United States Geologic Survey datum or datum shall be approved by the County Surveyor.

- (4) The approximate location of areas subject to inundation or storm water overflow and elevation of the highest flood of record.
- (5) Location, type and direction of flow of all water courses.
- (6) Natural features, such as rock outcropping, marshes, wooded areas, historic or other unique features.
- (7) Existing use or uses of the property and adjacent property, including approximate location of all existing structures.
- (8) The Land Use Plan and Zoning classifications on land adjacent to the tract.
- (9) The location of at least one (1) temporary bench mark within the plat boundaries.
- (10) Explanation which contains identification of symbols used on the detailed drawing.

3. Explanatory Information

The following information shall be included as part of the tentative plan, but may be submitted in the form of statements in lieu of being drawn or included as part of the detailed map:

- A. Certification of title showing ownership of the land within the subdivision.
- B. Typical cross-sections and typical profiles of all streets within a subdivision, or sufficient topographical information to establish approximate grades and drainage methods.
- C. Preliminary plans, typical cross-sections, typical profiles and proposed specifications of the appropriate improvements as required in the Subdivision Design and Improvement Standards of this Ordinance. (Article 27.00)
- D. Proposed deed restrictions in outline form.
- E. Proposed classification of each street, e.g., arterial, collector, etc..

- F. Proposed source of domestic water supply.
- G. Provisions to be made for sewage disposal, drainage, and flood control.
- H. Fire protection rating and protective agency.
- I. Present and anticipated future service capability of the school district.

25.04 FINAL PLAT REQUIREMENTS

The final plat for subdividing shall be prepared as follows:

1. Subdividing

The final plat shall be submitted on plat board or film (.007 minimum thickness) in the form required by the laws of the State of Oregon and by this Ordinance; shall be prepared by a licensed land surveyor; and shall contain the following information:

- A. Name of owner.
- B. Names of owner or surveyor.
- C. Primary control points as required by State law, and distances and bearings to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- D. Tract boundary lines, right-of-way lines of streets and other easements and property lines of all lots with accurate dimensions, bearings or deflection angles and radii, points of curvature and tangent bearings and area of lots exceeding one (1) acre in size.
- E. Location and description of all monuments of the type prescribed and installed in accordance with O.R.S. Chapter 92.
- F. The dimensions and purposes of all easements, pathways, and trails.
- G. All lot lines with dimensions in feet to hundredths, and bearings and angles to minutes.
- H. All lot numbers and block letters.
- I. Minimum building set-back lines where not otherwise fixed by zoning regulations.

- J. Location and purposes for which sites, other than residential lots, are dedicated or reserved.
- K. Legal description of the subdivision boundaries.
- L. Notarized statement by the owner dedicating streets and other easements and any other area for public use.
- M. Certification by a land surveyor registered in the State of Oregon that the survey or the subdivision was done in accordance with O.R.S. Chapter 92.
- N. Title, scale, north arrow, date, and basis of bearing.
- O. A copy of any deed restrictions, except that such deed restrictions may be prepared to record with the plat instead of appearing on the plat.
- P. Cross-sections and profiles of all streets within the subdivision, or sufficient topographical information to establish grades and drainage.
- Q. Plans, cross-sections, profiles and specifications of all improvements as required in the Subdivision Design and Improvement Standards of this Ordinance. (Article 27.00)

2. Submission

Upon payment of all taxes and assessments on the land, and completion of all improvements or bonding for such, the subdivider may submit the original drawings of the final plat and ten (10) prints thereof (unless a lesser number is agreed upon by the Planning Director). The plat and supplementary documents as may be required shall be submitted not less than fourteen (14) days before the Planning Commission meeting at which consideration of the final plat is desired.

ARTICLE 26.00
CREATION OF STREETS OR WAYS
WITHIN AND NOT WITHIN A SUBDIVISION

26.01 CREATION OF STREETS

The creation of all public and private streets not within a subdivision shall meet the standards for streets within a subdivision.

26.02 APPLICATION

Any person wishing to create a public or private road or utilize an existing private road for purposes other than agriculture, forestry or mining, shall make written application for approval to the Planning Commission.

26.03 PROCEDURES AND STANDARDS

Application for road approval shall comply with applicable tentative plan procedures and standards as provided in this Ordinance.

26.04 SURVEY AND DEED

Once roadway improvements are completed, or performance bonds have been approved for such, a centerline survey, deed (if the road is to be public), and a description of the proposed right-of-way shall be submitted to the Planning Commission. Deeds shall have the signatures of all owners of the property to be dedicated.

26.05 RECORDING

Upon final approval by the Planning Commission and recording of the survey (and deed, if the road is to be public), partitioning procedures can be initiated.

