



Umatilla County Development Code

Revision Date: June 16, 2008



The Umatilla River near Echo, Oregon.

Department of Land Use Planning
216 SE 4th ST | Pendleton, OR 97801
Voice: (541) 278-6252 | Fax: (541) 278-5480
www.co.umatilla.or.us

Umatilla County Development Code

Chapters 150, 151, 152 & 153

Table of Contents

<i>Chapter 150: Resource Use Protection</i>5	RLI, RURAL LIGHT INDUSTRIAL ZONE 155
<i>Chapter 151: Planning</i>9	LRLI, LIMITED RURAL LIGHT INDUSTRIAL ZONE..... 160
<i>Chapter 152: Development Code</i>11	HI, HEAVY INDUSTRIAL ZONE..... 166
GENERAL PROVISIONS.....12	RHI, RURAL HEAVY INDUSTRIAL ZONE 171
GENERAL ZONING REGULATIONS49	LRHI, LIMITED RURAL HEAVY INDUSTRIAL ZONE..... 176
ESTABLISHMENT OF ZONES52	FU-10, FUTURE URBAN ZONE 182
EFU, EXCLUSIVE FARM USE ZONE....54	PUSA-S, PRIVATE USE SAFETY AIRPORT OVERLAY ZONE..... 187
GF, GRAZING/FARM ZONE..... 74	FH, FLOOD HAZARD SUB-DISTRICT 192
NR, NON-RESOURCE ZONE.....88	CD, CLUSTER DEVELOPMENT OVERLAY ZONE..... 200
U-C, UNINCORPORATED COMMUNITY ZONE97	AH-H, H HERMISTON AIRPORT HAZARD OVERLAY ZONE 207
RR-2, RURAL RESIDENTIAL ZONE ...101	AH-P, PENDLETON AIRPORT HAZARD OVERLAY ZONE..... 210
RR-4, RURAL RESIDENTIAL ZONE ...105	LF, LANDFILL OVERLAY ZONE..... 214
RR-10, RURAL RESIDENTIAL ZONE .109	HAC, HISTORIC, ARCHEOLOGICAL OR CULTURAL SITE/STRUCTURE OVERLAY ZONE..... 216
MUF-10, MULTIPLE USE FOREST ZONE 113	CWR, CRITICAL WINTER RANGE OVERLAY ZONE..... 222
FR-5, FOREST RESIDENTIAL ZONE ..117	NA, NATURAL AREA OVERLAY ZONE 224
MR, MOUNTAIN RESIDENTIAL ZONE121	AR, AGGREGATE RESOURCE OVERLAY ZONE..... 227
RSC, RETAIL/SERVICE COMMERCIAL ZONE125	FI, FUTURE INDUSTRIAL OVERLAY ZONE..... 229
RRSC, RURAL RETAIL/SERVICE COMMERCIAL ZONE 129	SS, STEEP SLOPE OVERLAY ZONE... 230
CRC, COMMERCIAL RURAL CENTER ZONE 134	
TC, TOURIST COMMERCIAL ZONE ..139	
RTC, RURAL TOURIST COMMERCIAL ZONE 143	
AB, AGRIBUSINESS ZONE 147	
LI, LIGHT INDUSTRIAL ZONE..... 150	

LU, LIMITED USE OVERLAY ZONE..	232
SIGN REGULATIONS.....	234
OFF-STREET PARKING AND LOADING	237
EXCEPTIONS	239
NON-CONFORMING USES	244
CONDITIONAL USES.....	248
VARIANCES	302
LAND DIVISIONS.....	304
PART 1, GENERAL PROVISIONS	304
PART 2, TYPE I LAND DIVISION	320
PART 3, TYPE II LAND DIVISION.....	334
PART 4, TYPE III LAND DIVISION	345
PART 5, TYPE IV LAND DIVISION	347
PART 6, TYPE V LAND DIVISION	352
PART 7, TYPE VI LAND DIVISION	356
AMENDMENTS.....	359
ADMINISTRATION AND ENFORCEMENT	362
<i>Chapter 153: Measure 37 Claims.....</i>	<i>376</i>

Editor's note: *The following list of ordinances contain amendments to this Development Code and have been incorporated into this chapter: 85-7, 87-1, 87-12, 87-13, 89-02, 90-2, 91-06, 93-03, 94-01, 94-19, 99-06, 99-10, 2000-04, 2000-10, 2002-01, 2002-02, 2002-08, 2003-02, 2003-10, 2003-14, 2004-13, 2005-02, 2005-09, 2005-13, 2005-17, 2006-04, 2008-09*

Chapter 150: Resource Use Protection

RESOURCE USE PROTECTION

Section

<u>150.01</u>	<u>Title</u>
<u>150.02</u>	<u>Purpose and intent</u>
<u>150.03</u>	<u>Definitions</u>
<u>150.04</u>	<u>Protecting resource uses outside UGB</u>
<u>150.05</u>	<u>Protecting resource uses within UGB</u>
<u>150.06</u>	<u>Change in UGB</u>
<u>150.07</u>	<u>Land use decisions</u>
<u>150.08</u>	<u>Complaints by nonresource users</u>

§ 150.01 TITLE.

This chapter may be cited as the “County Resource Use Protection Ordinance.”
(Ord. 93-01, passed 4-7-93)

§ 150.02 PURPOSE AND INTENT.

(A) It is the purpose of this chapter to protect resource-based economically productive activities of the county in order to assure the continued health, safety and prosperity of its residents. Resource uses sometimes offend, annoy, interfere with or otherwise affect others located on or near resource lands. The county has concluded that persons located on or near resource lands must accept the conditions commonly associated with accepted resource uses.

(B) This chapter is intended to limit the availability of remedies based on nuisance or trespass, complaint procedures, rights of action and claims for relief over which the county has jurisdiction, when they

otherwise would either have an adverse impact on resource uses which the county seeks to protect, or would impair full use of the resource base within the county.
(Ord. 93-01, passed 4-7-93)

§ 150.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FACILITY. Any real or personal property, including appurtenances thereto and fixtures thereon, associated with a given use.

FARMING PRACTICES. The cultivation, growing, harvesting, processing or selling of plants or animals of any kind, which lawfully may be grown, possessed and sold, including, but not limited to, livestock, sheep, nursery stock, potatoes, cereal grains, green peas, alfalfa, fruit, grapes, melons, canola, and vegetables.

FOREST PRACTICE. This term has the meaning given by ORS 527.620.

GENERALLY ACCEPTED. This term means either a practice or facility which is conducted or used in compliance with applicable federal and state laws; or, if there is no applicable federal or state law, a practice or facility which an average person in the county who is a grower or producer regularly involved in the same type of resource use would reasonably expect to occur or exist in a truly rural setting. The County Board of Commissioner may, as it deems necessary, establish resource user peer review boards consisting of five persons who regularly are involved in the same type of resource use in question, to

advise the Commission as to generally accepted practices or facilities with respect to that resource use.

NON-RESOURCE USE. Any facility, activity or other use of land which does not constitute a resource use, including, but not limited to, residential use, and also including any aggregate mining use which is not conducted in accordance with a program complying with Goal 5, adopted by the Oregon Land Conservation and Development Commission.

RESOURCE USE. Any current or future generally accepted aggregate mining, farming, ranching or forest practice or facility conducted in compliance with applicable county land use ordinances. **RESOURCE USE** does not include the willful growing or unlawful, infested, infected or diseased plants or animals; or trespass which involves actual physical intrusion onto the property of another by a person or by a person's animals. (Ord. 93-01, passed 4-7-93)

§ 150.04 PROTECTING RESOURCE USES OUTSIDE UGB.

(A) No resource use occurring outside an urban growth boundary (UGB) shall be declared to be a public or private nuisance or trespass, or support any complaint procedure, or give rise to a claim for relief in favor of, or to protect the interests of, nonresource uses or any persons or property associated therewith, to the extent that such right, proceeding or claim would arise under an ordinance or the inherent authority of the county.

(B) This section applies regardless of:

(1) The location of the purportedly affected non-resource use.

(2) Whether the nonresource use purportedly affected existed before or after the occurrence of the resource use.

(3) Whether the resource use or non-resource use has undergone any change or interruption.

(4) Whether the resource use or non-resource use is located inside or outside an area designated as secondary resource lands.

(Ord. 93-01, passed 4-7-93)

§ 150.05 PROTECTING RESOURCE USES WITHIN UGB.

(A) No resource use occurring within an urban growth boundary (UGB) shall be declared to be a public or private nuisance or trespass, or support any complaint procedure, or give rise to a claim for relief in favor of, or to protect the interests of, non-resource uses or any persons or property associated therewith, to the extent that such right, proceeding or claim would arise under an ordinance or the inherent authority of the county.

(B) This section applies:

(1) Regardless of the location of the purportedly affected nonresource use.

(2) Only if the resource use predated the purportedly affected nonresource use.

(3) Only if the resource use has not significantly increased in size or intensity after the effective date of this chapter, or the date on which the applicable

urban growth boundary is changed to include the subject resource use within its limits, whichever date is later. However, if the change is mandated by law, this section shall apply.

(C) In any action or claim for relief alleging nuisance or trespass and arising from a practice that is alleged by either party to be farming or forest practice, the prevailing party shall be entitled to judgment for reasonable attorney fees and costs incurred at trial and on appeal.
(Ord. 93-01, passed 4-7-93)

involving a resource use protected under this chapter, wherever located, so long as such resource use complies with applicable provisions of federal and state laws and this chapter.
(Ord. 93-01, passed 4-7-93)

§ 150.06 CHANGE IN UGB.

To the extent permissible under state law, if an urban growth boundary (UGB) is changed in such a way as to place a resource use either inside or outside such boundary, § [150.04](#) of this chapter applies with respect to any conflict between a resource use and nonresource use.
(Ord. 93-01, passed 4-7-93)

§ 150.07 LAND USE DECISIONS.

The fact that the County's Comprehensive Plan, development ordinances and land use decisions may allow the siting, development or support of land use decisions may not negate the provisions of this chapter intended to protect a resource use.
(Ord. 93-01, passed 4-7-93)

§ 150.08 COMPLAINTS BY NON-RESOURCE USERS.

Any persons engaged in a nonresource use are deemed on notice that the county will not act on complaints

Chapter 151: Planning

PLANNING

Section

- 151.01 Comprehensive Plan
Technical Report adopted by
reference
- 151.02 Comprehensive Plan adopted
by reference

05, passed 2-23-2004; Ord. 2004-08, passed 4-30-2004; Ord. 2004-09, passed 4-21-2004; Ord. 2004-11, passed 6-30-2004; Ord. 2004-19, passed 1-25-2005; Ord. 2005-05, passed 5-31-2005; Ord. 2005-06, passed 5-31-2005; Ord. 2005-07, passed 5-31-2005; Ord. 2005-08, passed 5-31-2005; Ord. 2005-10, passed 4-21-2005; Ord. 2005-11, passed 5-17-2005; Ord. 2006-01, passed 1-10-2006; Ord. 2006-03, passed 1-10-2006; Ord. 2008-09, passed 6-16-2008)

§ 151.01 COMPREHENSIVE PLAN TECHNICAL REPORT ADOPTED BY REFERENCE.

The 1980 Comprehensive Plan Technical Report of the county is hereby adopted by reference and incorporated herein as fully as if set out at length in this code of ordinances.

(Ord. passed 5- -80; Ord. passed 9- -82; Ord. 84-6, passed 6-28-84; Ord. passed 9-6-84)

§ 151.02 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

The 1983 Comprehensive Plan of the county, with amendments, is hereby adopted by reference and incorporated herein as fully as if set out at length in this code of ordinances.

(Ord. 83-4, passed 5-9-83; Ord. 83-5, passed 8-29-83; Ord. 84-3, passed 6-28-84; Ord. 84-6, passed 9-6-84; Ord. 85-9, passed 6-12-85; Ord. 85-10, passed 11-6-85; Ord. 87-13, passed 12-2-87; Ord. 2002-03, passed 4-3-2002; Ord. 2002-08, passed 8-14-2002; Ord. 2003-01, passed 1-9-2003; Ord. 2003-03, passed 3-11-2003; Ord. 2003-08, passed 6-13-2003; Ord. 2003-09, passed 1-12-2004; Ord. 2003-12, passed 12-8-2003; Ord. 2004-01, passed 9-22-2004; Ord. 2004-02, passed 9-22-2004; Ord. 2004-03, passed 1-28-2004; Ord. 2004-04, passed 2-23-2004; Ord. 2004-

Chapter 152: Development Code

GENERAL PROVISIONS

Sub-Sections:

<u>152.001</u>	<u>Title</u>
<u>152.002</u>	<u>Purpose</u>
<u>152.003</u>	<u>Definitions</u>
<u>152.004</u>	<u>Amended, repealed or modified statutory provisions</u>
<u>152.005</u>	<u>Abrogation; greater restrictions to prevail</u>
<u>152.006</u>	<u>Compliance</u>
<u>152.007</u>	<u>Consistency with plan and laws</u>
<u>152.008</u>	<u>Land ownership</u>
<u>152.009</u>	<u>Authorization of similar uses</u>
<u>152.010</u>	<u>Access to buildings; private driveways and easements</u>
<u>152.011</u>	<u>Vision clearance</u>
<u>152.012</u>	<u>Outdoor storage in residential zones</u>
<u>152.013</u>	<u>Mobile homes</u>
<u>152.014</u>	<u>Seasonal farm worker housing</u>
<u>152.015</u>	<u>Fences</u>
<u>152.016</u>	<u>Riparian vegetation; wetland drainage</u>
<u>152.017</u>	<u>Conditions for development proposals</u>
<u>152.018</u>	<u>Access management and street connectivity</u>

§ 152.001 TITLE.

This chapter shall be known as the "County Land Development Ordinance."
(Ord. 83-4, passed 5-9-83)

§ 152.002 PURPOSE.

The intent of purpose of this chapter is to promote the public health, safety and general welfare and to carry out the County

Comprehensive Plan, the provisions of ORS Chapters 92 and 215 and the Statewide Planning Goals adopted pursuant to ORS Chapter 197. This chapter is to establish use zones and regulations governing the development and use of land within portions of the county; to provide regulations governing non-conforming uses and structures; to establish and provide for the collection of fees; to provide to the administration of this chapter and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of this chapter; to provide for conflicts with other ordinances or regulations; and provide classifications and uniform standards for the division of land and the installation of related improvements in portions of the unincorporated area of the county.
(Ord. 83-4, passed 5-9-83)

§ 152.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUT. Adjoining with a common boundary line or property line.

ACCESS. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

ACCESS CLASSIFICATION. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

ACCESS CONNECTION. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

ACCESS MANAGEMENT. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

ACCESSORY USE or STRUCTURE OR DWELLING. A use, structure, or dwelling which is subordinate to and serves a principal building or principal use and is subordinate in area, extent, or purpose to the principal building or principal use served, and contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and is located on the same lot as the principal building or principal use.

ACCESSWAY. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

ADULT BOOKSTORE or ADULT MOVIE THEATER. A retail establishment selling publications and other materials of a

sexual nature, or showing films or using other moving picture medium that present material distinguished or characterized by an emphasis on depicting, describing or relating to specified sexual activities, including, but not limited to, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual inter-course or sodomy; fondling or other erotic touching of human genitals, pubic region or female breasts.

AIRCRAFT. Includes airplanes and helicopters, but not hot air balloons or ultralights.

AIRPORT. The strip of land used for taking off and landing aircraft, together with all adjacent land used in 1994 in connection with the aircraft landing and taking off from the strip of land, including but not limited to land used for existing commercial and recreational airport uses and activities as of December 31, 1994.

AIRPORT APPROACH SAFETY ZONE. The land that underlies the approach surface, excluding the Runway Approach Zone.

AIRPORT ELEVATION. The highest point of an airport's usable runway, measured in feet above mean sea level.

AIRPORT HAZARD. Any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off.

AIRPORT IMAGINARY SURFACES. Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface and in which

any object extending above these imaginary surfaces is an obstruction.

AIRPORT SPONSOR. The owner, manager, person or entity designated to represent the interests of an airport. [OAR 660-013-0020]

ALLEY. A street which affords only a secondary means of access to property.

ALTER. Any change, addition or modification in construction or occupancy of a building or structure.

AMUSEMENT ESTABLISHMENT

(COMMERCIAL). An establishment engaged in providing amusement or entertainment for a fee or admission which may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

AMENDMENT. A change in the wording, context, or substance of this chapter, or a change in the zone of district boundaries or subdistrict boundaries or subdistrict boundaries upon the zoning map.

APPLICANT. A person submitting an application for development.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for utility runway having only visual approaches; 1,500 feet for a runway other than a utility runway having only

visual approaches; 2,000 feet for a utility runway having a nonprecision instrument approach; 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a nonprecision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:10) for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

AQUATIC SPECIES. Plant or animal species which grow or live in or on the water.

ASSESSOR'S ROLL. A list of all the tax accounts or tax lots assigned for assessment purposes in the county.

AUTOMOBILE SERVICE STATION. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tire, batteries and similar accessories.

AUTOMOBILE WRECKING YARD. A premise used for the storage or sale of used automobile or truck parts or for storage, dismantling, or abandonment of

obsolete automobiles, trailers, trucks, machinery, or parts thereof.

BASE FLOOD. The flood that has a 1% chance of being equalled or exceeded in any single year as designated by the Flood Insurance Administration dated June 15, 1987 (see also **INTERMEDIATE REGIONAL FLOOD**).

BASEMENT. A portion of a building included between a floor with its level two feet or more below the level from which the height of the building is measured and the ceiling next above said floor.

BICYCLE. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

BICYCLE FACILITIES. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

BIKEWAY. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

(1) **Multi-use Path.** A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

(2) **Bike Lane.** A 4 to 6-foot wide portion of the roadway that has been

designated by permanent striping and pavement markings for the exclusive use of bicycles.

(3) **Shoulder Bikeway.** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

(4) **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.

(5) **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians

BILLBOARD. An outdoor advertising sign, being any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and occupation products primarily sold or manufactured thereon.

BIOFUEL means liquid, gaseous or solid fuels derived from biomass.

BIOMASS means organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2) Wood material from hardwood timber described in ORS 321.267 (3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS chapter 459 or 459A;

(6) Yard or wood debris collected as provided under ORS chapter 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote, pentachlorophenol, inorganic arsenic or other inorganic chemical compounds.

BLOCK. A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street. A **BLOCK** is usually further divided into lots for building purposes.

BOARD. The Board of County Commissioners of Umatilla County, Oregon.

BOARDING, LODGING OR ROOMING HOUSE. A dwelling or part thereof in which lodging is provided by the owner or operator to more than two boarders.

BOARDING STABLE. A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premise.

BOND. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the County Commission. All bonds shall be approved by the County Commission wherever a bond is required by this chapter.

BOUNDARY ADJUSTMENT.

(1) Any adjustment of a tax lot or parcel line by the relocation of a common boundary where:

(a) An additional parcel is not created, except as allowed due to mortgage or ownership restrictions, and as addressed by the recording of a Covenant Not to Sell Separately; and

(b) Where the existing parcel reduced in size by the adjustment is not reduced more than 11% below the minimum lot size established by the zoning district where the proposed boundary adjustment is located unless the parcel is already substandard-sized; and

(c) Where the tax lot is not within a platted subdivision; and

(d) Where the parcel is not within a partition platted since January 1, 1990.

(2) An adjustment of a tax lot or parcel line created prior to January 1, 1990 where it can be shown by a survey from a surveyor licensed in Oregon that the surveyed boundary lines do not correspond with physical boundary marks (such as fences) thought to be the true property lines by adjoining property owners, when these physical boundary markers have existed for at least 10 years, proof of which shall be provided by the person seeking the change of the lot.

(3) An amendment to a recorded subdivision or partition plat to correct errors or omissions of data on the plat, as provided in ORS 92.170.

BUFFER. A horizontal distance between certain uses, intended to preserve

vegetation, reduce noise and glare, or maintain privacy.

BUILDABLE AREA. The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

BUILDING. A structure built for the support, shelter or enclosure of person, animals, chattels, or property of any kind. For the purposes of this chapter, a canopy is not a building.

BUILDING COVERAGE. The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

BUILDING HEIGHT. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

BUILDING LINE. A line of a plat indicating the limit beyond which buildings or other structures may not be erected.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is located.

BUMPER. A permanent device used in parking lots which blocks the front wheels of a vehicle.

CAMPGROUND. An area where facilities are provided to accommodate two or more of the following temporary uses: tents, campers, recreational trailers or motor homes. For the purposes of this identification, **TEMPORARY** means that each visitation within a campground shall not exceed 15 days in a 30 day period.

CEMETERY. Land dedicated for

burial purposes, including mortuary, crematory, mausoleum, and columbarium when operated within the boundary of the cemetery.

CANOPY. A stationary structure, either free-standing or partially supported on one side only by a building wall, designed and built for the protection of the protection or of pedestrians at the entrance to a commercial or industrial building, or for the protection or motor vehicles while being serviced or their occupants served.

CHANGE OF USE. Any use which substantially differs from the previous use of a building or land. As used in this definition, **SUBSTANTIALLY DIFFERS** shall be defined as set forth in the Standard Industrial Classification Manual (SIC).

CHURCH. A building or structure, or groups of buildings or structures, which be design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CLINIC. A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

CLUSTER DEVELOPMENT. A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under conventional land division procedures, and the resultant land area is devoted to open space.

COMMERCIAL. An activity carried out for monetary gain.

COMMERCIAL RESIDENTIAL USE. A building, portion of a building, or

group of buildings designed or used for human occupancy or lodging for which a fee is charged, such as a hotel, motel, tourist court or labor camp, but excluding quarters intended for permanent occupancy such as a duplex or apartment. A trailer park is not included in this definition.

COMMERCIAL TREE SPECIES.

Trees recognized under rules adopted under ORS 527.715 for commercial production.

COMMERCIAL WIND POWER

GENERATION. An activity carried out for monetary gain using one or more wind turbine generators operated as a single Wind Power Generation Facility that has a combined generating capacity greater than 1 MW.

COMMON OPEN SPACE. An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

COMPLETE APPLICATION. An application form completed as specified by this chapter and the rules and regulations adopted by the Planning Director, Planning Commission or County Commission.

COMPREHENSIVE PLAN. A plan adopted by the Board of County Commissioners as a guide to the growth and improvement of the county, including modifications or refinements which may be made from time to time.

CONICAL SURFACE. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above and

airport elevation) and upward extending to a height of 350 feet above the airport elevation.

CONDITIONAL USE. An activity specified by this chapter as a principal or an accessory use, permitted when authorized by the Hearings Officer or Planning Commission after a public hearing.

CONTIGUOUS. Next to, abutting or touching and having boundary or portion thereof larger than a single point, which is coterminous (see also **ABUT**).

CORNER CLEARANCE. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

COUNTY. The County of Umatilla, Oregon.

COUNTY ENGINEER. A registered professional civil engineer licensed by the State of Oregon, who may be either a full-time county employee or retained on a part-time basis to accomplish specific work or projects.

COUNTY ROAD. A Public Road under the jurisdiction of a county that has been designated as a county road by the Board of Commissioners.

CROSS ACCESS. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

CROSS-SECTION. A profile of the ground surface perpendicular to the center line of a stream or valley bottom.

CUL-DE-SAC. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DAY CARE or NURSERY. An establishment enrolling four or more children between the ages of two and five years and where tuition, fees, or other forms of compensation for the care of children is charged, and which may or may not be licensed or approved to operate as a day care, child care, or nursery.

DECOMMISSIONING FUND. An adequate financial vehicle dedicated and maintained with appropriate adjustments to assure the money to dismantle the Wind Power Generation Facility and to restore the site to a useful, non-hazardous condition.

DEDICATION. Under these regulations, the transfer of property from private to public ownership.

DEDICATION, FEE IN LIEU OF. Payments of cash which are authorized in these regulations when requirements for mandatory dedication of land cannot be met because of physical conditions of the site or other reasons.

DENSITY PROVISIONS. Requirements for each land use district to encourage, protect, and preserve the health, safety and general welfare of the area, through standards which include yards, height, bulk, lot area, lot coverage and occupancy limitation.

DEPARTMENT OF AVIATION. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

DEVELOPER. The owner of land proposed to be developed or his representative. Consent shall be required from the legal owner of the premises.

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

DEVELOPMENT PERMIT. Zoning permit required by this or other county ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

DIVIDING LAND. The process of separating a parcel of land or a lot in a subdivision into a number of lots by subdivision or parcels by partitioning. The dividing has occurred when an approved plat or plan has been filed, or, if approval is not required, when less than the entire contiguous land holdings in a single ownership on the effective date of this chapter is transferred to a new owner. (See also **PARTITION LAND**)

DISTRICT or ZONE. A section of district of the county within which the standards governing the use of buildings and premises are uniform.

DRUG PARAPHERNALIA SHOP. An establishment which has as a substantial or significant portion of its stock in trade, pipes, water pipes, hookahs, wooden pipes,

carburetor pipes, electric pipes, air-driven pipes, corn cob pipes, meerschaum pipes and ceramic pipes, with or without screens, permanent screens, hashish head or punctured metal bowls, carburation tubes and devices including carburation masks, bongs, ice pipes or chillers, cigarette rolling papers and rolling machines, and cocaine free-basing dits.

DWELLING, MULTI-FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding units provided.

DWELLING, SEASONAL. A residential dwelling unit, including a mobile home and travel trailer, providing meals or lodging not to more than two additional persons, excluding servants, or a group of not more than five unrelated persons living together as one house-keeping unit, using one kitchen.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a recreational vehicle designed for and occupied by one family only. A dwelling must have the following:

- (1) Intact exterior walls and roof structure;
- (2) Indoor plumbing, consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3) Interior wiring for interior lights; and
- (4) A heating system.

DWELLING, TEMPORARY. A dwelling without any foundation or footings

and which can be removed when the designated time period, activity, or use for which the temporary dwelling was erected or placed has ceased.

DWELLING, TWO-FAMILY. A detached residential building containing two dwelling units for occupancy by not more than two families; a duplex.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, and also having plumbing facilities either within the dwelling unit or within the same structure as the dwelling unit and shared with other dwelling units.

EASEMENT. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

EATING OR DRINKING ESTABLISHMENT. A retail establishment selling food or drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

EAVE. The projecting lower edges of a roof overhanging the wall of the building.

EGRESS. An exit.

EXISTING USE. The use of a lot or structure at the time of the enactment of this chapter.

FARM USE. (as defined in [ORS](#))

[215.203\)](#)

(1) 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 agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.

FARM USE also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. FARM USE also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. 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 subdivision (3) of this definition or land as defined in ORS 321.267 (3) or 321.824 (3).

(2) CURRENT EMPLOYMENT OF LAND FOR FARM USE means:

(a) Farmland, the operation or use of which is subject to any farm-related government program;

(b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;

(c) Land planted in orchards or other perennials, other than land specified in subdivision (2) (d) of this definition, prior to maturity;

(d) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees, or vineyards for at least three years;

(e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

(f) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283 (2)(a);

(g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of the land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.

(i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or

infirmity whether or not such illness results in death;

(j) Any land described under ORS 321.267 (3) or 321.824 (3);

(k) Land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and

(l) Land used for the processing of farm crops into biofuel, as defined in § 152.003 as BIO-FUEL, if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or,

(iii) The landowner is custom processing crops into biofuels from other landowners in the area for their use or sale.

(3) **CULTURED CHRISTMAS TREES** means trees are:

(a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control, and

one or more of the following practices: basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

(4) **ACCEPTED FARMING PRACTICE** means a mode of operation that is common to farm 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.

FAMILY. Two or more persons related by blood, marriage, legal adoption or guardianship, living together as one housekeeping unit, using one kitchen, and providing meals or lodging to no more than two additional unrelated persons, excluding servants; however, up to five additional unrelated persons may be allowed in the case of a foster care home, licensed by an appropriate state or county agency, or a group of not more than five unrelated persons living together as one housekeeping unit, using one kitchen.

FILL. The placement of any material on the land for the purpose of increasing its elevation in relation to that which exists and/or the placement of any material in or along waterways. Fill material includes, but is not limited to the following: soil, rock, concrete, stumps, wood, glass, garbage, plastics, metal, etc.

FINAL APPROVAL. The last official action of the Planning Director, Hearings Officer, Planning Commission or Board of Commissioners taken on a land use action which has been given preliminary approval, after all conditions and requirements have been met and the required improvements have been installed, or guarantees have been properly secured for their installation.

FINAL PLAT. The map or plan or

record of a subdivision or cluster development and any accompanying material as described in the regulations.

FLAG LOT. A parcel which includes a private driveway as a part thereof.

FLOOD. A general or temporary condition or partial or complete inundation of normally dry land areas from:

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

FLOOD HAZARD AREA. The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or lake or reservoir, which has been or may be covered by a base flood of intermediate regional flood. Excludes any area within the Floodway.

FLOOD HAZARD OVERLAY ZONE. The area containing the Flood Hazard Area and the Floodway.

FLOOD INSURANCE RATE MAP. 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 county.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary and floodway maps, and the water surface elevation of the base flood.

FLOODPROOFING. A combination of structural provisions, changes, or

adjustment to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOODWAY. 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 foot. Excludes any area within the Flood Hazard Area.

FLOOR AREA. The total interior dimensions of a building.

FOREST USE. The use of land for the growing management, or harvesting of wood fiber or lands used for watershed protection, wildlife and fisheries habitat or outdoor recreation.

FRONTAGE ROAD A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)

FUNCTIONAL AREA (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

FUNCTIONAL CLASSIFICATION. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

GLARE. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance

LAND DIVISION. To divide a tract of land into two or more tracts, parcels or lots when such area or tract of land exists as a unit or contiguous units of land under single ownership, and to adjust the common boundaries between two or more tracts, parcels, or lots.

LANDSCAPING. Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping requirements are included in this chapter for a number of reasons. They preserve natural features of a site for ecological and environmental reasons. They make land more attractive for residential and other uses. They can screen from view unattractive for residential and other uses. They can screen from view unattractive uses such as junkyards, parking lots, or gravel pits. And they can act as buffers, visually separating different types of uses.

LAND USE. A description of how land is occupied or utilized.

LAND USE ACTION. A conditional use, variance, zoning map amendment, land division, or development permit.

LIVESTOCK. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

LIVESTOCK FEED YARD or LOT. An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing and that exceeds the number of animals for the specific zoning district.

LIVESTOCK SALES YARD or LOT. An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

LIVING HISTORY MUSEUM. A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation or required off-street parking space.

LOT. A unit of land that is created by a subdivision of land. For purposes of administering the zoning provisions of this Development Code, the word **LOT** also refers to units of land created in accordance with this chapter by the partitioning process, or to a unit of land recorded in the County Records Office or County Assessor's Office prior to the adoption of the county zoning ordinance of 1972 on July 19, 1972.

LOT, CORNER. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135°.

LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.

LOT, INTERIOR. A lot, other than a corner lot, with only one frontage on a street.

LOT, THROUGH (also called a double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

LOT AREA. The total area of a lot measured in a horizontal plane within the lot boundary lines, including the land with a county or public road (but not a state highway) that was originally part of the lot prior to the dedication of the right-of-way.

LOT COVERAGE. That portion of a lot that is occupied by the principal building and its accessory buildings, expressed as a percentage of the total lot area. It shall include all projections except eaves.

LOT DEPTH. The average distance measured from the front lot line to the rear lot line.

LOT FRONTAGE. That portion of a lot extending along a street right-of-way line.

LOT LINE. The property line bounding a lot. When determining setback, **LOT LINE** includes a line defining an access easement or road right-of-way.

LOT LINE, FRONT. In the case of an interior lot the lot line separating the lot from a street other than an alley, and in the case of a corner lot the shortest lot line along a street other than an alley.

LOT LINE, REAR. A lot line which is opposite and most distant from the

front lot line, and in the case of an irregular, triangular, or other shaped lot, a line of 10 feet in length within the lot parallel to and at a maximum distance from the front line.

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

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

MAJOR PARTITION. A partition which includes the creation of a road or street.

MANUFACTURE. The converting of raw unfinished materials or products, or any or either of them into an article or articles or substance of a different character or for use for a different character or for use as a different purpose.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a recreational vehicle.

MAP. A final diagram, drawing or other writing concerning a minor or major partition.

MINING. Includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. **MINING** does not include

excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site roads construction or other on-site construction or nonsurface impacts of underground mines. A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.

MINI-WAREHOUSE. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

MINOR PARTITION. A partition which does not include the creation of a road or street.

MOBILE HOME. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, dependent on external utility connections, and designed without a permanent foundation for year-round residential use. A unit may contain parts that fold, collapse or telescope for towing and be expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. For the purposes of this definition, it shall be immaterial whether said unit or component is placed upon property for a temporary, semi-permanent or permanent residence, or that the wheels are removed and the unit or component is supported upon posts, footings or a foundation. This definition does not include travel trailers, motorized homes and campers, pick-up

coaches, and camping trailers.

MOBILE HOME PARK. Any place where four or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. This definition shall not include the placing of four or more mobile homes on a lot as allowed by § [152.571](#) which shall take precedence.

MOBILE HOME SUBDIVISION. A sub-division intended to be occupied primarily or exclusively for mobile homes.

MODEL HOME. A dwelling unit located on a parcel of land primarily for the purpose of displaying the type of home available for development in an area.

MODULAR HOME. See **PREFABRICATED HOMES.**

MOTEL. An establishment providing transient accommodations containing sleeping rooms with at least 25% of the rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

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

NEIGHBORHOOD ACTIVITY CENTER. An attraction or destination for residents of surrounding residential areas.

Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, employment areas.

NOISE SENSITIVE AREA.

Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 DNL.

NON-CONFORMING ACCESS

FEATURES. Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.

NON-CONFORMING DEVELOPMENT OR USE.

A development or use lawfully existing at the time this chapter became applicable to the development by being in compliance with the standards applicable to it at the time it came into existence, but that would not be lawful except for its pre-existence.

NON-CONFORMING LOT. A plot of land which is smaller than the minimum area required in a particular zone and which either was a tax lot as shown on the Assessor's Roll or was a lot in a recorded subdivision on the date of this chapter.

NON-CONFORMING LOTS may or may not be buildable depending upon the requirements listed in each specific one.

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

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation

equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

NON-REGULATION GOLF

COURSE. A golf course or golf course-like development that does not meet the definition of "golf course" in this section, including but not limited to executive golf courses, par three golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges.

NURSERY. Land or greenhouse used to raise flowers, shrubs, and plants for sale.

OBSTRUCTION. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

OFF-STREET PARKING. A temporary storage area for motor vehicles that is directly accessible to an off-street road and which is not located on a dedicated right-of-way.

OPEN SPACE, COMMON. Land within or related to a development, not individually owned or dedicated for public use, which is designated and intended for the common use of enjoyment of the residents of the development, and may include such complimentary structures and improvements as are necessary and appropriate.

ORDINARY HIGHWATER MARK. On all lakes and streams that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil and character distinct from that of the abutting upland, in

association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

PERSONAL-USE AIRPORT (for airplanes and helicopter pads, including associated hangar, maintenance and service facilities). An airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation .

PERMITTED USE, PRINCIPAL USES PERMITTED OUTRIGHT. A use by right which is specifically authorized in a particular zoning district.

PETROLEUM PRODUCTS SALES AND STORAGE. Self-service card lock fuel stations and associated fuel storage.

PLACE OF PUBLIC ASSEMBLY. Structure of place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

PLANNING COMMISSION. The Umatilla County Planning Commission.

PLANNING DIRECTOR. The

person designated by the Board of County Commissioners who is charged with the responsibility of administering this chapter in terms of the Comprehensive Plan and in accordance with the decisions of the Planning Commission, the Hearings Officer, and Board of County Commissioners.

PLAT. Includes a final subdivision plat, replat or partition plat.