ARTICLE 27.00
SUBDIVISIONS DESIGN AND IMPROVEMENT STANDARDS

The following standards apply to creation of:

27.01 PUBLIC STREETS

1. Conformity

The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, construction and maintenance costs, public conveniences and safety, and in their appropriate relation to the proposed uses of the land to be served by such street. Where not shown on an area plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

2. Relation to Adjoining Street System

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing or desired streets in adjoining areas.

3. Projection of Streets

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets.

4. Dead-end Street or Cul-de-sac

No dead-end streets shall be constructed over 400 feet in length, except where a turn-around having an outside roadway radius of at least sixty (60) feet and a street right-of-way radius of at least seventy (70) feet. Future extension of the street into adjoining properties will result in vacating the unused portion of the cul-de-sac to adjacent properties.

5. Streets to be Carried to Property Lines

When a proposed subdivision joins unsubdivided land, of the same zone, street rights-of-way shall be carried to the boundaries of the tract to be subdivided.

6. Frontage Streets

Where a subdivision abutts or contains an existing arterial street, the Commission may require frontage streets or other such treatment as may be necessary

for adequate protection of abutting properties and to afford separation of through and local traffic.

7. Minor Streets

Minor streets shall be so laid out that their use by through traffic will be discouraged.

8. Street Widths and Improvements

A. Street standards shall not be less than those set forth hereunder, except where it can be shown that probable future traffic development is such as to unquestionably justify modification of the standards.

B. In areas designed and zoned for commercial use, street widths may be increased by such amount as may be deemed necessary by the Commission to provide for the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or business districts.

C. Street and related improvements shall be completed or bonded for completion prior to final plat consideration and shall be constructed under the direction of the County Roadmaster, according to the following minimum standards:

	Right-of-way Width	Surface Width	Base Depth and Material	Leveling Course	Overlay Material	Shoulder Width	Shoulder Material and Depth	Sidewalk Location and Width
<u>ARTERIAL STREETS</u>								
Outside Urban Growth Boundaries	60	32	9" deep 1.5 3/4 aggregate	4" deep 1.5 3/4 aggregate	2" oil	8'	same as base + leveling	none
<u>COLLECTOR STREETS</u>								
Outside Urban Growth Boundaries	60	24	8" deep 1.5 3" aggregate	4" deep 1.5 3/4 aggregate	2" crushed gravel	6'	same as base + leveling	none
<u>MINOR STREETS</u>								
Outside Urban Growth Boundaries	50	24	8" deep 1.5 3" aggregate	4" deep 1.5 3/4 aggregate	2" crushed gravel	6'	same as base + leveling	none
<u>MARGINAL ACCESS PUBLIC OR PRIVATE</u>								
Outside Urban Growth Boundaries	30	20	8" deep 2.5 3" aggregate	3" deep 1.5 3/4 aggregate	2" crushed gravel	4'	same as base + leveling	none

Sidewalk improvements are optional at the discretion of the Planning Commission.

Inside urban growth boundaries standards shall be the same as required by the city within the urban growth boundary.

Streets or roads with anticipated commercial or industrial traffic shall have a minimum base depth of 12".

All bridges shall have a 30 year minimum life expectancy and shall be constructed to load limit standards approved by the County Roadmaster.

The above standards may be increased or decreased if the Planning Commission determines that increase or decreases are warranted.

9. Intersections

The intersections of more than two (2) streets at one point shall be avoided except where it is impractical to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no street shall intersect at an angle of less than 75 degrees. Street intersections shall be rounded with radius of 30 feet.

10. Reverse Curve

A tangent at least 100 feet long shall be introduced between reverse curves on arterial streets.

11. Subdivision or Partition Into Tracts Larger Than Ordinary Building Lots

Where a tract is partitioned or subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further partitioning or subdivision.

12. Reserve Strips

Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Planning Commission.

13. Street Grades

No street grade shall be less than 3/10 of 1 percent, and shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Percent Grade
Arterial	10
Collector	15
Minor	15
Marginal Access	15

14. Railroad or Limited Access Highway on or Abutting a Partition or Subdivision

Where a partition or subdivision is bordered on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the requirements of approach grades and future grade separations.

15. Half Street Prohibited

Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations. Where the Commission finds it will be practicable to require the dedication of the other half when adjoining property is subdivided, such right-of-way may be required as part of the initial plat.

16. Street Names and Numbers

Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street.

17. Access to Streets Across Ditches

The developer shall provide access to all proposed lots or parcels, across all ditches and streams to accommodate a gross vehicle weight of 36,000 pounds and by a standard method approved by the County Roadmaster.

18. Hardship to Owners of Adjoining Property Avoided

The street arrangement shall not be such as to cause hardship to owners of adjoining property in platting their land and providing convenient access to it.