PLAYGROUND. An area designed and designated for public recreational use, usually for children, and may include swings, slides, merry-go-rounds, teeter-totters, and other play equipment.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MILS), Global Positioning Satellite (GPS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is not indicated by an FAA approved airport layout plan; any other FAA or state planning document, or military service airport planning document.

PREFABRICATED HOUSE. A sectional of factory-built house to which wheels may or may not be attached for the purpose of moving it to a homesite where it is affixed to the real property on a permanent foundation. A **PREFABRICATED HOUSE** must comply with the requirements of Group 1 occupancies in the current *Oregon Uniform Building Code* prepared by the International Conference of Building Officials and with the requirements for dwellings in the current *National Electrical Code* as prepared by the National Fire Protection Association, and Oregon Plumbing and Electrical Codes (see

also **MOBILE HOME**).

PRELIMINARY PLAT. The preliminary drawing or drawings, described in this chapter, indicating the proposed manner or layout of a subdivision to be submitted to the county for approval.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the primary Surface is 250 feet for utility runways having only visual approaches, 5,000 feet for utility runways having nonprecision instrument approaches, 5,000 feet for other than utility runways having only visual approaches or nonprecision instrument approaches with visibility minimums greater than three-fourths of a mile and 1,000 feet for nonprecision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.

PRINCIPAL DWELLING UNIT. A single dwelling unit owned and lived in by the owner or lessee of a parcel of land and the immediate family, not including incidental farm employee living quarters.

PRINCIPAL USE. The primary or predominant use which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE ROAD. Any roadway for vehicular travel that is not a Public Road.

PROCESSING. Processing relating to aggregate operations, includes, but is not

limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit areas.

PUBLIC ROAD. A road over which the public has a right of use that is a matter of public record.

PUBLIC or SEMI-PUBLIC USE. A use owned or operated by a public, governmental or non-profit organization for the benefit of the public generally. This does not include landfill sites, garbage dumps or utility facilities.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE. An advertisement of a public hearing in a newspaper of general circulation in the county indicating the time, place, and nature of the public hearing. **PUBLIC NOTICE** may also be advertised, in addition to a newspaper of general circulation, in other media forms such as radio or television.

PUBLIC WORKS DIRECTOR. A person designated by the Board of Commissioners who is charged with the responsibility of administering the program(s) for the county road system, weed control and other county facilities and services.

REASONABLE ACCESS. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the county.

REASONABLY DIRECT. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

RECREATIONAL VEHICLE (OR TRAVEL TRAILER). A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.

RECREATIONAL VEHICLE (OR TRAVEL TRAILER) PARK. A lot which is operated on a fee or other basis as a place for the parking of occupied recreational vehicles in which residency is of temporary nature.

RECREATIONAL CAMPS OR RESORTS. An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

REPLAT. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision.

REPLATTING. The reconfiguration of lots or parcels and easements, or the

adjustment of common boundaries between lots or parcels within a recorded subdivision or partition. This action, upon the recording of the “replat” map, serves to vacate the original lots or parcels and easements (this is a county definition based on ORS 92.185).

RESIDENTIAL. Any dwelling unit or group of units built or used for human occupancy.

RESIDENTIAL HOME. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

RESOURCE ACTIVITIES. Forest use activities as defined in Goal 4, adopted by the Oregon Land Conservation and Development Commission, or farm, grazing or other activities as defined in [ORS 215.203](#).

RESOURCE LANDS. Lands that are used for either forest use, farm use, grazing or are covered by water.

RETAIL COMMERCIAL. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services that are incidental to the sale of the goods or merchandise. The goods or merchandise have either been bought or produced by the retailer.

RIGHT-OF-WAY. Land reserved,

used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

ROAD or STREET. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY APPROACH ZONE (RAZ). An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RAZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet (60 m) beyond the end of the arcs usable for takeoff or landing. The RAZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.

SAFE AND CONVENIENT. Bicycle and pedestrian routes that are:

- (1) Reasonably free from hazards, and
- (2) Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.

SALE or SELL. Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

SANITARY LANDFILL. A site for solid waste disposal.

SCHOOL. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge and licensed by the State of Oregon where necessary and required.

SCREEN/SCREENING. A vertical barrier in a limited space, including fences, berms, walls or densely planted vegetation, designed to block visual or noise impacts.

SEGREGATION. The act of creating a new tax account number by the County Assessor for the purpose of providing a separate tax statement to the landowner.

SERVICE COMMERCIAL. An establishment providing services or entertainment as opposed to products.

SERVICE STATIONS. See **AUTOMOBILE SERVICE STATION.**

SETBACK. The open yard space on a lot between any building and a lot line or a line defining an access easement or road right-of-way.

SHORELINE. All of the water areas of the county and their associated wetlands, together with the lands underlying them, including:

- (1) Significant wetlands as determined by the Comprehensive Plan and Comprehensive Plan Technical Report;
- (2) Streams;
- (3) Lakes and reservoirs;

(4) Other watercourses.

SIDEWALK. A pedestrian walkway with permanent surfacing.

SIGN. Any medium, including its structure and component parts, used or intended to be used to attract attention to the subject matter for advertising purposes.

SIGN, OFF-PREMISE. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premise on which the sign is located.

SIGN AREA. The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGNIFICANT CHANGE IN TRIP GENERATION. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) for gravel surfaced County roads, 30 vehicles of less than 10,000 pounds Gross Vehicle Weight (GVW) and/or 20 vehicles of greater than 10,000 pounds GVW; (2) for paved County roads, 75 vehicles of less than 10,000 GVW; and (3) for State paved Highways, 150 vehicles of 10,000 pounds GVW or less and/or 100 vehicles of greater than 10,000 pounds GVW.

SITE. A plot of land intended or suitable for development; also the ground or area on which a development occurs.

SITE PLAN. A plan, to scale, showing uses and structures proposed for a parcel of land as required by this chapter. It includes

lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made) and proposed utility lines.

STORY. That portion of a building included between the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. **FIRST STORY** means any floor not over four and one-half feet above the established grade, or is set back, above average ground level at frontline of building.

STREAM. A watercourse having a source and terminus, banks, and channel through which waters flows at least periodically.

STREET or ROAD. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

STRUCTURE. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

STRUCTURE. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas. (Definition used in Airport Overlay Zone)

STUB-OUT (Stub-street). A portion of

a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE LAND. To divide land into four or more lots within a calendar year.

SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided.

SUBDIVISION PLAT. Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

SUBSTANTIAL ENLARGEMENTS OR IMPROVEMENTS. A 10 percent increase in existing square footage or 50 percentage increase in assessed valuation of the structure.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either 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 safe living conditions; or any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

SUBSURFACE RESOURCES. A

mineral, semi-precious or precious metal, gas, element or combination of elements found in the ground, including, but not limited to, oil, coal, natural gas, shale oil, gold, silver, uranium, sulphur, lime, nickel, lead, copper and mercury.

TAX LOT. A record kept by the County Assessor of the description of real property of the county.

TRACT. One or more contiguous lots or parcels in the same ownership.

TRAILER. Any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, and which does not fall within the definitions of vacation trailer, mobile home or prefabricated house. This definition includes boat trailers, bunk trailers, portable school-rooms, and industrial, commercial or public offices and accessory uses.

TRAILER PARK. A plot of ground on which two or more travel trailers occupied for dwelling or sleeping purposes is located, regardless of whether a charge is made for such accommodation (see also ***RECREATION VEHICLE PARK***).

TRAILER, TRAVEL. See the definitions for ***VACATION TRAILER*** and ***RECREATION VEHICLE***.

TRAILER, VACATION. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, having sleeping, cooking, and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence, or temporary farm-hand/ranch-hand residences.

TRANSITIONAL SURFACE. Extend

seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

TRUCK STOP. Any building, premise or land in which or upon which maintenance, servicing, storage or repair of commercial licensed trucks or motor vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into the trucks or motor vehicles, the sale of accessories or equipment for trucks or similar motor vehicles.

TRUCK TERMINAL. An area and/or building where cargo is stored and where trucks load and unload cargo on a regular basis, and trucks are parked when not in use.

UNIT OF LAND. An area of contiguous land at least sufficient of size to meet minimum zoning requirements for use, coverage and area. A unit of land may be:

- (1) A single lot of record;
- (2) A lot as defined in this section; or
- (3) A parcel as defined in this section.

Units of land that do not meet the minimum zoning requirements are then considered non-conforming (see the definition for **NON-CONFORMING LOT OF RECORD**).

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

Any major **UTILITY FACILITY** 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 productions or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoon, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

UTILITY FACILITY SERVICE LINES. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one of more of the following: a public right of way, land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VARIANCE. A device which grants a property owner relief from certain provisions of this chapter when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance may be granted, for example, to reduce yard or setback requirements, or the number of parking or loading spaces, or to increase the

permitted size of a sign.

VETERINARY CLINIC. A business establishment in which veterinary services are rendered to domestic animals.

VICINITY. The area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke or similar influences.

VISION CLEARANCE AREA. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified corner of the lot joining the ends of the other two sides. Where the lot line at intersections have rounded corners the lot lines will be extended in a straight line to a point of intersection.

VISUAL RUNWAY. A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

WALKWAY. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WATER COURSE. Any natural or artificial stream, river, creek, ditch, channel, canal, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area

adjacent thereto subject to inundation by reason of overflow or flood water.

WATER TABLE. The upper surface of ground-water, or that level below which the soil is seasonally saturated with water.

WETLANDS. Means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WHOLESALE BUSINESS. An establishment or place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

WIND POWER GENERATION FACILITY. An energy facility that consists of one or more wind turbines or other such devices and their related or supporting facilities that produce electric power from wind and are: (a) Connected to a common switching station, or (b) Constructed, maintained, or operated as a contiguous group of devices.

YARD. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this chapter. When determining setback, **YARD** does not include an access easement or a road right-of-way.

YARD, FRONT. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

YARD, REAR. A yard between side lot lines and measured horizontally at right

newly created lot lines shall follow or parallel the platted lot lines.

(3) No instrument dedicating land to public use shall be accepted for recording in this county unless such instrument bears the approval of the Board of County Commissioners.

(4) A person may offer or negotiate to sell any parcel in a major or minor partition, but no person may dispose of, transfer, sell or agree to sell any parcel in a major or minor partition prior to such approval of the major or minor partition.

(5) No person shall dispose of, transfer or sell, or agree, offer or negotiate to sell, any lot in any subdivision or cluster development whether in fact or by reference to or exhibition or other use of a plat of such subdivision or cluster development, before the plat for such subdivision or cluster development has been approved as provided by this chapter and recorded with the recording officer of the county.

(6) Before a plat of any subdivision or cluster development may be made and recorded, the person proposing the subdivision or his authorized agent or representative shall make an application in writing to the Planning Commission for approval of the proposed subdivision or cluster development in accordance with procedures established by this chapter. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or cluster development. No plat for any proposed subdivision or cluster development may be considered for approval of the Planning Commission until the tentative plan for the proposed subdivision or cluster development has been approved by the Planning Commission. Approval of the tentative plan

shall not constitute final acceptance of the plat of the proposed subdivision or cluster development for recording; however, approval by the Planning Commission of such tentative plan shall be binding upon the Planning Commission for the purposes of the preparation of the plat and the Planning Commission may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or cluster development.
(Ord. 83-4, passed 5-9-83)

§ 152.007 CONSISTENCY WITH PLAN AND LAWS.

Actions initiated under this chapter shall be consistent with the adopted County Comprehensive Plan and with applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.
(Ord. 83-4, passed 5-9-83)

§ 152.008 LAND OWNERSHIP.

The provisions of this chapter and the uses allowed in any use zone or on any parcel are not affected by the ownership of the land.
(Ord. 83-4, passed 5-9-83)

§ 152.009 AUTHORIZATION OF SIMILAR USES.

The Planning Commission may permit as a conditional use in a particular zone a use not listed in this chapter, provided the use is of the same general type as the uses permitted there by this chapter.
(Ord. 83-4, passed 5-9-83)

**§ 152.010 ACCESS TO BUILDINGS;
PRIVATE DRIVEWAYS AND
EASEMENTS.**

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

(B) Private driveways and easements that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway to protect the edge of the road from rapid deterioration. The improvements shall extend at least 25 feet back from the edge of the existing travel lane surface.
(Ord. 83-4, passed 5-9-83)

§ 152.011 VISION CLEARANCE.

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

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

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

(C) The vision clearance area shall not contain any planting, wall, structure, or obstruction of any kind exceeding two and one-half feet in height measured from the grade of the street centerline.
(Ord. 83-4, passed 5-9-83)

**§ 152.012 OUTDOOR STORAGE IN
RESIDENTIAL ZONES.**

(A) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use;

(B) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings;

(C) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.
(Ord. 83-4, passed 5-9-83)

§ 152.013 MOBILE HOMES.

(A) Siting. Mobile homes may be maintained for residential purposes in the unincorporated portions of the county only as provided herein:

(1) Where permitted by a zoning district pursuant to a zoning permit;

(2) Mobile homes in authorized mobile home park. A zoning permit is not required for mobile homes located within authorized mobile home parks, unless the

mobile home park is located in a F-H Flood Hazard Subdistrict;

(3) Temporary mobile home placement in conformance with § [152.576](#)(A) of this chapter.

(B) *Application.* An application for a zoning permit for a mobile home shall be made to the Planning Department. Except as provided herein, the Planning Department shall issue zoning permits for mobile homes and accessories thereto as authorized by other sections of this chapter upon compliance with the following requirements:

(1) The site and location of a mobile home shall meet area, frontage, access, setback and other requirements of this chapter;

(2) The mobile home shall be served by an approved water supply;

(3) The mobile home shall be served by a sewage disposal system approved by the Department of Environmental Quality;

(4) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce;

(5) The mobile home unit shall be manufactured after January 1, 1972, and bear the Oregon Department of Commerce “Insignia of Compliance;”

(6) The mobile home shall be skirted on its lower perimeter by a fire resistant material.

(C) *Nonconforming use.* Mobile homes not conforming with this division on the date of adoption of this chapter shall be

allowed to continue as a non-conforming use. If a mobile home site is discontinued for any reason for more than one year, it shall not be re-established.

(D) *Abatement.* An occupied, abandoned, or unoccupied mobile home may be abated if it constitutes a menace to the public health, safety and welfare, thereby rendering it a public nuisance. (Ord. 83-4, passed 5-9-83)

§ 152.014 SEASONAL FARM WORKER HOUSING.

Seasonal farm workers housing (i.e. housing occupied for not more than nine months per calendar year by seasonal farm workers and their immediate families) is subject to the following standards, as well as applicable provisions of Oregon Revised Statutes:

(A) The number of seasonal farm workers dwelling units allowable shall be determined by the following standards:

(1) If the seasonal farm worker dwelling units are clustered, in independent areas or adjoining existing farmsteads or groups of farm buildings, the number of allowable dwellings shall be based on a written justification of need submitted by the applicant, reflecting crop types and cropping systems for which the labor is required.

(2) If the seasonal farm worker dwelling units are not clustered, the number of allowable dwelling units shall be determined by subtracting the number of other existing farm dwelling units from the maximum number of farm dwellings allowable via the density established in each individual Exclusive Farm Use Zone.

(B) Seasonal farm worker housing shall comply with all applicable state and federal standards.

(C) Dwelling units shall be sited so as to minimize conflict with farming operations and so as to expose the occupants to the least amount of dust and pesticide spraying associated with farming practices.

(D) Development of seasonal farm workers housing shall comply with the following road and easement standards:

(1) Dwelling must be within 660 feet distance to a county road, federal or state highway, or a dedicated public road or easement improved to at least one-half width of a "D" standard;

(2) New utility easements shall be placed in such a manner as to not interfere with farming practices;

(3) New private roadways or easements must meet at least one-half width of a "D" road standard and whenever possible not be placed upon agricultural land as defined by prior policies;

(E) Dwelling units shall be provided with adequate outdoor play areas for children based on State Parks and Recreation Agency of federal public housing standards.

(F) Dwelling units shall be shaded on the south and west sides by deciduous and/or evergreen trees of a species and size that will produce full shading of the south and west walls and at least 50% of the roof area at mid-day within five years of planting.

(G) If mobile homes are used as the dwelling units, they shall conform to

§ [152.013](#), and the current federal fire, life, and safety standards for mobile homes, and shall be skirted and installed to standard Oregon Building Codes Agency specifications.

(H) A dwelling site shall not be allowed within 500 feet of an established and/or active aggregate mining operation;

(I) In the selection of sites for seasonal farm workers housing, every attempt shall be made to utilize land that is the least suitable for agriculture, with the exception of wetlands and floodplain areas, or any other site subject to significant natural or man-made hazards.

(Ord. 83-4, passed 5-9-83)

§ 152.015 FENCES.

Fences are allowed in any zone and do not require a zoning permit for construction. There shall be no height limitation except at corners of street intersections and service drives where vision clearance requirements shall be met. Fences shall meet all Oregon Uniform Building Code requirements. (Ord. 83-4, passed 5-9-83)

§ 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE.

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

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

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

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

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

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

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

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

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

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

findings and address the maintenance, removal and replacement of riparian vegetation.

(B) Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands shall be coordinated with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District. Existing drainage ditches may be cleared to original specifications without review. (Ord. 83-4, passed 5-9-83)

§152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS.

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

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

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

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

(Ord. 2002-08, passed 8-14-2002)

§ 152.018 ACCESS MANAGEMENT AND STREET CONNECTIVITY:

(A) The intent of this code is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This code balances the right of reasonable access to private property with the right of the citizens of Umatilla County and the State of Oregon to safe and efficient travel. To achieve this policy intent, state and local roadways have been categorized in the Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial

measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

(B) This section shall apply to all arterials and collectors within the County and to all properties that abut these roadways.

(C) This section is adopted to implement the access management policies of the County as set forth in the Transportation System Plan.

(D) Corner Clearance

(1) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

(2) New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.

(3) Where no other alternatives exist, the County may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

(E) Joint Use Driveways and Cross Access.

(1) Adjacent commercial or office properties identified as major traffic generators (generating more than 400 daily trips as defined by the Institute of

Transportation Engineers Trip Generation Manual), shall provide a cross access drive and pedestrian access to allow circulation between sites.

(2) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

(a) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

(b) A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles

(c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

(d) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

(3) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

(4) Pursuant to this section, property owners shall:

(a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(b) Record an agreement with

the deed that remaining access rights along the roadway will be dedicated to Umatilla County and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

(5) Umatilla County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(a) Joint access driveways and cross access easements are provided in accordance with this section.

(b) The site plan incorporates a unified access and circulation system in accordance with this section.

(c) The property owner enters into a written agreement with the county, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway

(6) Umatilla County may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.

(F) Access Connection and Driveway Design.

(1) Driveways shall meet the following standards:

(a) If the driveway is a one way in or one way out drive, then the

driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one way connection.

(b) For two-way access, each lane shall have a minimum width of 10 feet.

(2) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

(3) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

(G) Nonconforming Access Features.

(1) Legal access connections in place as of September 15, 2002 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions: When new access permits are requested; Change in use, enlargements, or improvements that will increase trip generation.

(H) Requirements for Phased Development Plans.

(1) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single

properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

(2) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.
(Ord. 2002-08, passed 8-14-2002)

GENERAL ZONING REGULATIONS

Sub-Sections:

<u>152.025</u>	<u>Zoning permit</u>
<u>152.026</u>	<u>Exemptions for farm/forest use</u>
<u>152.027</u>	<u>Zoning permit not required for farm use</u>
<u>152.028</u>	<u>Unzoned land</u>
<u>152.029</u>	<u>Zoning maps adopted by reference; amendment; location</u>
<u>152.030</u>	<u>Zone boundaries</u>

§ 152.025 ZONING PERMIT.

(A) Prior to the construction, reconstruction, addition to or change of use of a structure, or the change of use of a lot, or the installation or replacement of a mobile home on a lot, a zoning permit shall be obtained from the County Planning Department. Within the flood hazard area, a zoning permit shall be required for all other developments including placement of fill, mining, paving, excavation or drilling. Structures of 120 square feet or less in area do not require a zoning permit except when located in a designated flood hazard area. A zoning permit shall be voided after one year unless construction has commenced. The Planning Commission or its authorized agent may extend the permit for an additional period not to exceed one year upon written request. An amended zoning permit must be obtained when changes to an approved zoning permit occur. Changes include, but are not limited to, the size of the proposed structure, relocation of a structure or changes in the model year of a proposed manufactured home, etc.

(B) Zoning permits shall be issued by

the Director according to the provisions of this chapter. The Planning Director shall not issue a zoning permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this chapter, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development.

(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.026 EXEMPTIONS FOR FARM/FOREST USE.

In the Agriculture and Grazing-Forest Plan Designations, agriculture, grazing, horticulture, the management, growing and harvesting of forest products, or other farm and forest uses allowed in these areas shall be exempt from the provisions of this chapter (i.e. shall be allowed outright). This exemption does not include farm-related dwellings, which are allowable only as provided in each zone. Likewise, all accessory structures for agricultural, forestry, and grazing activities must comply with the development standards of this chapter for the zone in which the site is located.

(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.027 [Section Deleted]

(Ord. 83-4, passed 5-9-83; deleted Ord. 2008-09 passed 6-16-08)

§ 152.028 UNZONED LAND.

Any unzoned land in the County coming under the jurisdiction of the County shall be automatically zoned GF or EFU,

whichever is the more appropriate. Within 30 days of deed recording of any unzoned land, the Planning Director shall initiate amendment proceedings listed in § [152.752](#) of this chapter to a more appropriate zone, if such amendment be deemed desirable by the Planning Director.
(Ord. 83-4, passed 5-9-83)

§ 152.029 ZONING MAPS ADOPTED BY REFERENCE; AMENDMENT; LOCATION.

(A) The boundaries for the zones listed in this chapter are indicated on the County Zoning Maps of 1984 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

(B) The zoning maps consist of several sheets, prints or pages, which pages shall be listed on a cover page together with the date and name of each page. The zoning maps shall be certified by the Board and County Records as being the official zoning maps adopted by reference in division (A) of this section. The certification of the official zoning maps shall appear on the cover page.

(C) A zoning map or zoning map amendment adopted by division (A) of this section or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the County Board of Commissioners. The map or map amendment shall be dated with the date of its approval by the Planning Commission or the effective date of the ordinance that adopts the map or map amendment. A certified print pursuant to division (B) of this section of the adopted map or map amendment shall be maintained in the Office of the County Records as long

as this chapter remains in effect.

(D) There shall be two sets of official zoning maps. One shall be located in the office of the Planning Department as long as this chapter remains in effect. The second set shall be located in the Office of the County Records as long as this chapter remains in effect.
(Ord. 83-4, passed 5-9-83)

§ 152.030 ZONE BOUNDARIES.

(A) Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines on streets, highways, easements, or alleys, railroad right-of-way, water courses, public utility easements, boundary lines of city limits, 100 year flood plains, bluffs, ridges, or other readily recognizable or identifiable natural features or the extension of such lines.

(B) Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;

(2) Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line;

(3) Boundaries indicated as approximately following city limits shall be construed to follow such city limits;

(4) Boundaries indicated as approximately following 100-year flood

plain limits shall be construed as following such flood plain limits;

(5) Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easements, whichever is applicable.

(6) Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines;

(7) Boundaries indicated as parallel to or an extension of features indicated in subdivisions (1) through (5) of this division shall be so construed.

(8) Where physical features existing on the ground are at variance with those shown on the official zoning maps, or in other circumstances not covered by subdivisions (1) through (6) of this division, the Planning Director shall interpret the zone boundaries, and if necessary, may refer the matter to the Planning Commission for their interpretation, pursuant to § [152.771](#) of this chapter.

(9) Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply. (Ord. 83-4, passed 5-9-83)

ESTABLISHMENT OF ZONES

Sub-Sections

<u>152.040</u>	<u>Establishment</u>
<u>152.041</u>	<u>Overlay zones</u>
<u>152.042</u>	<u>Specific plan policies</u>
<u>152.043</u>	<u>Statutory provisions concerning Farm Use Zones</u>

§ 152.040 ESTABLISHMENT.

For the purpose of this chapter, the following use zones are hereby established:

<i>Zones Designation</i>	<i>Abbreviated</i>
Exclusive Farm Use	EFU
Grazing Farm	GF
Unincorporated Community	UC
Rural Residential 2	RR-2
Rural Residential 4	RR-4
Rural Residential 10	RR-10
Multiple Use Forest 10	MUF-10
Forest Residential 5	FR-5
Mountain Residential	MR
Retail/Service Commercial	RSC
Rural Retail/Service Commercial	RRSC
Commercial Rural Center	CRC
Tourist Commercial	TC
Rural Tourist Commercial	RTC
Agribusiness	AB
Light Industrial	LI
Rural Light Industrial	RLI
Limited Rural Light Industrial	LRLI
Heavy Industrial	HI
Rural Heavy Industrial	RHI
Limited Rural Heavy Industrial	LRHI
Future Urban 10	FU-10
Existing Resort	ER

(Ord. 83-4, passed 5-9-83; Ord. 2004-13, passed 8-17-2004; Ord. 2005-13, passed 5-31-2005; Ord. 2005-09, passed 10-13-2005)

§ 152.041 OVERLAY ZONES.

(A) Any portion of a use zone may be subject to additional consideration by the establishment of regulations that “overlay” the basic use. These “overlay zones” may be applied singularly, or in any combination thereof, and are designed to ensure that the various considerations contained in the text of such overlay zones are employed in using and developing land subject to an overlay zone.

(B) Development in any area subject to an overlay zone shall be undertaken only after administrative action procedures have been followed, and then only in accordance with conditions imposed under §§ [152.610](#) through [152.616](#) of this chapter and the regulations of both the overlay zone and the basic use zone.

(C) If a conflict in regulations or standards occurs between the basic use zone and an overlay zone, the provisions in the overlay zone shall govern (except that the larger minimum lot size shall always apply).

(D) Overlay sub districts established in this chapter shall include the following:

<i>Overlay Zones Designation</i>	<i>Abbreviated</i>
Private Use Safety Airport	PUA-S
Flood Hazard	FH
Cluster Development	CD
Hermiston Airport Hazard	AH-H
Pendleton Airport Hazard	AH-P
Landfill	LF
Historic, Archeological and Cultural	HAC
Critical Winter Range	CWR
Natural Areas	NA
Aggregate Resource	AR
Future Industrial	FI
Steep Slope	SS
Limited Use	LU

the safety and protection of property.

(H) Construction of a road as part of an approved land partition and consistent with the applicable land division regulations.

(I) Utility facility service lines.

(J) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.
(Ord 2002-08, passed 8-14-2002; Ord. 2005-02, passed 1-5-2005; Ord. 2008-09, passed 6-16-08)

§ 152.057 [Section Deleted]

(Ord. 2005-02, passed 1-5-2005; deleted Ord. 2008-09 passed 6-16-08)

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ [152.007](#), [152.025](#), and the regulations in §§ [152.010](#) through [152.017](#) and §§ [152.545](#) to [152.577](#):

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(C) Operations for the exploration for minerals as defined by ORS 517.750.

(D) A winery, as described in [ORS 215.452](#).

(E) Farm stands if:

(1) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25% of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.

(F) Alteration, restoration or replacement of a lawfully established dwelling that:

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the

recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(i) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(ii) The use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

7. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties, where the property subject to the covenants, conditions and restrictions is located.

8. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;

9. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

10. The county planning director shall maintain a copy of the

covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

11. Sign and record a Covenant Not to Sue as provided in § [152.059 \(K\)\(IX\)](#).

(2) Dwellings customarily provided in conjunction with farm use on non-high value farmland for the following:

(A) Size test. The parcel on which the dwelling will be located is at least 160 acres.

1. The subject tract is currently employed for farm use as defined in [ORS 215.203](#) and § [152.003](#) of this chapter;

2. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

3. There are no other dwellings on the subject tract.

4. Sign and record a Covenant Not to Sue as provided in § [152.059 \(K\)\(IX\)](#).

(B) Income Test. A dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for farm use that produced in the last two years or three of the last five years

the lower of the following:

(i) At least \$40,000 in gross income from the sale of farm products; or

(ii) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.

2. There is no other dwelling on lands designated exclusive farm use or mixed farm/forest use owned by the farm or ranch operator or the farm or ranch operation; and

3. The dwelling will be occupied by a person or persons, who produced the commodities which grossed the income;

4. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

5. Only gross income from land owned, not leased or rented, shall be counted; and

6. Gross farm income earned from a lot or parcel, which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

7. For a high value farmland

income test, noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Except for Hood River and Wasco counties and Jackson and Klamath counties, when a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

8. Prior to the final approval for a dwelling authorized by this division that requires one or more contiguous or non contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(i) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(ii) The use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

9. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties, where the property subject to the covenants, conditions and restrictions is

located.

10. Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions and restrictions is located;

11. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

12. The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

13. Sign and record a Covenant Not to Sue as provided in § [152.059 \(K\)\(IX\)](#).

(C) Capability test. If the subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and the subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the median size commercial farm or ranch tract used to

calculate the tract size in the study area; and

1. The subject tract is currently employed for farm use at a level capable of producing the annual gross sales; required in this section; and

2. The subject lot or parcel on which the dwelling is proposed is not less than 20 acres in eastern Oregon; and

3. There is no other dwelling on the subject tract;

4. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by this section;

5. The process for establishing a farm dwelling using the “capability test” is established at OAR 660 33 135 (2), (3) and (4).

6. Sign and record a Covenant Not to Sue as provided in § [152.059 \(K\)\(IX\)](#).

(II) *Lot of Record*.

(1) A Lot of Record dwelling may be approved on high value farmland as defined in ORS 215.710 (1) and (2) and in § [152.003](#), if:

(A) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew,

stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

1. Since prior to January 1, 1985; or

2. By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(B) The tract on which the dwelling will be sited does not include a dwelling;

(C) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

(D) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.

(E) When the dwelling will be sited in an area designated in the acknowledged Comprehensive Plan as “critical winter range” the requirements of that zone also apply (see §§ [152.455](#) through [152.458](#));

(F) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(G) To site a lot of record dwelling on high value farmland, the Planning Commission, or the designated Hearings Officer in the county, must determine that:

1. The lot or parcel cannot

practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity;

2. The Lot of Record Dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

3. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in the impact test § [152.059](#) (K)(VIII).

(H) A dwelling under this section may be denied if the county determines that approval of the dwelling would:

1. Exceed the facilities and service capabilities of the area;

2. Materially alter the stability of the overall land use pattern in the area; or

3. Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged Comprehensive Plan or land use regulations.

(I) An approved Lot of Record application for a single family dwelling may be transferred by a person(s) who has qualified under this division to any other person(s) after the final approval of the lot of record dwelling decision;

(J) The county assessor will be notified when a Lot of Record Dwelling is approved;

of the overall land use pattern in the area.

3. Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(H) The county assessor shall be notified at that the Lot of Record dwelling is intended to be approved.

(I) An approved application for a single family dwelling may be transferred one time by a person(s) who has qualified under this division to any other person(s) after the effective date of or final approval of the lot of record dwelling decision;

(J) For the purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

1. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

2. Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture stating that the soil class, soil rating or other soil designation should be changed; and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

(K) Sign and record a Covenant Not to Sue as provided in § [152.059](#)

(K)(IX).

(III) *Accessory Farm Dwelling.*

(1) The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(A) The accessory farm dwelling will be located:

1. On the same lot or parcel as the primary farm dwelling; or

2. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

3. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the Records Office and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or

4. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with

(E) Sign and record a Covenant Not to Sue as provided in § [152.059 \(K\)\(IX\)](#).

(IV) *Farm relative dwelling.*

(1) A dwelling on real property used for farm use, if the dwelling is located on the same lot or parcel as the dwelling of the farm operator; and occupied by a relative, which means grandparent, grandchild, parent, child, sibling, stepparent, step-grandparent, stepsibling, niece, nephew or first cousin of either the farm operator or the farm operator's spouse, whose assistance in the management of the farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(2) Sign and record a Covenant Not to Sue as provided in § [152.059 \(K\)\(IX\)](#).

(V) *Forest Use Dwelling.*

A dwelling on a parcel or tract determined to have a predominate forest use as of January 1, 1993 and subject to criteria in the Grazing/Farm zone, § [152.084\(B\)](#).

(VI) *Non-farm dwelling.*

A non farm dwelling permitted in [ORS 215.284](#) and subject to the following criteria:

(1) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on

nearby lands devoted to farm or forest use;

(2) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

(A) A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(B) A lot or parcel or portion of a lot or parcel is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not generally unsuitable. A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominately of Class I - VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(C) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not generally unsuitable simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be

to the government land survey system, roads and other rights of way.

(B) *Farm parcels.* Parcels of 80 to 160 acres may be established through § [152.710 \(C\)](#), Type IV, Review II Land Division application process. Parcels less than 80 acres may be established through [152.710 \(C\)](#), Type IV, Review II Land Division application process if located within an approved “go below” area pursuant to OAR 660-033-0100(1)-(9)

(C) *Creation of a non-farm dwelling parcel.* A parcel may be established for a new non-farm dwelling or for an existing farm related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in § [152.059 \(K\)\(VI\)](#) and/or (VII) and follows the procedures and complies with the standards in § [152.710 \(D\)](#), Type IV, Review III Land Division application process.

(D) *Creation of other non-farm and conditional use parcels.* The minimum lot area for other “non farm” uses permitted in this zone shall be the size necessary to accommodate the use and may be established through § [152.710 \(E\)](#), Type IV, Review IV Land Division application process. (Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.063 DEVELOPMENT STANDARDS.

In the EFU zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage.* A parcel shall have a minimum street or road frontage of 30 feet.

(B) *Front yard setbacks.* All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks.* Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare and to mitigate possible adverse impacts to adjacent land uses.

(D) *Distance maintained from aggregate mining operations.* A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

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

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

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

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be

located outside of a flood-prone area; and

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

(F) *Other development standards.* All development shall be subject to the regulations contained in §§ [152.010](#) through [152.017](#), §§ [152.545](#) through [152.562](#), and to the exceptions standards of §§ [152.570](#) through [152.577](#), including but not limited to: vision clearance, signs, off street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.
(Ord. 2005-02, passed 1-5-2005)

(Ord. 2002-08, passed 8-14-2002)

§ 152.082 USES PERMITTED WITH A FARM EXEMPT PERMIT.

(A) In a GF zone, the following structures and uses are permitted upon issuance of a farm exempt permit, pursuant to § [152.026](#), and subject to the submittal of a site plan and description of the proposed structure or use.

(1) Non-inhabited “agricultural buildings” including but not limited to workshops, machine sheds, corrals, pens, barns, storage sheds, on-farm grain storage elevators or bins, which qualify for an exemption from building permits pursuant to ORS 455.315.

(B) Standards of this chapter shall apply to structures and uses approved as part of an agricultural operation.

(Ord. 2008-09, passed 6-16-08)

§ 152.083 USES PERMITTED WITH A ZONING PERMIT.

In a GF zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ [152.007](#), [152.025](#), and supplementary regulations in §§ [152.010](#) through [152.016](#) and §§ [152.545](#) through [152.562](#):

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Public or private school, including all buildings essential to the operation of a school.

(C) Church and a cemetery in conjunction with a church.

(D) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, and transmission towers over 200 feet in height.

(E) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

(F) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1) (a) or (b).

(G) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

(H) Construction and maintenance of local feeder lines of utility companies and agencies.

(I) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.

(J) Climbing and passing lanes for public roads and highways, within the right-of-way existing as of July 1, 1987.

(K) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

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

(N) Creation of; restoration of or enhancement of wetlands.

(O) A winery, as described in [ORS 215.452](#).

(P) Farm stands if:

(1) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25% of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock, and does not include structures for banquets, public gatherings or public entertainment.

(Q) Replacement of a lawfully established single-family dwelling that:

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.

(R) A gas utility line located within an existing gas utility line right-of-way, and not involving the construction of additional facilities or service hook-ups.