27.02 PRIVATE STREETS

Proposed private streets shall be designated on the tentative plan and may be approved by the Planning Commission if they meet the following conditions:

1. Private streets shall provide access only to abutting lots. No streets providing access to other streets or to areas not abutting such streets shall be approved as private streets.
2. No private road shall be approved unless the Planning Commission is satisfied that such street is not presently needed, nor will ever be needed to be extended through to adjacent property, or to be utilized for public road purposes in the normal growth of the area.
3. No private road right-of-way shall be less than 30 feet wide, except that a modification may be approved to allow a driveway easement of 20 feet to two lots.
4. Improvements on private roads shall be the same as those for public roads providing access to similar developments.

5. Maintenance responsibility for private streets shall be predetermined before final plat approval through one of the following options:

- A. Within Urban Growth Boundaries a cooperative agreement between the County and prospective city taking the form of a written agreement passed by resolution prior to approval of a final plat, or at any time, covering existing improvements or dedications.
- B. A maintenance district established by the developer with the legal mechanism for the district to be presented prior to approval of the final plat.
- C. Any other method of providing perpetual financing for maintenance services and improvements.

27.03 ALLEYS

1. Commercial and Industrial Districts

Alleys shall be required in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, or unloading and parking consistent with and adequate for the uses proposed.

2. Width

The right-of-way width of an alley shall be that width determined necessary by the Planning Commission.

3. Dead-end

Dead-end alleys shall not be permitted, except that the Commission may waive this requirement where such dead-end alley is unavoidable, and where adequate turn-around facilities have been provided.

27.04 EASEMENTS

1. Provided for Utilities

Easements with a sufficient right-of-way for utility maintenance may be required by the Planning Commission where necessary for utilities.

2. Providing for Drainage

Where a subdivision or partition is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines

of such water course, and such further width of construction, or both, as will be adequate for the purpose.

27.05 BLOCKS

1. Factors Governing Dimensions

Block length and width or acreage within boundary roads shall be such as to accommodate the size of lot required in the area by the zoning ordinance of the County, and to provide for convenient access, circulation control and safety of street traffic.

2. Arrangement

A block shall generally be so designed as to provide two rows of lots.

3. Cross-walks

In blocks over 800 feet long, pedestrian cross-walks may be required by the Commission in locations, and of a design and dimension determined desirable for public health, convenience and necessity.

27.06 SUBDIVIDED LOTS IN A FORESTED AREA

1. Fuel Breaks

A buffer area shall be at least 200 feet wide in a forested area around the entire subdivision where all dead and down material is removed and remaining vegetation is thinned to reduce fire spreading. On slopes greater than 30 percent the fuel break shall be widened to 300 feet or as advised by the State Forester.

2. Internal Fuel Breaks

Each residential dwelling shall maintain a fuel break of not less than 30 feet from dense vegetation. Dead and down material shall be removed and no natural or ornamental shrubbery within the fuel break shall provide a means for rapid transmission of fire from outside natural areas. Wider breaks may be required on slopes exceeding 30 percent on advise of a State Forester.

27.07 WATER DISTRIBUTION SYSTEM

1. Prior to considering final approval of a subdivision, each lot may be required by the Planning Commission to be provided with a water supply which meets quality and quantity needs determined by the Planning Commission.
2. Where the Planning Commission requires development of a water supply, plans and specifications for the systems

shall be submitted with the request for final approval.

3. Water system design may be required to take into account provisions for extension of lines to the adjacent area(s).
4. Fire Protection System. Fire hydrants may be required in any partition or subdivision where the Planning Commission determines such protection is warranted. Fire hydrant standards shall be subject to the approval of the Planning Commission.

27.08 SEWAGE DISPOSAL SYSTEM

1. Prior to considering final approval of a subdivision, each proposed lot shall be approved for sewage disposal.
2. Plans and specifications for providing sewage disposal to each lot shall meet State and local requirements.

27.09 STORM & WATER RUNOFF & FLOOD CONTROL

1. Prior to considering final approval of a subdivision, the developer shall make or be bonded to make drainage improvements as needed to accommodate storm water runoff and to minimize the potential for flood damage.

27.10 SIDEWALK AND BICYCLE TRAIL IMPROVEMENTS

Sidewalk improvements may be required by the Planning Commission to be provided in accord with such design and location as the Planning Commission determines desirable.

27.11 MONUMENTS

Monuments shall be placed in all locations as required by O.R.S. Chapter 92. Any monument which might be disturbed during construction, shall be properly replaced when such construction has been completed.

27.12 MAP OF IMPROVEMENTS AS CONSTRUCTED

A map showing all public improvements as built shall be filed in the Planning Department upon completion of said improvements.

27.13 UNINHABITABLE LOTS

Lots or parcels subject to natural hazards deemed by the Commission to be undesirable for habitation shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the natural hazard. Such land within a plat shall be combined with lots suitable for development, or shall be set aside for such uses as will not be endangered by

periodic or occasional inundation or will not produce unsatisfactory living conditions.