(S) Signs: Type 2, 3, 4, 5, 6.

(T) Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools).

(U) Seasonal farm worker housing as provided in ORS 197.675 and subject to standards in § 152.014.

§ 152.084 DWELLINGS.

The following permanent dwellings may be authorized in a GF zone. The dwellings may be conventional “stick built,” modular home, manufactured homes or mobile homes meeting the definition of a dwelling and the standards in

fiber if:

(a) All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160 acre square or template that is centered on the center of the subject tract except as otherwise stipulated in division (B)(2)(a)4. below; and

(b) At least three dwellings existed on January 1, 1993 on the other lots or parcels.

(3) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(a) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square or template that is centered on the center of the subject tract except as otherwise stipulated in division (B)(2)(a)4. below; and

(b) At least three dwellings existed on January 1, 1993 on the other lots or parcels.

(4) If a tract 60 acres or larger abuts a road or perennial stream, the review or analysis shall be made by using a 160 acre rectangle or template that is one mile long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract; and

(a) Be located within

a 160 acre rectangle or template that is one mile long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream;

(b) Be within ¼-mile from the edge of the subject tract but not outside the length of the 160 acre rectangle or template, and on the same side of the road or stream as the tract.

(5) If the tract under this division abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road.

(6) A tract shall not be considered to be less than the required acreage because it is crossed by a public road or waterway.

(3) *Fire siting design and other structure siting criteria.* The following criteria shall apply to new dwellings listed in division (B)(1) and (B)(2) above and division (B)(4) below:

(a) Dwellings and accessory structures shall be sited on the parcel so that:

(1) They have the least impact on adjoining forest or agricultural lands;

(2) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(3) The amount of forest lands used to site access roads, service

corridors, the dwelling and accessory structures is minimized; and

(4) The risks associated with wildfire are minimized.

(b) Siting criteria satisfying division (B)(3)(a) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(c) Applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of groundwater or surface water and not from a Class II stream as defined in the Forest Practices Rules (O.A.R. Chapter 629). For the purposes of this division, evidence of a domestic water supply means:

(1) Verification from a water purveyor (e.g. Water Resources Department irrigation district, etc.) that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(2) A water use permit issued by the Water Resources Department of the use described in the application; or

(3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

(d) If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant agree to accept responsibility of road maintenance.

(e) The owner of the tract shall be required to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry rules. The Planning Department shall notify the county assessor of this condition at the time the dwelling is approved.

(f) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. Additional taxes may be imposed if minimum stocking requirements are not met.

(g) The dwelling must meet the following fire siting and fire safety design standards:

(1) Shall have a fire retardant roof;

(2) Will not be sited on a slope greater than 40%;

(3) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester;

(4) Dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract;

(5) If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district;

(6) If the county determines that meeting the requirement of division (B)(3)(g)4. above is impractical, the county may provide an alternative means for protecting the dwelling from fire hazards. Such means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the conditions. If a water supply is required under this division, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second.

(7) Owner(s) provide and maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures" dated March 1, 1991 published by the Oregon Department of Forestry.

(8) Road access shall be provided to within 15 feet of the water's edge for fire-fighting equipment and pumping units.

(9) Road access shall accommodate the turnaround of firefighting equipment during the fire season.

(10) Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(11) Road design standards shall meet the appropriate rural fire protection district and forest protection district standards for private roads and bridges, except for private roads and bridges accessing only commercial forest uses. If no such standards exist, the county shall, on a site by site basis, consult with the appropriate fire or forest protection district to determine mutually agreed upon road and access standards considering maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions.

(4) *Lot of record.* A dwelling meeting the definition of "owner" in [ORS 215.705](#)(6) and complying with the criteria in ORS 215.710(1), 215.720(1)(b), (2) and (3), and 215.730(1)(a)(A), (b) and (2):

(a) The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species (trees recognized under rules adopted under ORS 527.715) and is located within 1,500 feet of a public road as defined in ORS 368.001. The road shall not be a United States Forest Service road or Bureau of Land Management road and shall be maintained and either paved or surfaced with rock.

(b) The lot or parcel in which the dwelling will be sited was lawfully created and was acquired by the present owner:

(1) Prior to January 1, 1985; or

(2) By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985;

(c) The tract on which the dwelling will be sited does not include a dwelling;

(d) When the lot or parcel on which the dwelling will be sited lies in an area designated in the acknowledged Comprehensive Plan as "critical winter range," the requirements of that zone also apply (See §§ [152.455](#) through [152.458](#)).

(e) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(f) A dwelling under this section may be denied if the county determines that the dwelling would:

(1) Exceed the facilities and service capabilities of the area;

(2) Materially alter the stability of the overall land use pattern in the area.

(g) An approved application for a single family dwelling may be transferred one time by a person(s) who has qualified under this division to any other person(s) after the effective date or final approval of the lot of record dwelling decision.

(h) For the purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

(1) Submits a statement of agreement from the Natural Resources Conservation Service of the U.S. Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

(2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and

3. Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in (B)(4)(h)2. above and finds the analysis in the report to be scientifically based.

(i) If a lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

(j) The dwelling meets the fire siting, design and other structure siting requirements in (B)(3) above.

§ 152.085 CONDITIONAL USES PERMITTED.

In the GF zone the following uses may be permitted conditionally via administrative review (§ [152.769](#)), subject to the requirements of § [152.086](#), applicable supplementary regulations in §§ [152.010](#) through [152.016](#) and §§ [152.545](#) through [152.562](#), and applicable §§ [152.610](#) through [152.615](#). Specific standards for some of the

been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value farmland.

(M) The propagation, cultivation, maintenance and harvesting of aquatic species.

(N) Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.

(O) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

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

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high value farmland.

(R) Construction of new utility facilities, including transmission lines and towers, necessary for public service, excepting as provided in §§ [152.058](#) (D), (H) and (R).

(S) Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2).

(T) On-site filming and activities accessory to on-site filming provided for in ORS 215.306.

(U) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(V) Construction of rest areas, weigh stations, temporary storage, and processing

sites.

(W) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2002-08, passed 8-14-2002)

§ 152.086 LIMITATIONS ON CONDITIONAL USES.

The following limitations shall apply, if determined appropriate, to all conditional uses in the GF zone, except as noted for non-farm dwellings in § [152.059](#) and referenced in § [152.084](#) (A):

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

(B) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses, nor interfere with other resource operations and practices on adjacent lands, and will not:

(1) Force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;

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

will lead to creation of other parcels, to the detriment of agriculture and other resource uses in the area.

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

§ 152.087 PARCEL SIZES.

In a Grazing Farm zone, the following standards shall apply for the creation of new parcels:

(A) *Farm/resource parcels determined to have a predominate agricultural use as of January 1, 1993.* Parcels of 160 acres or larger may be established through the Type IV, Review I Land Division application process listed in § [152.710](#) (B). An 11% standard deviation allowance is provided outright to compensate for irregularities due to the government land survey system, roads and other rights-of-way.

(B) *Resource parcels determined to have a predominate forest use as of January 1, 1993 and for the purposes of facilitating a forest practice.* A parcel created pursuant to this division:

(1) Shall not be eligible for siting of a new dwelling;

(2) Shall not serve as justification for siting a future dwelling on other lots or parcels;

(3) Shall not result in a parcel of less than 35 acres, except:

(a) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least

2,000 acres of forest land; or

(b) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; and

(4) If associated with the creation of a parcel where a dwelling is involved, the parcel shall not be less than the minimum lot or parcel size in division (A) above.

(C) *For a non-farm dwelling on a parcel determined to have a predominate agricultural use as of January 1, 1993.* A parcel may be established for a new non-farm dwelling or for an existing farm-related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in §§ [152.059](#) (K)(VI) and/or (VII), following and complying with the standards and procedures in § [152.710](#) (D), Type IV, Review III Land Division application process.

(D) *For an existing dwelling on a parcel determined to be predominately in forest use.* Creation of a parcel under this division shall be subject to the following:

(1) The parcel shall not be larger than five acres, except as necessary, to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(2) The dwelling existed prior to June 1, 1995;

(3) The remaining parcel not containing the dwelling meets the minimum land division standards of the zone; or the remaining parcel not containing the dwelling is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(4) The remaining parcel not containing the dwelling is not entitled to a dwelling unless subsequently authorized by state law or goal;

(5) The minimum tract eligible under this division is 40 acres;

(6) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS Chapter 321;

(7) Applicant shall provide a copy of a recorded irrevocable consent agreement that restricts the allowance of any dwellings on the remaining parcel that does not contain the existing dwelling. This irrevocable consent agreement may be rescinded by a statement of release signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(E) *For other non-farm/non-resource and conditional uses.* The minimum lot area for other “non-farm” and “non-resource” uses permitted outright or conditionally in this zone shall be the size necessary to accommodate the use and may be established through § [152.710](#) (E), Type IV, Review IV Land Division application (Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.088 DEVELOPMENT STANDARDS.

In the GF zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage.* A parcel shall have a minimum road or street frontage of 30 feet.

(B) *Front yard setbacks.* All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks.* Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non-farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non-farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare, and to mitigate possible adverse impacts to adjacent land uses.

(D) *Distances from aggregate mining operations.* A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

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

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

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

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood prone area; and

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

(F) *Other development standards.* All development shall be subject to the supplementary regulations contained in §§ [152.010](#) through [152.016](#) and §§ [152.545](#) through [152.562](#), and to the exceptions standards of §§ [152.570](#) through [152.577](#), including but not limited to: vision clearance, signs, off-street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.

NR, NON-RESOURCE ZONE

(Ord. 2000-10, passed 10-18-2000)

Su-Sections

<u>152.100</u>	<u>Purpose</u>
<u>152.101</u>	<u>Applicability</u>
<u>152.102</u>	<u>Uses Permitted</u>
<u>152.103</u>	<u>Conditional Uses Permitted</u>
<u>152.104</u>	<u>Limitations on Use</u>
<u>152.105</u>	<u>Development/Dimensional Standards</u>
<u>152.106</u>	<u>Site Plan Review</u>

§152.100 PURPOSE

The NR (Non-Resource) Zone is designed to allow for the development of residential and recreational uses on land that is not suitable for resource uses while protecting open space and natural resource values. The zone is designed to implement the Non-Resource (NR) land use designation of the Comprehensive Plan.

The purposes of the NR zone are to:

1) Allow rural development densities, while preserving large areas of open space by clustering development;

2) Avoid the creation of new urban areas; and

3) Allow very large lot development which preserves sensitive areas and a sense of open space.

(Ord. 2000-10, passed 10-18-2000)

§152.101 APPLICABILITY

The Non-Resource Zone applies to lands that are designated Non-Resource (NR) in the Comprehensive Plan.

§152.102 USES PERMITTED

(A) *Uses permitted outright.*

In a NR Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §[152.027](#): farm use, as defined in ORS 215.203 and set out in §[152.003](#), except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(B) *Uses permitted with a zoning permit*

In a NR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §[152.025](#):

(1) Dwelling, single-family;

(2) Home occupations as provided in §[152.573](#);

(3) Non-commercial greenhouse or nursery;

(4) Public or semi-public use;

(5) Signs Type 2,3,4,5,6.

(Ord. 2000-10, passed 10-18-2000; Ord. 2008-09, passed 6-16-08)

§152.103 CONDITIONAL USES PERMITTED

In a NR Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of

§§[152.610](#) through [152.616](#) of this chapter:

(A) Day care or nursery;

(B) Community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency or homeowners' association;

(C) Boarding of horses for profit;

(D) Horse-boarding stable;

(E) Utility facility;

(F) Marina; defined as a facility for storing, servicing, launching, mooring and securing of pleasure boats for owners, crews and guests. Moorage facilities with five (5) or fewer berths are excluded from this category.

(Ord. 2000-10, passed 10-18-2000)

§152.104 LIMITATIONS ON USE

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a NR Zone:

(A) The total number of all cows, horses, goats, sheep, or similar sized animals over the age of six months allowed on the envelope (developable) portion of a lot shall be limited to one per 1/2 acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres, only four of the animals listed above could be kept.

(B) The number of chickens, fowl or rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25 percent of the total envelope area.

© Adequate fences and corrals shall be required to keep animals off adjacent lots and open space areas;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 50 feet from a side or rear property line, 75 feet from the front property line, and shall be restricted to within the development envelope.

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials, and shall be subject to county, state, or federal health regulations as may be established. (Ord. 2000-10, passed 10-18-2000)

§152.105 DEVELOPMENT / DIMENSIONAL STANDARDS

In a Non-Resource Zone, the following standards shall apply:

(A) *Minimum Planning Area*

A minimum Planning Area of 1,000 acres is required. The Planning Area can be composed of multiple lots. These lots are required to be adjacent or within 1,500 feet of each other, and are required to be under single ownership.

(B) *Density*

The minimum density is one dwelling unit per 20 acres. This density, however, is the total density which is applied to the Non-Resource Planning Area in order to determine the total number of units that can be built. This allows the density allowances for one lot to effectively be transferred to other lots if they are in the same Planning

Area. This is intended to allow for the coordination of planning for multiple properties under single ownership for the joint planning of conservation and development.

There are two alternative development options that determine actual allowable lot sizes for the NR zone: "clustered" development with 5- to 20-acre minimum lot sizes and "dispersed envelope" development with 20-acre minimum lot sizes. The Cluster Development and Dispersed Envelope Development Options may be combined in the Non-Resource Zone.

© *Open Space*

A minimum of 50 percent of the Planning Area shall be reserved as contiguous common open space or as 80-acre minimum lots, or a combination of the two. Common open space is intended for the common use of the residents of a development with necessary and appropriate restrictions.

(D) *Minimum Lot Sizes, Clustering and Development Envelopes*

The minimum lot size in the Non-Resource Zone is 5 acres. All lots in the Non-Resource Planning Area that are 5 acres up to 20 acres in size are required to be clustered in contiguous blocks of at least 8 lots each. "Development Envelopes" with a 1.5-acre maximum size shall be designated on each lot 5 to 20 acres in size. Development Envelopes with a 4-acre maximum size shall be designated on lots larger than 20 acres. Dwelling units and other improvements are only allowed to be built in the Development Envelope, while the rest of the lot shall be permanently devoted to open space through dedicated easements. The open space conservation

easement dedication for land on a lot outside of the development envelope does not imply that the property is available for public use or for use as a common open space for the other residents of the development. It differs in this respect from the common open space required outside of lots (see (C) above).

(E) *Setbacks, lot coverage and building heights*

(1) No building shall be located closer than 50 feet from any lot line.

(2) Lot Coverage – the main building and accessory buildings located on any lot shall not cover more than 30 percent of the designated development envelope.

(3) Building Height – no building or structure shall be erected or enlarged to exceed three stories or more than 45 feet in height.

(F) *Stream setback*

To permit better light, air, vision, stream or pollution control, protect fish and wildlife area, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields shall be set back from the mean high-water line or mark along all streams, lakes or wetlands, a minimum of 100 feet measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the

stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands, a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 2000-10, passed 10-18-2000)

§152.106 SITE PLAN REVIEW

The following procedures and content shall be included and followed when a development proposal in the Non-Resource Zone is submitted for consideration by the Planning Commission:

(A) Submission of Cluster Development Proposal; Procedures

(1) Prior to submission of a tentative plan for a development, the applicant shall request the Planning Director to arrange a pre-application conference. The request shall include three copies of a preliminary sketch of the proposal and other general information needed to explain the development. The conference shall be held within 10 working days of the filing of the request and shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land practices and techniques that will aid the applicant in preparing a tentative plan.

(2) Following the pre-application conference, the applicant shall file with the Planning Department a complete application form as provided by the Planning Department and 20 copies of the tentative

plan with the required fee;

(3) On receipt of the completed application, the Planning Director shall schedule a public hearing before the County Planning Commission within 45 days of receipt of the application;

(4) The Planning Director shall furnish a copy of the tentative plan to all affected city, county, state and federal agencies and special districts, with a request for their review and written comments;

(5) Failure of an agency or district to provide written comments to the Planning Director concerning a development within 10 working days after furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period. However, the additional review period shall not exceed the date of the Planning Commission hearing.

(B) Statement of Intentions for Development; Content

The applicant for a development in the Non-Resource Zone shall supply a statement or statements which describe the applicant's intentions for the development of the property and shall include, but is not limited to:

(1) Type of housing;

(2) A statement of the applicant's intention with regard to the future selling, leasing, and use or maintenance of all, or portions of the development such as common open space, dwelling units and the like;

(3) If common open space is to be deeded to homeowners' association, a

declaration of covenant and restrictions that will govern the association shall be submitted;

(4) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any;

(5) Proof of record ownership of the tract and the representative's authorization;

(6) Legal description of the tract;

(7) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(C) Statement Plan Map and Tentative Plan Information

(1) The tentative plan map for a development in the Non-Resource Zone shall contain the following information:

(a) Date, north point and scale of drawing;

(b) The scale of the drawing shall be a standard scale.

(2) The following information shall be shown on the tentative plan:

(a) Location and width of any wet area, marshes, springs, ponds, intermittent or perennial streams, rivers, lakes and an indication of the direction of water flow on and abutting the tract;

(b) Location of any natural features such as open meadows, rock outcroppings, wooded areas, and agricultural lands which may affect the proposal;

(c) Location and direction of deer and elk migration routes, if applicable;

(d) Location of known or identified historic buildings, scenic views, archeological sites or natural areas;

(e) Location, name or present width of existing roads;

(f) Location of steep slope areas over 25%;

(g) Location, width and purpose of any easement of record on or serving the tract;

(h) Location and type identification of all utilities on or serving the tract;

(i) Ground elevations as related to a bench mark or other point of reference approved by the County Surveyor, shown by contours at minimum intervals as follows:

(i) Slopes of 0-15%, five foot intervals;

(ii) Slopes of 15-20%, 10 foot intervals

(iii) Slopes of 20% or over, 20 foot intervals;

(j) Scaled location and present use of all existing structures proposed to remain on the property after division;

(k) The location of at least one temporary bench mark within the land division;

(l) The approximate location of areas subject to periodic flooding;

(m) Prevailing wind direction in the summer and winter;

(n) Enough information on land areas adjacent to the proposed development, including land uses, zoning classifications, densities, circulation systems, public facilities and significant landscape features, to indicate the relationships between the proposed development and the adjacent areas.

(o) Changes to navigable streams, lakes or marshes, if any;

(p) Scaled location of any proposed facilities or buildings located beyond 100 feet of streams, lakes or marshes;

(q) Scaled location of proposed facilities or buildings located within or adjacent to open meadows, known or identified deer or elk migration routes, and identified scenic views, archeological sites or natural areas;

(r) Location, proposed name, right-of-way width and approximate radii of curves of each proposed road and any projected roads that connect with existing or proposed roads on adjacent property;

(s) Location, width and nature of all proposed easements;

(t) The location and nature of other utilities not requiring easements (e.g. street lighting, and the like);

(u) Location and approximate dimensions of all lots or parcels, the minimum lot or parcel size;

(v) Proposed domestic or

community water supply system, whichever is applicable;

(w) Proposed method of sewage disposal;

(x) Proposed methods of surface water disposal and any other proposed drainage easements;

(y) Location of areas proposed for landscaping and/or areas to be maintained for buffering or screening;

(z) Proposed methods of fire protection including water sources;

(aa) Proposed consideration for solar and wind energy utilization or other energy conservation techniques;

(bb) The proposed treatment of the perimeter of the development including techniques to be used for buffering, screening and fencing;

(cc) The location and size in acres of all areas to be conveyed, dedicated or reserved as common or public open spaces or recreational areas.

(D) *Criteria for Approval*

In granting approval of a tentative plan for a development, the Planning Commission shall make the following general findings:

(1) The development contributes to orderly development and land use patterns in the area, and provides for the preservation of open spaces and natural resources;

(2) The development will be compatible with surrounding uses and will not create an excessive demand on public

facilities and services required to serve the development;

(3) In addition to the above listed general findings, the Planning Commission shall determine if the following criteria has been met:

(a) That the lots are congregated in such a way as to have large areas for open space which are to be kept permanently free of buildings and not ever redivided for sale or building development;

(b) The area dedicated for common open space be approved by the Planning Commission prior to adoption of a final map;

(c) Development Envelopes shall be situated on lots to reduce impacts on natural resources, surrounding properties, and visual impacts on neighboring lots.

(4) That the maintenance or permanence of common open space required in the subdistrict be assured through the owner or developer agreeing to one of the following:

(a) Owner/developer agreeing to maintain the permanent open space and any buildings, private roads, structures or improvements which have been placed within the cluster development;

(b) Convey the open space to a homeowner's association, subject to covenants running with the land that restrict the common open space to the uses specified in the final development plan, and which provide for the common open space in a manner which assures its continuing use for its intended purpose.

(5) If the common open space is to

be deeded to a homeowner's association, the declaration of covenants and restrictions shall include:

(a) The homeowner's association must be set up before the homes are sold. Prior to such sales, the property owner assumes the responsibility of that share attributable to each unsold home defined in the homeowner's association;

(b) Membership must be mandatory for each home buyer and any successive buyer;

(c) The open space restrictions must be permanent, not just for a period of years;

(d) The association shall be responsible for securing liability insurance, for payment of local taxes, and for the maintenance of recreational and other facilities;

(e) Residence owners shall pay their pro rata share of the cost of insurance, local taxes, and maintenance of the common open space; the assessment levied by the association can become a lien on their property;

(f) The association must be able to adjust the assessment to meet changed needs.

(6) The development plan will provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks, as well as for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Planning Commission may require that significant landscape features and historical sites be preserved as part of the common or

public open space of the project;

(7) The development plan will discourage excessive site clearing of topsoil, trees and natural features before the commencement of construction operation. The Planning Commission may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space, and to protect fish and wildlife habitat and water quality of streams, lakes, ponds and springs;

(8) The development plan will avoid the siting of residential and non-residential buildings, and roads in areas subject to land slides, areas with average slopes greater than 25% and areas with unstable soil formations. The Planning Commission may require that all floodplains be preserved as permanent common open space, and may require that other natural hazard areas be included in the common open space of the proposed development and be left unimproved or improved to assure minimization of the hazards;

(9) The development plan will avoid the siting of residential and non-residential buildings and their accessory uses including fencing within or near identified migration routes of deer and elk. The Planning Commission may require a special setback of an appropriate distance from these migration routes upon consultation with the Fish and Wildlife Department;

(10) The development plan will be compatible with the adjacent development or natural resources and shall minimize adverse impacts of the proposed uses and structures by buffering, screening or use of topographic barriers. If topographic or other

natural barriers do not provide reasonable privacy for existing uses, highway or natural resources adjacent to the proposed development, the Planning Commission shall require one or more of the following:

(a) A special setback or setbacks of residential and non-residential structures located on the perimeter;

(b) Residential and non-residential structures located on the perimeter of the development be screened by fencing, landscaping or other natural or man-made materials;

(11) The development plan will consolidate utility distribution lines within the road system and bury the cables and distribution points except as follows:

(a) Where topography or other conditions will not permit the burying or consolidation of utility distributions lines within the road system, the location and method of delivery of these utilities shall conform to an alternative arrangement authorized by the Planning Commission;

(b) The Planning Commission, in considering an alternative arrangement of utility design and location, shall insure that said alternative will blend in with the surroundings and will not remove an excessive amount of vegetation.

(E) Improvement Agreement; Bond Requirement

In order to insure that a development in the Non-Resource Zone will be developed according to the conditions required by this chapter or the County Planning Commission, a bond or bonds shall be required unless the conditions are met prior to the filing of a final plan map.

(F) *Phasing Plan*

The Planning Commission may allow a development in the NR Zone to be developed in phases provided that the phasing plan is agreed to and made a part of the conditions at the time of approval of the tentative plan.

(G) *Final Development Map*

An applicant for a development in the NR Zone shall file a final map pursuant to [§152.669](#) of this chapter within one year of the date of approval of the tentative map. Failure to file a final map within the one-year time limit following the tentative map approval will require that a new tentative plan be resubmitted to the Planning Commission that would make any revisions considered necessary to meet changed conditions.

(H) *Conservation Easements for Open Space*

The final plan must have provisions that all land located in lots but outside of designated development envelopes is preserved permanently as undeveloped open space via conservation easements. The conservation easement dedication is not for common open space and does not imply that the property is available for public use or for use as common open space for the other residents of the development.
(Ord. 2000-10, passed 10-18-2000)

U-C, UNINCORPORATED COMMUNITY ZONE

Sub-Sections

<u>152.115</u>	<u>Purpose</u>
<u>152.116</u>	<u>Uses permitted</u>
<u>152.117</u>	<u>Conditional uses permitted</u>
<u>152.118</u>	<u>Limitations on use</u>
<u>152.119</u>	<u>Dimensional standards</u>

§ 152.115 PURPOSE.

The U-C Unincorporated Community Zone is designed to provide for the continuation and in filling of the small rural trading centers in the county that are located at some distance from developed or developing urban areas. The purpose of this use zone is to provide for needed facilities and services to maintain rural life styles while preserving the natural resources which are adjacent to these designated areas and to maintain the viability of incorporating these communities.

(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.116 USES PERMITTED.

(A) *Uses permitted outright.* In a U-C Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § [152.003](#), except livestock feed yards and sales yards, hog or poultry farms, and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(9). For the purpose of this section, **FARM USE** includes customary accessory uses (e.g. corrals, pens, barns,

sheds, maintenance buildings, farm owned or personal use grain bins or elevators, or personal use chemical storage facilities);

(2) The propagation or harvesting of a forest product;

(3) Sale of agricultural produce grown on the premises.

(4) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(5) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(6) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(7) Landscaping as part of a transportation facility.

(8) Emergency measures necessary for the safety and protection of property

(9) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(10) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a U-C Unincorporated Community Zone the following uses and their accessory uses may be permitted conditionally and upon the issuance of a zoning permit, pursuant to § [152.025](#):

(1) Dwellings, including mobile homes, principal farm or forestry dwellings, farm or forestry employee's dwelling, bunkhouses and dwellings as an accessory use for the owner or operator of a commercial or industrial use allowed in this use zone;

(2) Churches;

(3) Schools;

(4) Public and semi-public uses;

(5) Parks, playgrounds and community buildings;

(6) Cemeteries;

(7) Home occupations;

(8) Utility facilities;

(9) Home occupations subject to the requirements of § [152.573](#);

(10) Signs: Type 2, 3, 4, 5, 8 and 9;

(11) Contractor's storage yards;

(12) Boarding, lodging, or rooming house;

(13) Day care, nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002; Ord. 2008-09, passed 6-16-08)

§ 152.117 CONDITIONAL USES PERMITTED.

(A) In a U-C Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of

§§ [152.610](#) through [152.616](#) of this chapter:

(1) Automobile service station or repair garage;

(2) Retail and service commercial;

(3) Airport or land strip;

(4) Junkyard;

(5) Automobile wrecking yard;

(6) Wholesale business, storage building or warehouse;

(7) Hauling, freighting and trucking yard or terminal;

(8) Home occupation/cottage industry as provided in § [152.616](#) (II);

(9) Welding shop;

(10) Blacksmith or machine shop;

(11) Mobile home or travel trailer park;

(12) Roadside stands for the sale of agricultural products;

(13) Grain elevators.

(14) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental

Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(15) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(16) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) A zoning permit is required following approval of a conditional use pursuant to § [152.025](#). (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.118 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a U-C Zone:

(A) Cows, horses, goat or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats or sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The total number of chickens, fowl, rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area.

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barn, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials and shall be subject to health regulations (county, state or federal as may be hereafter established);

(F) Outdoor storage for commercial and industrial uses shall be screened from view from adjacent residential uses.

(Ord. 83-4, passed 5-9-83)

§ 152.119 DIMENSIONAL STANDARDS.

(A) Lot size.

(1) The minimum average width of lots shall be 150 feet with a minimum area of one acre;

(2) The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewage system, but not served by both shall not be less than 100 feet with a minimum area of 15,000 square feet;

(3) The minimum average width of lots not served by either an approved community, municipal or public water system or an approved community or public sewage system shall be 150 feet with a minimum area of one acre.

(B) Dimensional standards. The following dimensional standards shall apply in a U-C Zone: no building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split-level buildings, which may be increased in height to 30 feet.

(C) Stream setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the main high-water line or mark along all streams,

lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(D) Structure setback and yards.

(1) The minimum front yard shall be 45 feet from the center lines of a road right-of-way or easement;

(2) The minimum side yard shall be 20 feet, except on the street side of a corner lot it shall be 25 feet;

(3) The minimum rear yard shall be 20 feet.

(E) Off-street parking and loading. Off-street parking and loading shall be provided in accordance with the provisions of § [152.560](#) of this chapter. (Ord. 83-4, passed 5-9-83; Ord. 2003-10, passed 8-14-2003)

(5) Public or semi-public use;

(6) Signs: Type 2, 3, 4, 5, 6.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08,
passed 8-14-2002; Ord. 2008-09, passed 6-
16-08)

§ 152.132 CONDITIONAL USES PERMITTED.

In a RR-2 Zone, the following uses and
their accessory uses are permitted
conditionally subject to the requirements of
§§ 152.610 through 152.616 of this chapter:

- (A) Church;
- (B) Day care or nursery;
- (C) Commercial greenhouse or nursery;
- (D) Roadside stand for the sale of
agricultural products grown by the owner;
- (E) Grange hall or community center,
park, playground or recreational facility
owned and operated by a government
agency or non-profit community agency;
- (F) Boarding, lodging or rooming
house;
- (G) Rest home, home for the aged,
nursing home, or convalescent home;
- (H) Utility facility;
- (I) Veterinary clinic or animal hospital;
- (J) Boarding of horse for profit;
- (K) Horse boarding stable;
- (L) Model home including sales office,

subdivision or development sales office;

(M) Special exemptions, as provided in
§§ 152.575 and 152.576 of this chapter;

(N) Cemetery;

(O) Home occupation/cottage industry
as provided in § 152.616 (II);

(P) Personal-use landing strip for
airplanes and helicopter pads, including
associated hangar, maintenance and service
facilities. A **PERSONAL-USE LANDING
STRIP**, as used in this section, means an
airstrip restricted except for aircraft
emergencies to use by the owner, and on an
infrequent and occasional basis by his
invited guests, and by commercial aviation
activities in connection with agricultural or
forestry operations. No aircraft may be
based on a personal-use landing strip 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 1, 1975, shall continue to be
permitted subject to any applicable
regulations of the Aeronautics Division.

(Q) Construction, reconstruction, or
widening of highways, roads, bridges or
other transportation projects that are: (1) not
improvements designated in the
Transportation System Plan or (2) not
designed and constructed as part of a
subdivision or planned development subject
to site plan and/or conditional use review,
shall comply with the Transportation System
Plan and applicable standards, and shall
address the following criteria. For State
projects that require an Environmental
Impact Statement (EIS) or EA
(Environmental Assessment), the draft EIS

or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(R) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(S) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.133 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-2 Zone:

(A) Cows, horses, goats, sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four of the animals listed above could be kept.

(B) The number of chickens, fowl or rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required to keep animals off adjacent lands;

(D) Barn, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(Ord. 83-4, passed 5-9-83)

§ 152.134 DIMENSIONAL STANDARDS.

In a RR-2 Zone, the following standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, two acres with an average lot width of 150 feet;

(2) *Non-residential structures.* For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) *Conditional uses.* Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize potential conflicts with adjacent land uses;

(4) *Pre-existing non-conforming lots of record.* Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, providing that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line;

(C) *Lot coverage and building heights.*

(1) *Lot coverage.* The main building and accessory buildings located on any building site or lot shall not cover more than 30% of the total lot area;

(2) *Building height.* No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split-level buildings, which

may be increased in height to 30 feet.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the highwater line or mark. In those cases where practical difficulties preclude the location of the facilities at a

distance of 100

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 83-4, passed 5-9-83)

RR-4, RURAL RESIDENTIAL ZONE

Sub-Sections

<u>152.155</u>	<u>Purpose</u>
<u>152.156</u>	<u>Uses permitted</u>
<u>152.157</u>	<u>Conditional uses permitted</u>
<u>152.158</u>	<u>Limitations on use</u>
<u>152.159</u>	<u>Dimensional standards</u>

§ 152.155 PURPOSE.

The RR-4 Rural Residential Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan. (Ord. 83-4, passed 5-9-83)

§ 152.156 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-4 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § [152.003](#), except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in

ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a RR-4 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § [152.025](#):

(1) Dwelling, single-family;

(2) Home occupation as provided in § [152.573](#);

(3) Mobile home;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 3, 4, 5, 6.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08,
passed 8-14-2002; Ord. 2008-09, passed 6-
16-08)

§ 152.157 CONDITIONAL USES PERMITTED.

In a RR-4 Zone, the following uses and
their accessory uses are permitted
conditionally subject to the requirements of
§§ [152.610](#) through [152.616](#):

- (A) Church;
- (B) Day care or nursery;
- (C) Commercial greenhouse or
nursery;
- (D) Roadside stand for the sale of
agricultural products grown by the owner;
- (E) Grange hall or community center,
park, playground or recreational facility
owned and operated by a government
agency or non-profit community agency;
- (F) Boarding, lodging or rooming
house;
- (G) Rest home, home for the aged,
nursing home, or convalescent home;
- (H) Utility facility;
- (I) Veterinary clinic or animal
hospital;
- (J) Boarding of horses for profit;
- (K) Horse boarding stable;

(L) Model home including sales
office, subdivision or development sales
office;

(M) Special exemptions, as provided
in §§ [152.575](#) and [152.576](#);

(N) Cemetery;

(O) Home occupations/cottage
industry as provided in § [152.616](#) (II);

(P) Personal-use landing strip for
airplanes and helicopter pads, including
associated hangar, maintenance and service
facilities. **PERSONAL-USE LANDING
STRIP**, as used in this section, means an
airstrip restricted except for aircraft
emergencies or use by the owner, and on an
infrequent and occasional basis by his
invited guests, and by commercial aviation
activities in connection with agricultural or
forestry operations. No aircraft may be
based on a personal-use landing strip other
than those owned or controlled by the owner
of the airstrip. Exception 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 1, 1975 shall continue to be
permitted subject to any applicable
regulations of the Aeronautics Division.

(Q) Construction, reconstruction, or
widening of highways, roads, bridges or
other transportation projects that are: (1) not
improvements designated in the
Transportation System Plan or (2) not
designed and constructed as part of a
subdivision or planned development subject
to site plan and/or conditional use review,
shall comply with the Transportation System
Plan and applicable standards, and shall
address the following criteria. For State

projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(R) Construction of rest areas, weighstations, temporary storage, and processing sites.

(S) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.158 LIMITATIONS ON USE.

Notwithstanding any other section of

this chapter, the following limitations and conditions shall apply in a RR-4 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

(Ord. 83-4, passed 5-9-83)

§ 152.159 DIMENSIONAL STANDARDS.

In a RR-4 Zone, the following

standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, four acres with an average lot width of 150 feet;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.

(C) *Lot coverage and building heights.*

(1) Lot coverage. The main building and accessory building located on any building site or lot shall not cover more than 30% of the total lot area.

(2) Building height. No building

or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split-level buildings, which may be increased in height to 30 feet.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands the following setbacks shall apply:

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

(2) All structures, buildings or smaller permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 83-4, passed 5-9-83)

RR-10, RURAL RESIDENTIAL ZONE

Sub-Sections

<u>152.160</u>	<u>Purpose</u>
<u>152.161</u>	<u>Uses permitted</u>
<u>152.162</u>	<u>Conditional uses permitted</u>
<u>152.163</u>	<u>Limitations on use</u>
<u>152.164</u>	<u>Dimensional standards</u>

§ 152.160 PURPOSE.

The RR-10 Rural Residential Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.
(Ord. 2004-13, passed 8-17-2004)

§ 152.161 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §[152.027](#):

(1) Farm use, as defined in ORS 215.203 and set out in §[152.003](#), except livestock feed yards and sale yards, hog or poultry farms and the raising of fur bearing animals or hogs, and except the dwellings and other buildings customarily provided in

conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property.