27.14 LOT REMNANTS

All remnants of lots below minimum size left over after subdivision of a larger tract must be added to adjacent lots, rather than be allowed to remain as unused parcels.

ARTICLE 28.00
VARIANCE

28.01 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary physical hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

28.02 CIRCUMSTANCES FOR GRANTING A VARIANCE

A variance may be granted only in the event that ALL of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control; and
2. The interest of the public will be preserved, and such action(s) will not set a trend; and
3. That the variance will be the minimum needed to alleviate the hardship on the land, and will not result in an undesirable change in the purposes of this Ordinance and in area land values or property uses, or be otherwise injurious to other property in the area.
4. That the hardship on the land is not self-imposed, nor a result from a violation of this Ordinance.

The Planning Commission shall deny application of a variance if all the conditions above are not found to exist.

28.03 VARIANCE PROCEDURE

The following procedures shall be followed in applying for and acting on a variance:

1. A property owner or designated agent may initiate a request for a variance by filing an application with the Planning Director using forms provided. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed

development. The Planning Commission may request other drawings or material essential to an understanding of the variance request.

2. Before the Planning Commission may act on a request for a variance, it shall present notice and hold a public hearing as prescribed by Sections 22.03 and 22.04.
3. Within five working days after a decision has been rendered with reference to a request for a variance, the Planning Director shall provide the applicant with notice of the Planning Commission's decision.

ARTICLE 29.00
PERFORMANCE AGREEMENT

If all improvements required by the Planning Commission and this Ordinance are not completed according to specifications as required herein prior to the time the final plat or map is duly submitted for consideration and approval, the Planning Commission may accept in lieu of said completion of improvements, a performance agreement and bond executed by the developer and his surety company with the County Court, conditioned upon faithful performance and completion of all such improvements within a period of time stated in such agreement and approved by the Planning Commission. Such agreement shall follow the procedures outlined below:

1. The developer's engineer or qualified contractor will prepare cost estimates on completion of roads and/or utilities. Road cost estimates shall be based upon road standards as designated in this Ordinance. Sewer and water system improvement estimates shall be based upon designs approved by the State. All estimates shall be signed by the engineer or qualified contractor who prepared them.
2. All estimates shall be submitted to the Union County Planning Director. Copies of water and/or sewage service estimates will be sent to the utilities district and/or to other authorities for review and comment. Road cost estimates shall be submitted to the County Roadmaster for review or a certified engineer contracted by the County Court.
3. The Planning Director shall notify the developer as to the amount of bond to any additional performance agreement conditions required, and to any changes necessary for bond acceptance.
4. The developer shall submit the bond and performance agreement and a copy thereof written in favor of Union County to the Planning Department. If the Planning Director finds the bond in order, he shall deliver it to the County Court.
5. Release of the bond may be made by the County Court upon recommendation by the Planning Director in response to a written request for such release, and upon determining that improvements have been completed in accord with the performance agreement.

ARTICLE 30.00
REVIEW OF SUBDIVISION
CREATED PRIOR TO NOVEMBER 8, 1973

30.01 PURPOSE

It is necessary for the protection of the public health, safety and welfare to provide for the review of undeveloped subdivisions for the purpose of modifying such subdivisions, if necessary, to comply with the current land use plan, zoning ordinances and regulations and modern subdivision control standards.

30.02 PROCEDURE FOR REVIEW

Any person proposing to divide, partition, subdivide, develop or build in an area subdivided prior to the adoption of the "Union County Zoning Ordinances and Subdivision Ordinances - November 8, 1973" shall apply to the Planning Department for prior approval. (O.R.S. 92.215)

1. The Planning Director shall determine the subdivision is developed if any of the following conditions are found to exist:
 - A. Roadways providing access into and travel within the subdivision have been or are being constructed to meet the specifications prescribed therefore by the agency or body that approved the plat of the subdivision;
 - B. Facilities for the supply of domestic or industrial water to lots created by the subdivision have been or are being constructed;
 - C. Sanitary sewerage disposal facilities have been or are being constructed for lots created by the subdivision, or septic tanks have been or are being installed on the land or permits have been issued for their installation on the land;
 - D. Buildings have been or are being constructed upon the land or permits have been issued for the construction of buildings upon the land; and
 - E. One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of the initiation of such review.
2. If the Planning Director determines the subdivision is undeveloped under subsection 1 of this section, the Director shall also determine if the undeveloped subdivision complies or does not comply with the current land use plan, zoning regulations and ordinances, and subdivision ordinances and regulations.

3. If the undeveloped subdivision does not comply with the current plan or ordinances, the applicant shall apply to the Planning Director on the prescribed forms with the appropriate fee (Article 31.00) for the proposed action requesting prior approval.