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a RR-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §[152.025](#):

(1) Dwelling, single family;

(2) Home occupation as provided in §[152.573](#);

(3) Mobile home;

(4) Non commercial greenhouse or nursery;

(5) Public or semi public use;

(6) Signs: Type 2, 3, 4, 5, 6.
(Ord. 2004-13, passed 8-17-2004; Ord. 2008-09, passed 6-16-08)

§152.162 CONDITIONAL USES PERMITTED.

In a RR-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§[152.610](#) through [152.616](#):

- (A) Church;
- (B) Day care or nursery;
- (C) Commercial greenhouse or nursery;
- (D) Roadside stand for the sale of agricultural products grown by the owner;
- (E) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non profit community agency;
- (F) Boarding, lodging or rooming house;
- (G) Rest home, home for the aged, nursing home, or convalescent home;
- (H) Utility facility;
- (I) Veterinary clinic or animal hospital;
- (J) Boarding of horses for profit;

(K) Horse boarding stable;

(L) Model home including sales office, subdivision or development sales office;

(M) Special exemptions, as provided in §§[152.575](#) and [152.576](#);

(N) Cemetery;

(O) Home occupations/cottage industry as provided in §[152.616](#) (II);

(P) Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. PERSONAL-USE LANDING STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies or use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exception 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 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(Q) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall

address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(R) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(S) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2004-13, passed 8-17-2004)

§ 152.163 LIMITATIONS ON USE.

Notwithstanding any other section of

this chapter, the following limitations and conditions shall apply in a RR-10 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl or fur bearing animals shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

(Ord. 2004-13, passed 8-17-2004)

§ 152.164 DIMENSIONAL STANDARDS.

In a RR-10 Zone, the following

standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, ten acres;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater.

(C) *Lot coverage and building heights.*

(1) Lot coverage. The main building and accessory building located on

any building site or lot shall not cover more than 30% of the total lot area.

(2) Building height. No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split level buildings, which may be increased in height to 30 feet.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands the following setbacks shall apply:

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

(2) All structures, buildings or smaller permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

(Ord. 2004-13, passed 8-17-2004)

MUF-10, MULTIPLE USE FOREST ZONE

Sub-Sections

<u>152.170</u>	<u>Purpose</u>
<u>152.171</u>	<u>Uses permitted</u>
<u>152.172</u>	<u>Conditional uses permitted</u>
<u>152.173</u>	<u>Dimensional standards</u>

§ 152.170 PURPOSE.

The MUF-10 Multiple Use Forest Zone is intended to provide medium size acreages within recreation-residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain-Residential (MR) or Forest Residential (FR) land. (Ord. 83-4, passed 5-9-83)

§ 152.171 USES PERMITTED.

(A) *Uses permitted outright.* In a MUF-10 Zone, the following uses and their accessory uses are permitted without a zoning permit:

- (1) Farm use, as defined in ORS 215.203 and set out in § [152.003](#), except livestock feed yards, mink farms, poultry farms, and the raising of hogs;
- (2) Forest use, as described in the Comprehensive Plan.
- (3) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- (4) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements

within the existing right-of-way.

(5) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(6) Landscaping as part of a transportation facility.

(7) Emergency measures necessary for the safety and protection of property

(8) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(9) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a MUF-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant § [152.025](#):

- (1) Mobile home;
- (2) Dwelling (seasonal);
- (3) Vacation trailer or recreational vehicle;
- (4) Dwelling, single-family;
- (5) Christmas tree sales;
- (6) Signs: Type 2, 3, 4, 5, 6;
- (7) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(8) Home occupations as provided in § [152.573](#). (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002; Ord. 2008-09, passed 6-16-08)

§ 152.172 CONDITIONAL USES PERMITTED.

In a MUF-10 Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§[152.610](#) through [152.616](#) and upon the issuance of a zoning permit:

- (A) Church or church camp retreat;
- (B) Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources;
- (C) Commercial activity to support recreational/ residential (mountain recreational) uses allowed in this zone including, but not limited to, a restaurant, sporting goods supply, and souvenir or novelty shop;
- (D) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch, or similar resort type establishment;
- (E) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill;
- (F) Utility facility;
- (G) Park, playground, campground, and fishing and hunting preserves for public or private use;

(H) Public or semi-public use;

(I) Personal-use landing strip for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. **PERSONAL-USE LANDING STRIP**, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception 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 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;

(J) The boarding of horses for profit;

(K) Special exceptions pursuant to §§ [152.575](#) and [152.576](#).

(L) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the

following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(M) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(N) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.173 DIMENSIONAL STANDARDS.

In a MUF-10 Multiple Forest Zone, the following division, dimensions and standards shall apply:

(A) *Minimum lot area.*

(1) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailers, 10 acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and objective to minimize the impact on surrounding properties.

(B) *Pre-existing, non-conforming lots.* Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that the setback regulations are met according to division (C) of this section;

(C) *Setback.* No building shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(D) *Minimum lot width.* For residential purposes, no lot shall be longer than two and one-half times its width;

(E) *Stream setback.* To permit or afford better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal

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

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 83-4, passed 5-9-83)

FR-5, FOREST RESIDENTIAL ZONE

Sub-Sections

<u>152.215</u>	<u>Purpose</u>
<u>152.216</u>	<u>Uses permitted</u>
<u>152.217</u>	<u>Conditional uses permitted</u>
<u>152.218</u>	<u>Dimensional standards</u>

§ 152.215 PURPOSE.

The FR-5 Forest Residential Zone is intended to provide medium size acreages within recreation-residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain Residential (MR) land. (Ord. 83-4, passed 5-9-83)

§ 152.216 USES PERMITTED.

(A) *Uses permitted outright.* In an FR Zone, the following uses and their accessory uses are permitted without a zoning permit:

- (1) Farm use, as defined in ORS 215.203 and set out in § [152.003](#), except livestock feed yards, mink farms, poultry farms, and the raising of hogs;
- (2) Forest use, as described in the Comprehensive Plan.
- (3) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- (4) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- (5) Projects specifically identified

in the Transportation System Plan as not requiring further land use regulation.

- (6) Landscaping as part of a transportation facility.
- (7) Emergency measures necessary for the safety and protection of property
- (8) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(9) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In an FR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § [152.025](#):

- (1) Mobile Home;
- (2) Dwelling, seasonal;
- (3) Vacation trailer or recreational vehicle;
- (4) Dwelling, single-family;
- (5) Christmas tree sales;
- (6) Signs: Type 2, 3, 4, 5, 6;
- (7) Home occupations as provided in § [152.573](#).
- (8) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land. (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002; Ord. 2008-09, passed 6-

16-08)

§ 152.217 CONDITIONAL USES PERMITTED.

In a FR Zone, the following uses and their accessory uses are permitted, subject to and upon the issuance of a zoning permit:

- (A) Church or church camp retreat;
- (B) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources;
- (C) Commercial activity to support mountain residential uses allowed in this zone including, but not limited to, a restaurant, sporting goods supply, and souvenir or novelty shop;
- (D) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch or similar resort type establishment;
- (E) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill;
- (F) Utility facility;
- (G) Park playground, campground and fishing and hunting preserves for public or private use;
- (H) Public or semi-public use;
- (I) Personal-use landing strip for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. ***PERSONAL-USE LANDING***

STRIP, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operation. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception 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 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;

- (J) The boarding of horses for profit;
- (K) Special exceptions pursuant to §§ [152.575](#) and [152.576](#).
- (L) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - (1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(M) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.218 DIMENSIONAL STANDARDS.

In a FR-5 Forest Residential Zone, the following divisions, dimensions and standards shall apply:

(A) Minimum lot area.

(1) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailer, five acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and objective to

minimize the impact on surrounding properties.

(B) Pre-existing, non-conforming lots. Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that the setback regulations are met according to division (C) of this section;

(C) Setback. No building shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(D) Minimum lot width. For residential purposes, no lot shall be longer than two and one-half times its width;

(E) Stream setback. To permit or afford better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installation, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the

location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 83-4, passed 5-9-83)

MR, MOUNTAIN RESIDENTIAL ZONE

Sub-Sections

<u>152.230</u>	<u>Purpose</u>
<u>152.231</u>	<u>Uses permitted</u>
<u>152.232</u>	<u>Conditional uses permitted</u>
<u>152.233</u>	<u>Dimensional standards</u>

§ 152.230 PURPOSE.

The MR Mountain Residential, Zone is designed to provide areas for outdoor recreational and related residential development, and is appropriate in areas having a high recreational value, such as beside lakes, rivers and streams, and close to major recreational facilities such as winter sport areas.

(Ord. 83-4, passed 5-9-83)

§ 152.231 USES PERMITTED.

(A) *Uses permitted outright.* In a MR Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm and non-farm use as defined in ORS 215.203 and set out in § [152.003](#), excluding livestock feed yards, mink farms, poultry farms, the raising of hogs, and private or public schools;

(2) Forest use as defined in the Comprehensive Plan.

(3) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(4) Installation of culverts,

pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(5) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(6) Landscaping as part of a transportation facility.

(7) Emergency measures necessary for the safety and protection of property

(8) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(9) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a MR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § [152.025](#):

(1) Mobile home;

(2) Dwelling, seasonal;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type 2, 3, 4, 5, 6;

(7) Home occupations as provided in § [152.573](#).

(8) Boarding of horses for profit or horse stables;

(9) Home occupations carried on by residents as an accessory use with their dwelling;

(10) Special exemptions pursuant to §§ [152.575](#) and [152.576](#);

(11) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A ***PERSONAL-USE LANDING STRIP***, as used in this section, means an airstrip restricted except for aircraft emergencies to use by the owner and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception 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 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(12) Model homes.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.232 CONDITIONAL USES PERMITTED

In a MR Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of § [152.610](#) through [152.616](#) and upon the issuance of a Zoning Permit. Note for commercial development proposed in

Tollgate area: see also specific Multiple Use Plan Map section for Tollgate exception area policies in Comprehensive Plan.

(A) Church or church camp retreat;

(B) Commercial activity, including but not limited to a restaurant, sporting goods supply and souvenir or novelty shop to support recreational-residential uses allowed in this zone;

(C) Commercial Recreational Use, including but not limited to marina, riding stable, gun club, resort, motel, lodge, recreational camp, dude ranch, or similar resort type establishment;

(D) Primary processing facility for locally harvested forest products including but not limited to a portable chipper or stud mill;

(E) Utility facility;

(F) Park, playground, campground, and fishing and hunting preserves for public or private use;

(G) Public or semi-public use;

(H) Boarding of horses for profit or horse stables;

(I) Home occupations carried on by residents as an accessory use with their dwelling;

(J) Special exceptions pursuant to §[152.575](#) through [152.576](#)

(K) Personal-Use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip

restricted except for aircraft emergencies to use by the owner and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(L) Model homes.

(M) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(N) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(O) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2002-08, passed 8-14-2002)

§ 152.233 DIMENSIONAL STANDARDS.

In a MR Zone, the following divisions, dimensions and standards shall apply:

(A) *Minimum lot area.*

(1) For dwellings, seasonal cabins, recreational vehicles, trailers, mobile homes, two acre;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize the impact on surrounding properties.

(B) *Pre-existing, non-conforming lots.* Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that setback regulations are met according to division (C) of this section;

(C) *Setback.* No building shall be located closer than 20 feet from a lot line;

(D) *Minimum lot width.* For residential purposes, no lot shall be longer than two and one-half times its width;

(E) *Stream setback.* To permit better light, air, vision, stream pollution control, fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands the following setbacks shall apply:

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

(2) All structures, buildings or similar permanent fixtures shall be setback from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the highwater line or mark.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

RSC, RETAIL/SERVICE COMMERCIAL ZONE

Sub-Sections

<u>152.245</u>	<u>Purpose</u>
<u>152.246</u>	<u>Uses permitted</u>
<u>152.247</u>	<u>Conditional uses permitted</u>
<u>152.248</u>	<u>Limitations on uses</u>
<u>152.249</u>	<u>Design review</u>
<u>152.250</u>	<u>Dimensional standards</u>

§ 152.245 PURPOSE.

The RSC Retail/Service Commercial Zone is designed to provide areas outside of urban growth boundaries where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service-oriented commercial activities to accommodate rural residences.

(Ord. 83-4, passed 5-9-83)

§ 152.246 USES PERMITTED.

(A) *Uses Permitted Outright.* In an RSC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses Permitted with a Zoning Permit.* In an RSC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ [152.025](#) and [152.249](#):

(1) Automobile service station;

(2) Automobile, truck or motorcycle sales lot;

(3) Automobile, truck or motorcycle repair shop or parts store;

(4) Blacksmith or machine shop;

(5) Bottling works;

(6) Custom meat cutting, curing and cold storage locker;

(7) Eating or drinking establishment;

(8) Financial institution;

(9) Food store;

- (10) Gift store;
- (11) Green house or nursery;
- (12) Information center;
- (13) Motel, hotel;
- (14) Office building;
- (15) Plumbing or sheet metal shop;
- (16) Public or semi-public uses;
- (17) Retail sales outlets;
- (18) Service-oriented businesses;
- (19) Sporting goods or bait shop;
- (20) Signs: Type 2, 3, 4, 5, 7, 8, 9, 10, 11;

(21) Wholesale businesses where no manufacturing, compounding, processing or treatments of the products for wholesale are conducted.
(Ord. 83-4, passed 5-9-83; Ord 2002-08, passed 8-14-2002)

§ 152.247 CONDITIONAL USES PERMITTED.

In a RSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ [152.610](#) through [152.616](#) and upon the issuance of a zoning permit:

- (A) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (B) Animal hospital or veterinary clinic;

- (C) Commercial amusement establishment;
- (D) Drug paraphernalia store, adult book store, adult movie house;
- (E) Mini-warehouses;
- (F) Mobile home park, travel trailer park;
- (G) Tire repairing;
- (H) Utility facility;
- (I) Welding shop;
- (J) Other uses similar to the uses permitted or the conditional uses normally located in a Retail/Service Commercial Zone, provided that the use has the approval of the Planning Commission.

(K) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- (1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(L) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(M) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.248 LIMITATIONS ON USES.

In the RSC Zone, the following limitations and conditions shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property;

(B) Outside display of any scrap or salvage material shall be prohibited.
(Ord. 83-4, passed 5-9-83)

§ 152.249 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § [152.246](#) of this chapter shall be accompanied by a site plan.

(B) The Planning Director or his authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access parking lots and spaces, off-street parking, loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.
(Ord. 83-4, passed 5-9-83)

§ 152.250 DIMENSIONAL STANDARDS.

In a RSC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of five feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: twenty feet;

(4) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control,

protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

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

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 83-4, passed 5-9-83)

RRSC, RURAL RETAIL/SERVICE COMMERCIAL ZONE

Sub-Sections

<u>152.251</u>	<u>Purpose</u>
<u>152.252</u>	<u>Uses permitted</u>
<u>152.253</u>	<u>Conditional uses permitted</u>
<u>152.254</u>	<u>Limitations on uses</u>
<u>152.255</u>	<u>Design review</u>
<u>152.256</u>	<u>Dimensional standards</u>

§152.251 PURPOSE.

The RRSC Rural Retail/Service Commercial Zone is designed to comply with Goal 14 and provide areas outside of urban growth boundaries and unincorporated communities where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service-oriented commercial activities to accommodate rural residences. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Retail/Service Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact. (Ord. 2005-09, passed 10-13-2005)

§152.252 USES PERMITTED.

(A) *Uses Permitted Outright.* In an RRSC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses Permitted with a Zoning Permit.* The following uses and their accessory uses are permitted upon the issuance of a zoning permit subject to the requirements of §§[152.254](#) - [152.256](#) of this chapter:

(1) Automobile service station;

(2) Automobile, truck or motorcycle sales lot;

(3) Automobile, truck or motorcycle repair shop or parts store;

- (4) Blacksmith or machine shop;
- (5) Bottling works;
- (6) Custom meat cutting, curing and cold storage locker;
- (7) Eating or drinking establishment;
- (8) Financial institution;
- (9) Food store;
- (10) Gift store;
- (11) Green house or nursery;
- (12) Information center;
- (13) Motel, hotel, up to 35 units;
- (14) Office building;
- (15) Plumbing or sheet metal shop;
- (16) Public or semi-public uses;
- (17) Retail sales outlets;
- (18) Service-oriented businesses;
- (19) Sporting goods or bait shop;
- (20) Signs: Type 2, 3, 4, 5, 7, 8, 9, 10, 11;
- (21) Wholesale businesses where no manufacturing, compounding, processing or treatments of the products for wholesale are conducted.
(Ord. 2005-09, passed 10-13-2005)

§152.253 CONDITIONAL USES PERMITTED.

In a RRSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ [152.610](#) through [152.616](#) and [152.254](#) through [152.256](#) of this chapter and upon the issuance of a zoning permit:

- (A) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (B) Animal hospital or veterinary clinic;
- (C) Commercial amusement establishment;
- (D) Drug paraphernalia store, adult book store, adult movie house;
- (E) Mini-warehouses;
- (F) Mobile home park, travel trailer park;
- (G) Tire repairing;
- (H) Utility facility;
- (I) Welding shop;
- (J) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Retail/Service Commercial Zone, provided that the use has the approval of the Planning Commission.
- (K) Rural commercial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural commercial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(L) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(M) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(N) If review under this Section indicates that the use or activity is inconsistent with the Transportation System

Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2005-09, passed 10-13-2005)

§ 152.254 LIMITATIONS ON USES.

In the RRSC Zone, the following limitations and conditions shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property;

(B) Outside display of any scrap or salvage material shall be prohibited.

(C) Except as provided in Paragraphs D through F of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Greenhouses, nurseries, mobile home parks, travel trailer parks, and animal hospitals or veterinary clinics primarily devoted to the treatment of large animals may have buildings in excess of 3,500 square feet of floor space.