ARTICLE 31.00
FEES

For the purpose of partially defraying the expense involved in investigating matters connected with applications and appeals and the action taken thereon, each activity initiated by property owners or contract purchasers shall be accompanied by a fee in accordance with a Fee Schedule prepared by the Planning Director and approved by the Union County Court.

Conditional Use	\$40.00
Variance	40.00
Administrative Conditional Use (non-farm dwelling on pre-existing lots and parcels)	25.00
Subdivisions	
(1) Up to 10 lots	60.00
(2) For each additional lot	10.00
Major Partition	25.00
Minor Partition	NONE
Appeals	35.00
Plan and Zoning Map Changes	60.00
Amendments	60.00

ARTICLE 32.00
APPEALS

All final zoning actions made pursuant to the procedures set forth in this ordinance may be appealed in the manner set forth in the Oregon State Statutes, provided however, that any person shall have standing to appeal such final order.

32.01 APPEALS FROM LAND USE DECISIONS AND
SUBDIVISION-PARTITION ACTIONS

The provisions and procedures for an appeal of any land use decision or subdivision and partition interpretations and requirements arising from this ordinance are as follows:

1. Appeal Periods

- A. Any appeal of an interpretation or requirement made by the Planning Director in the administration of this ordinance must be made to the Planning Commission within thirty days of such interpretation or requirement.
- B. Any appeal of a Planning Commission decision must be made to the County Court within thirty days of such decision.

2. Appeal Procedure

- A. The appeal shall be in writing upon the forms provided, and shall be filed in the office of the Planning Department, along with the fee as prescribed in Article 31.00 of this ordinance. The appeal must set forth specifically the decision or condition being appealed.
- B. Upon receipt of the notice of appeal, copies thereof will be mailed to the members of the Planning Commission and to all other persons who have an interest in the matter with which the appeal is concerned. The County Court or Planning Commission at its discretion may give whatever additional notice it deems necessary.
- C. While hearing the appeal, the County Court or Planning Commission shall consider the record, such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the orders, requirement, decision, determination, interpretation, or ruling appealed. The County Court or Planning Commission shall transmit a copy of their decision to the appellant and file a copy thereof in the office of the County Planning Department. Substantially new testimony may result, at the option of the County Court, in referral to the Planning Commission.

ARTICLE 33.00
INTERPRETATION OF ORDINANCE PROVISIONS

The Planning Commission shall be responsible for interpreting the provisions of this ordinance. The provisions of this ordinance shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by any provisions of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulations, the provisions which are more restrictive shall govern.

ARTICLE 34.00
SEVERABILITY CLAUSE

The provisions of this ordinance are severable. If any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any persons or circumstance; such as invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this ordinance.

ARTICLE 35.00
PENALTY AND ENFORCEMENT

According to the provisions of O.R.S. Chapter 92 and O.R.S. Chapter 215, violation of any provision of this ordinance is punishable upon conviction by:

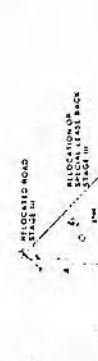
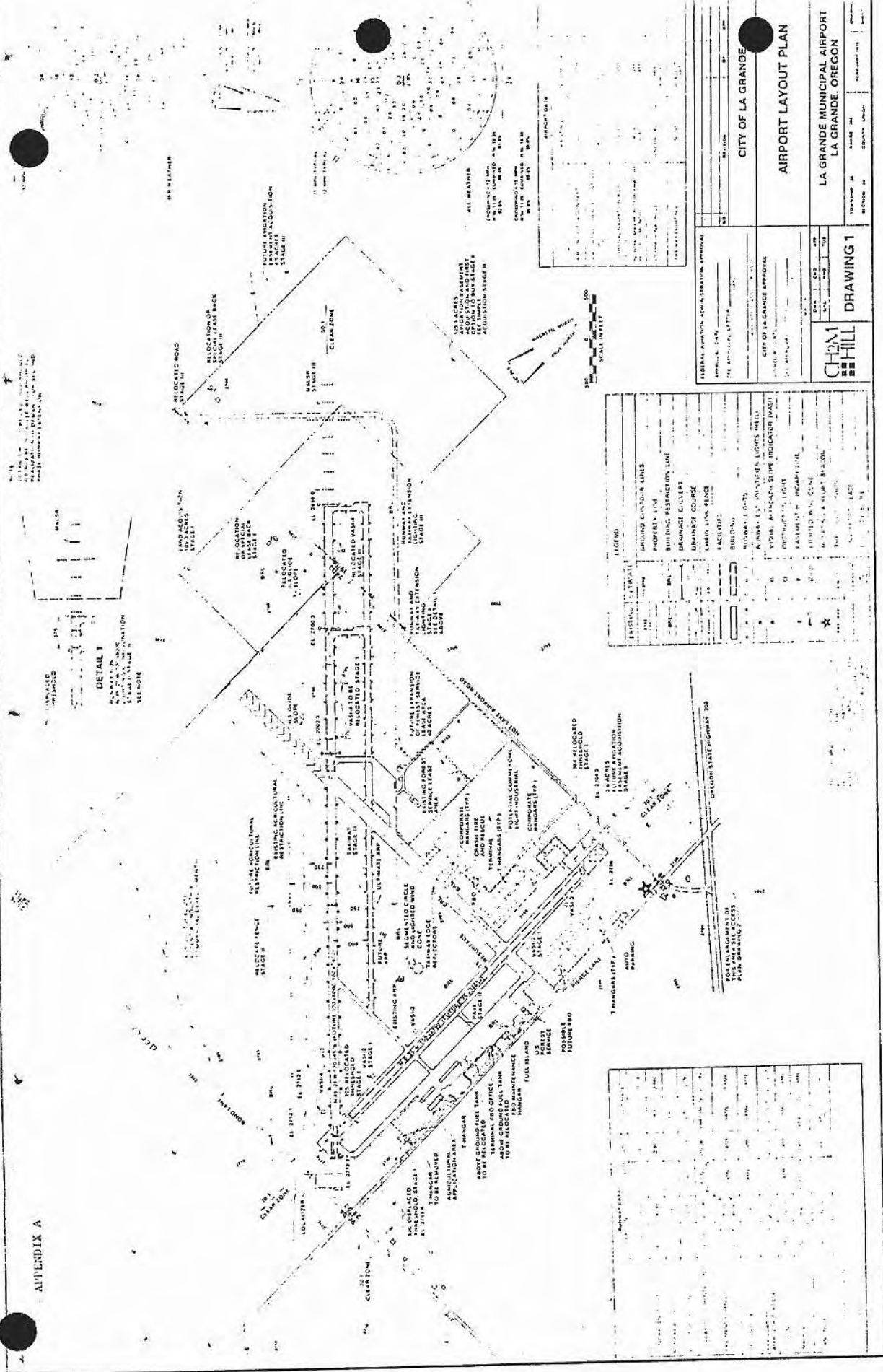
1. A fine of not more than one hundred dollars for each day of violation, where the offense is a continuing offense, but such fine may not exceed five hundred dollars.
2. A fine of not more than five hundred dollars where the offense is not a continuing offense.

ARTICLE 36.00
REPEALING ORDINANCE

All previously adopted regulations, ordinances, or resolutions of Union County which are in conflict with this ordinance are hereby repealed and replaced with this ordinance upon adoption by the County Court. Specifically repealed is the Union County Zoning, Partition and Subdivision Ordinance - Series 1977, adopted on April 6, 1977.

ARTICLE 37.00
REMEDIES

In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is, or is proposed to be used in violation of this ordinance, or any amendment thereto, the governing body of the county, the District Attorney of the County, or any person whose interest in real property in the County is or may be affected by the violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate proceeding to prevent temporarily or permanently enjoin, abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use, when a temporary restraining order is granted in suit instituted by a person who is not exempt from furnishing bonds or undertakings under O.R.S. 22.010, such person shall furnish undertaking as provided in O.R.S. 32.010 to 32.060.



LEGEND	
(Symbol)	EXISTING CONSTRUCTION
(Symbol)	PROPOSED CONSTRUCTION
(Symbol)	PROHIBITED LIMIT
(Symbol)	BOUNDING RESTRICTION LINE
(Symbol)	DRAINAGE COLLECTOR
(Symbol)	DRAINAGE COURSE
(Symbol)	CHAIN LINK FENCE
(Symbol)	FACILITIES
(Symbol)	BUILDINGS
(Symbol)	STANDARD GAUGE AIRFIELD LIGHTS
(Symbol)	STANDARD GAUGE AIRFIELD LIGHTS INDICATOR (WASH)
(Symbol)	STANDARD GAUGE AIRFIELD LIGHTS INDICATOR (WASH)
(Symbol)	STANDARD GAUGE AIRFIELD LIGHTS INDICATOR (WASH)
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(Symbol)	STANDARD GAUGE AIRFIELD LIGHTS INDICATOR (WASH)

CITY OF LA GRANDE
AIRPORT LAYOUT PLAN

LA GRANDE MUNICIPAL AIRPORT
LA GRANDE, OREGON

DRAWING 1

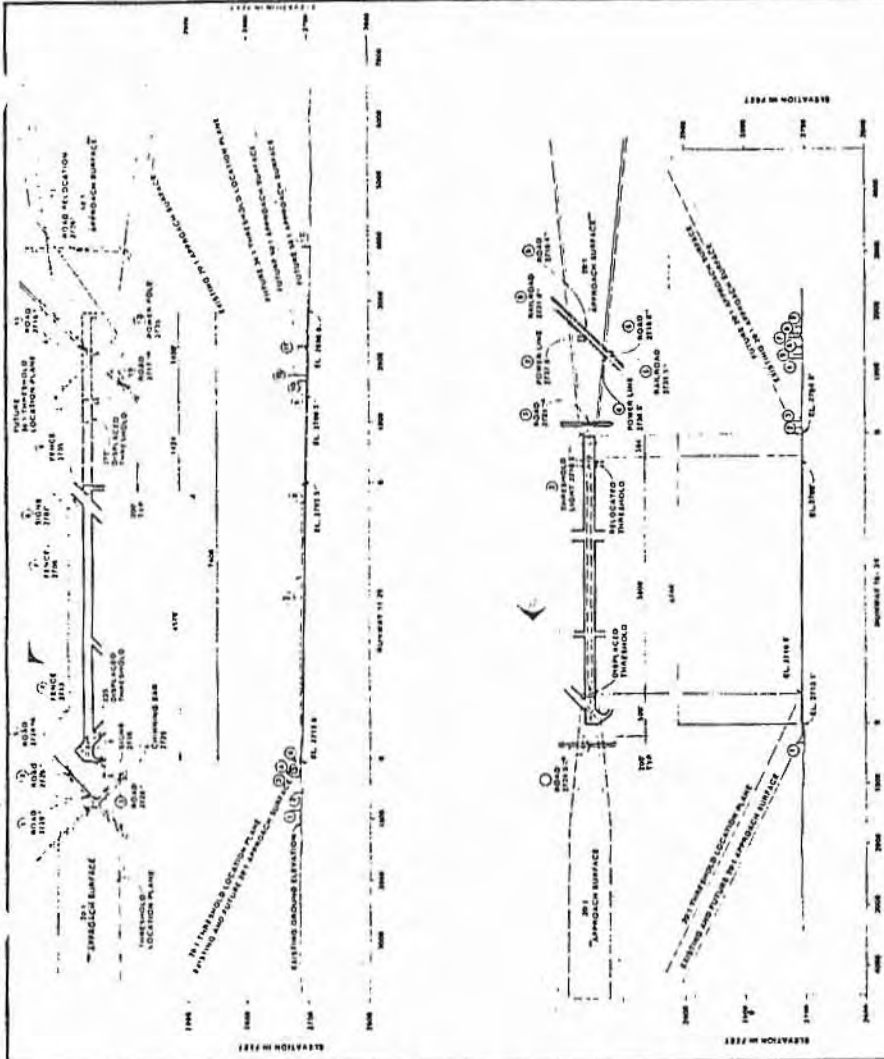
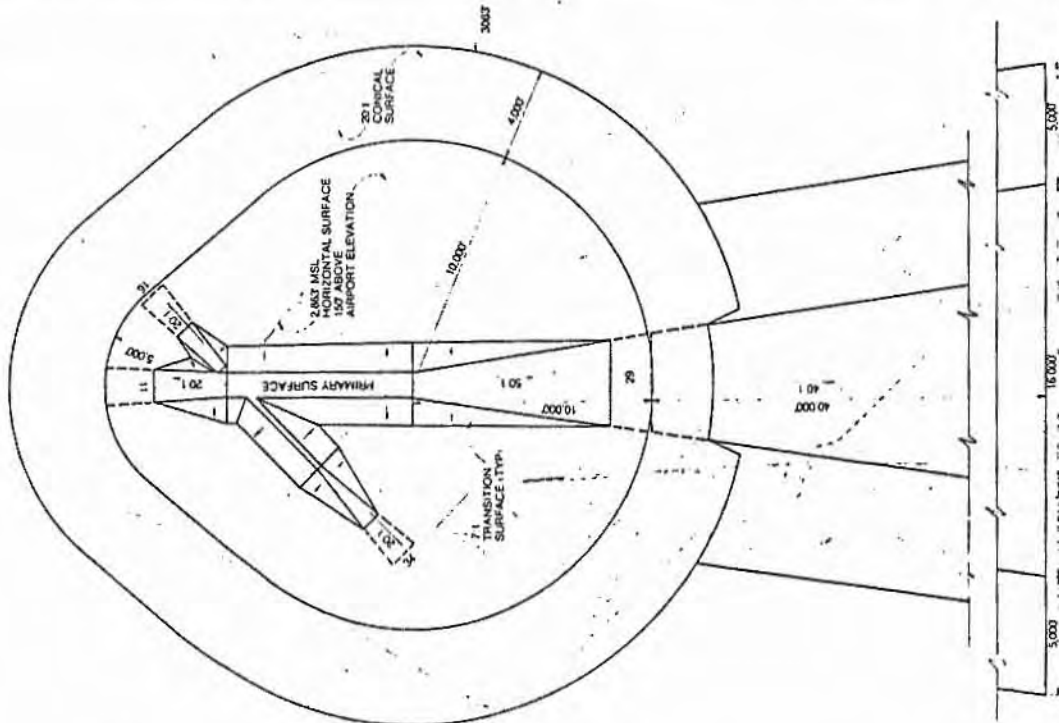
FEDERAL AVIATION ADMINISTRATION APPROVAL

CITY OF LA GRANDE APPROVAL

DATE: 11/15/2011
SCALE: 1/8" = 1'-0"

LA GRANDE MUNICIPAL AIRPORT
LA GRANDE, OREGON
AIRPORT LAYOUT PLAN
DRAWING 1

APPENDIX B



- ELEVATION INCLUDES 1% FOR MOBILE OBJECTS
- 2% ADDED TO TRUCK ELEVATION
- CONTROLLING OBSTRUCTION

CH2M HILL
 FOR APPROPRIATE USE DRAWING 1
 DRAWING 4
 SCALE IN FEET
 1" = 1000'
 1" = 5000'
 1" = 10000'

INDICATES THE LOCATION OF
 CONTROLLING OBSTRUCTION

THE INFORMATION ON THIS DOCUMENT WAS
 PREPARED BY CH2M HILL FOR THE CITY OF
 LA GRANDE, OREGON. IT IS THE PROPERTY OF
 CH2M HILL AND IS NOT TO BE REPRODUCED,
 COPIED, OR TRANSMITTED IN ANY FORM
 OR BY ANY MEANS, ELECTRONIC OR MECHANICAL,
 INCLUDING PHOTOCOPYING, RECORDING, OR
 BY ANY INFORMATION STORAGE AND RETRIEVAL
 SYSTEM, WITHOUT THE WRITTEN PERMISSION
 OF CH2M HILL.

CITY OF LA GRANDE	
APPROACH AND CLEAR ZONE PLAN	
LA GRANDE MUNICIPAL AIRPORT LA GRANDE, OREGON	
DATE	PROJECT NO.
BY	REVISED BY
CHECKED BY	APPROVED BY

APPENDIX C

HOLD HARMLESS AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, hereinafter referred to as Grantees (whether singular or plural), hereby covenant and agree that they shall not, by reason of their ownership or occupation of the following described real property, protest or bring suit or action against the La Grande Municipal Airport or the City of La Grande for aviation related noise, property damage or personal injuries resulting from activities at or connected with the La Grande Municipal Airport when such activities conform to the then existing rules and regulations of said airport and the applicable federal air regulations and no negligence on the part of said airport is involved. The real property of Grantees subject to this covenant and agreement is situated in the County of Union, State of Oregon, and described as follows:

(INSERT LEGAL DESCRIPTION AND APPROPRIATE MAP)

This covenant and agreement is made and executed by the Grantees in consideration of the County of Union granting a conditional use permit for Grantees use and development of the above described real property, which real property is located in the airport approach zone of the La Grande Municipal Airport. The execution of this covenant and agreement by Grantees is required by the County of Union as a pre-requisite to the granting of the above said conditional use permit to Grantees. This agreement is executed for the protection and benefit of the La Grande Municipal Airport and the City of La Grande's interest in said airport and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport. This covenant and agreement is intended to be binding upon the Grantees, their heirs, assigns and successors and inure to the benefit of the City of La Grande and the Airport, their successors and assigns.

DATED this day of , 1982.

STATE OF OREGON)	GRANTEES:
)	
) ss.	_____
)	
City/County of)	_____

SOURCE: Oregon Aeronautics Division

APPENDIX D

O.R.S. 215.203 Zoning ordinances establishing exclusive farm use zones; definitions.

- (1) Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213 or 215.283. Farm use zones shall be established only when such zoning is consistent with the comprehensive plan.
- (2)(a) As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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 and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section.
- (b) "Current employment" of land for farm use includes:
 - (A) Land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188);
 - (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 prior to maturity;
 - (D) Any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;
 - (E) Wasteland, in an exclusive farm use zone, dry or covered with water, 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 dwellings customarily provided in conjunction with the farm use in an exclusive farm use zone; and
 - (G) Land under buildings supporting accepted farm practices.
- (c) As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
- (3) "Cultured Christmas trees" means trees:
 - (a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

- (b) Of a species for which the Department of Revenue requires a "Report of Christmas Trees Harvested" for purposes of ad valorem taxation;
- (c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- (d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

O.R.S. 215.213(3) A single-family residential dwelling not provided in conjunction with farm use may be established on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval of the governing body or its designate in any area zoned for exclusive farm use upon written findings showing all of the following:

- (a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.
- (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.
- (c) Complies with such other conditions as the governing body or its designate considers necessary.

O.R.S. 215.243 Agricultural land use policy. The Legislative Assembly finds and declares that:

- (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
- (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.
- (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

- (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.