(E) New hotels and motels are allowed up to a maximum of 35 units, with no limitation on square footage.

(F) Structures that existed on July 1, 2005 may expand to a building size of 4,500 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(G) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in

the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size. (Ord. 2005-09, passed 10-13-2005)

§ 152.255 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § [152.252](#) or [152.253](#) of this chapter shall be accompanied by a site plan.

(B) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access parking lots and spaces, off-street parking, loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.

(Ord. 2005-09, passed 10-13-2005)

§ 152.256 DIMENSIONAL STANDARDS.

In an RRSC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of five feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: twenty feet;

(4) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

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

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 2005-09, passed 10-13-2005)

CRC, COMMERCIAL RURAL CENTER ZONE

Sub-Sections

<u>152.260</u>	<u>Purpose</u>
<u>152.261</u>	<u>Uses permitted</u>
<u>152.262</u>	<u>Conditional uses permitted</u>
<u>152.263</u>	<u>Limitations on uses</u>
<u>152.264</u>	<u>Dimensional standards</u>

§ 152.260 PURPOSE.

The CRC Commercial Rural Center is designed to provide primary local rural commercial service for rural residences. The purpose of this use zone is to provide standards and review procedures for local rural commercial services that meet the needs of the rural residence and limit any conflicts between these uses and the prevailing rural residential uses. (Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-2005)

§ 152.261 USES PERMITTED.

(A) *Uses permitted outright.* In a CRC Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to § [152.027](#):

(1) Farm use, as defined in ORS 215.203 and set out in § [152.003](#), except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property.

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a CRC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § [152.025](#) and subject to the requirements of §§ [152.263](#) through [152.264](#):

(1) Professional offices including, but not limited to, doctor or lawyers office, clinic and real estate offices with building size not to exceed 3,500 square feet of floor space;

(2) Retail store: 2,500 square feet maximum floor space;

(3) Automobile service station with building size not to exceed 3,500 square feet of floor space;

(4) Restaurant or drinking establishment with building size not to exceed 3,500 square feet of floor space;

(5) Utility facility, except landfills;

(6) Public or semi-public use;

(7) Signs: Type 2, 3, 4, 5, 7, 8, 9, 10, 11.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002; Ord. 2005-09, passed 10-13-2005; Ord. 2008-09, passed 6-16-08)

§ 152.262 CONDITIONAL USES PERMITTED.

In a CRC Zone the following uses and their accessory uses are permitted conditionally subject to the requirements of §§[152.610](#) through [152.616](#) and 152.263 through 152.264, and upon the issuance of a zoning permit:

(A) Dwelling for the owner or operator of a use permitted in a CRC Zone;

(B) Boarding, lodging or rooming house;

(C) Animal hospital or veterinary clinic primarily devoted to the treatment of large animals, but not kennels;

(D) Church;

(E) School;

(F) Day care or nursery;

(G) Rural commercial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural commercial uses shall not be subjected to a size limitation. These uses shall be

approved by the Planning Commission.

(H) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(I) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(J) If review under this Section

indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002; Ord. 2005-09, passed 10-13-2005)

§ 152.263 LIMITATIONS ON USES.

The following limitations shall apply in a CRC Zone for the raising of farm animals:

(A) Cows, horses, goats, sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized animals shall be confined on not more than 25% of the total lot area;

(C) All livestock shall be located a minimum of 100 feet away from a residential dwelling on an adjacent lot;

(D) Adequate fences and corrals shall be required to keep animals off adjacent lands;

(E) Notwithstanding division (C) of this section, barns, corrals, pens, sheds and other structures sheltering animals shall be located

a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(F) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be now existing or hereafter established.

(G) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size. (Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-2005)

§ 152.264 DIMENSIONAL STANDARDS.

In a CRC Zone the following standards shall apply:

(A) *Minimum lot area.*

(1) Use permitted with a zoning permit except utility facilities, one acre, with an average lot width of 150 feet;

(2) Conditional uses and utility facilities. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or the DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize potential conflicts with adjacent land uses;

(3) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone providing that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from the property line except on the street/road side of a corner lot used for a side yard, the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater. If the area between the building and the lot line is to be used for off-street parking, then the building shall be located at least 40 feet from the lot line.

(C) *Lot coverage.* The main building and accessory building located on any building site or lot shall not cover more than 30% of the total lot area;

(D) *Building height.* No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split-level buildings, which may be increased in height to 30 feet;

(E) Expansion of structures that existed on July 1, 2005 shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 4,000 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger

(F) Size limits on uses permitted in the

CRC Zone shall not apply to any properties for which an exception to Statewide Planning Goal 14, Urbanization, has been approved.

(G) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply: all sewage disposal installations, such as septic tanks and septic drainfields shall be setback from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ finds that a closer location will not endanger health, the county may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(H) *Off-street parking and loading.* Off-street parking and loading shall be provided in accordance with the provisions of §§[152.560](#) through [152.562](#) of this chapter;

(I) *Site plan review.* In a CRC Zone, uses permitted with a zoning permit and conditional uses shall be subject to the following requirements:

(1) For use permitted with a zoning permit. Before a building may be constructed, enlarged or substantially altered, a site development plan shall be submitted to the Planning Department;

(2) For conditional uses. In considering a site plan for proposed use in an CRC Zone, the county shall take into account the impact of the proposed use on

nearby residential and commercial property, the capacity of the street to carry traffic, and the appearance of the use. The county may require as a condition of approval:

(a) An increase in the required lot size;

(b) Additional off-street parking;

(c) Screening of the proposed use by a fence or landscaping;

(d) Limitations on signs or lighting;

(e) Limitations on the number and location of curb cuts;

(f) Any other conditions considered necessary to achieve the purpose of this chapter;

(3) Construction and development of the site shall conform to an approved site plan.

(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-2005)

TC, TOURIST COMMERCIAL ZONE

Sub-Sections

<u>152.275</u>	<u>Purpose</u>
<u>152.276</u>	<u>Uses permitted</u>
<u>152.277</u>	<u>Conditional uses permitted</u>
<u>152.278</u>	<u>Limitations on uses</u>
<u>152.279</u>	<u>Design review</u>
<u>152.280</u>	<u>Dimensional standards</u>

§ 152.275 PURPOSE.

The TC Tourist Commercial Zone is designed to serve the traveling public along major traffic corridors or at appropriate recreational locations. Facilities may include service station, eating establishments or over-night accommodation. The TC Zone is appropriate along major interstate interchange as discussed in the Comprehensive Plan. (Ord. 83-4, passed 5-9-83)

§ 152.276 USES PERMITTED.

(A) *Uses permitted outright.* In a TC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan .

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a TC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Automobile service station;

(2) Boarding, lodging or rooming house;

(3) Eating or drinking establishment;

(4) Food store limited to 2,500 square feet;

(5) Gift shop;

(6) Information center;

(7) Laundromat;

(8) Motel, hotel;

(9) Sporting goods or bait shop;

(10) Signs: Type 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
(Ord. 83-4, passed 5-9-83; Ord. 2002-08,

passed 8-14-2002)

§ 152.277 CONDITIONAL USES PERMITTED.

In a TC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§ [152.610](#) through [152.616](#) and upon the issuance of a zoning permit:

(A) Accessory dwelling (one only) for the owner or operator of each existing permitted use;

(B) Public or semi-public use;

(C) Travel trailer park;

(D) Utility facility;

(E) Other uses similar to the uses permitted or the conditional uses normally located in a Tourist Commercial Zone, providing that it has the approval of the Planning Commission.

(F) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(G) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(H) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.278 LIMITATIONS ON USES.

In the TC Zone, the following limitations on uses shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties;

(B) Storage of scrap or salvage materials shall be prohibited.
(Ord. 83-4, passed 5-9-83)

§ 152.279 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.276 of this chapter shall be accompanied by a site plan.

(B) The Planning Director or his authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access, parking lots and spaces, off-street parking and loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.
(Ord. 83-4, passed 5-9-83)

§ 152.280 DIMENSIONAL STANDARDS.

In a TC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* No building shall be located closer than 40 feet from a lot line. The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission or Planning Director upon the request of a property owner if the adjacent properties are zoned for commercial or industrial use. Under no circumstances shall the setback requirements be modified when the reduced setback would adjoin residential or agricultural zoned property;

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark. In those cases where practical difficulties preclude the location of the

facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 83-4, passed 5-9-83)

RTC, RURAL TOURIST COMMERCIAL ZONE

Sub-Sections

<u>152.281</u>	<u>Purpose</u>
<u>152.282</u>	<u>Uses permitted</u>
<u>152.283</u>	<u>Conditional uses permitted</u>
<u>152.284</u>	<u>Limitations on uses</u>
<u>152.285</u>	<u>Design review</u>
<u>152.286</u>	<u>Dimensional standards</u>

§ 152.281 PURPOSE.

The RTC Rural Tourist Commercial Zone is designed to serve the traveling public along major traffic corridors or at appropriate recreational locations outside unincorporated communities and urban growth boundaries. Facilities may include service stations, eating establishments or over-night accommodations. The RTC Zone is appropriate along major interstate interchanges as discussed in the Comprehensive Plan. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Tourist Commercial Zone is to permit the continuation and expansion of existing uses and to provide rural scale tourism-related employment uses.
(Ord. 2005-09, passed 10-13-2005)

§152.282 USES PERMITTED

(A) *Uses permitted outright.* In an RTC Zone, the following uses and their accessory uses are permitted without a zoning permit.

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* The following uses and their accessory uses are permitted upon the issuance of a zoning permit subject to the requirements of §§152.284 – 152.286 of this chapter:

(1) Automobile service station;

(2) Boarding, lodging or rooming house;

(3) Eating or drinking establishment;

(4) Food store;

- (5) Gift shop;
- (6) Information center;
- (7) Laundromat;
- (8) Motel, hotel (up to 30 units);
- (9) Sporting goods or bait shop;
- (10) Signs: Type 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
(Ord. 2005-09, passed 10-13-2005)

§152.283 CONDITIONAL USES PERMITTED.

In an RTC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§[152.610](#) through [152.616](#) and 152.284 through 152.286 of this chapter, and upon the issuance of a zoning permit:

- (A) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (B) Public or semi-public use;
- (C) Travel trailer park;
- (D) Utility facility;
- (E) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Tourist Commercial Zone, providing that it has the approval of the Planning Commission.
- (F) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not

designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- (1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
- (2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
- (3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- (4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.
- (G) Construction of rest areas, weigh stations, temporary storage, and processing sites.
- (H) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 2005-09, passed 10-13-2005)

§ 152.284 LIMITATIONS ON USES.

In the RTC Zone, the following limitations on uses shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties;

(B) Storage of scrap or salvage materials shall be prohibited.

(C) Except as provided in Paragraphs D and E of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Motels and hotels that existed on July 1, 2005 may expand up to 35 units or up to 50% of the number of existing units, whichever is larger, with no limitation on square footage.

(E) Structures that existed on July 1, 2005 may expand to a building size of 4,500 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(F) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size. (Ord. 2005-09, passed 10-13-2005)

§ 152.285 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.282 or §152.283 of this chapter shall be accompanied by a

site plan.

(B) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access, parking lots and spaces, off-street parking and loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted. (Ord. 2005-09, passed 10-13-2005)

§152.286 DIMENSIONAL STANDARDS.

In an RTC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is

provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* No building shall be located closer than 20 feet from a property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the center line of the road, highway, or easement, or 25 feet from the property line, whichever is greater. The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission or Planning Director upon the request of a property owner if the adjacent properties are zoned for commercial or industrial use. Under no circumstances shall the setback requirements be modified when the reduced setback would adjoin residential or agricultural zoned property;

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

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

closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 2005-09, passed 10-13-2005)

AB, AGRIBUSINESS ZONE

Sub-Sections

<u>152.290</u>	<u>Purpose</u>
<u>152.291</u>	<u>Uses permitted</u>
<u>152.292</u>	<u>Conditional uses permitted</u>
<u>152.293</u>	<u>Limitations on use</u>
<u>152.294</u>	<u>Dimensional standards</u>

§ 152.290 PURPOSE.

The AB Agribusiness Zone is designed to provide areas of certain types of agriculturally oriented businesses and services which may not otherwise need to be located in more intensive commercial or industrial areas. It may be appropriate for storage, handling or processing of agricultural products, or provide area for agriculturally oriented businesses which require larger areas.
(Ord. 83-4, passed 5-9-83)

§ 152.291 USES PERMITTED.

(A) *Uses permitted outright.* In an AB Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant:

(1) Farm use as defined in ORS 215.203 and set out in § [152.003](#), except livestock feed yards and sale yards, hog or poultry farms, and the raising of fur-bearing animals, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In an AB Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § [152.025](#): signs of Type 3, 4, 5, 7, 8, 9 and 11.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.292 CONDITIONAL USES PERMITTED.

In an AB Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ [152.610](#) through [152.616](#) of this chapter:

(A) Accessory dwelling (one only) for the owner or operator of each existing permit use.

(B) Agricultural commodity collection, sorting and packaging or processing establishment;

(C) Cold storage plant;

(D) Commercial greenhouse or nursery;

(E) Farm machinery or irrigation system, sales, service and storage;

(F) Fertilizer and agricultural chemical sales;

(G) Grain elevator;

(H) Hog farm;

(I) Land strip for agricultural operations;

(J) Livestock feed yard;

(K) Livestock sales yard;

(L) Petroleum products sales and storage;

(M) Slaughterhouse;

(N) Utility facility.

(O) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS

or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(P) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(Q) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.293 LIMITATIONS ON USE.

In a AB Zone, the following limitations on use shall apply: all structures and enclosures designed for the handling of animals or fowls, dead or alive, shall be kept

reasonably free and clean of flies and accumulated waste materials, and shall be subject to health regulations (county, state or federal) as is now and may hereafter be established.
(Ord. 83-4, passed 5-9-83)

§ 152.294 DIMENSIONAL STANDARDS.

In an AB Zone, the following dimensional standards shall apply:

(A) *Lot size.* The lot size shall be a minimum of one acre. A smaller minimum lot size may be allowed if the use located or proposed for the lot does not require a subsurface disposal system, or written proof if obtained from the Department of Environmental Quality to show that an approvable subsurface system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet, with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* No building shall be located closer than 20 feet from a property line, except if the front yard is to be used for parking, then the building shall be located 40 feet from the property line;

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams,

lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 83-4, passed 5-9-83)

LI, LIGHT INDUSTRIAL ZONE

Sub-Sections

<u>152.301</u>	<u>Purpose</u>
<u>152.302</u>	<u>Uses permitted</u>
<u>152.303</u>	<u>Conditional uses permitted;</u> <u>general criteria</u>
<u>152.304</u>	<u>Limitations on use</u>
<u>152.305</u>	<u>Design review</u>
<u>152.306</u>	<u>Dimensional standards</u>

§ 152.301 PURPOSE.

The LI Light Industrial Zone is designed to provide areas for industrial use that are less intensive than heavy industrial uses, and are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads, and waterways. (Ord. 83-4, passed 5-9-83)

§ 152.302 USES PERMITTED.

(A) *Uses permitted outright.* In an LI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified

in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In an LI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §§ [152.025](#) and [152.305](#) of this chapter:

(1) Blacksmith or machine shop;

(2) Bottling works;

(3) Contractor's equipment storage yard;

(4) Custom meat cutting and cold storage locker;

(5) Food products manufacturing;

(6) Grain elevator or flour mill;

(7) Greenhouse or nursery;

(8) Hauling, freighting and trucking yard or terminal;

(9) Ice or cold storage plant;

(10) Information center;

(11) Manufacturing, compounding, assembling or treatment of products made from the following prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint (no boiling), paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood and yarns, but not including rendering plant;

(12) Mini-warehouses;

(13) Plumbing or sheet metal shop;

(14) Professional office building;

(15) Signs: Type 3, 4, 5, 7, 8, 9, 10, 11, 12;

(16) Tire recapping;

(17) Veterinary clinic or animal hospital, but not kennels;

(18) Welding shop;

(19) Wholesale business, storage building or warehouse;

(20) Truck sales, service, storage and maintenance.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002; Ord. 2005-09, passed 10-13-2005)

§ 152.303 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ [152.610](#) through [152.616](#), and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;

(2) Automobile service station;

(3) Automobile wrecking yard;

(4) Boarding, lodging or rooming house in conjunction with an industrial use located in the property;

(5) Commercial amusement establishment;

(6) Commercial gravel extraction and processing;

(7) Concrete block or pipe manufacturing;

(8) Concrete manufacturing plant;

(9) Day care center;

(10) Junkyard;

(11) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined (i.e. natural gas, propane, oil and electricity);

(12) Mobile home or trailer park;

(13) Public or semi-public use;

(14) Sand or gravel storage yard;

(15) Wood processing facilities;

(16) Utility facility;

(17) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted industrial uses.

(18) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and

scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(19) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(20) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) The following general criteria shall be used to review all conditional uses listed in the LI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a LI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.304 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an LI Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.
(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-2005)

§ 152.305 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § [152.302](#) of this chapter shall be accompanied by a site plan.

(B) The Planning Director or his authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions, and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access parking lots and spaces, off-street parking and loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.
(Ord. 83-4, passed 5-9-83)

§ 152.306 DIMENSIONAL STANDARDS.

In a LI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: 20 feet;

(3) Rear yard: 20 feet;

(4) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission or Planning Director, upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

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

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water

line or mark.

(Ord. 83-4, passed 5-9-83)

RLI, RURAL LIGHT INDUSTRIAL ZONE

Sub-sections

<u>152.307</u>	<u>Purpose</u>
<u>152.308</u>	<u>Uses permitted</u>
<u>152.309</u>	<u>Conditional uses permitted;</u> <u>general criteria</u>
<u>152.310</u>	<u>Limitations on use</u>
<u>152.311</u>	<u>Design review</u>
<u>152.312</u>	<u>Dimensional standards</u>

§152.307 PURPOSE.

The RLI Rural Light Industrial Zone is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The RLI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned industrial prior to January 1, 2004, that are outside unincorporated communities and urban growth boundaries.

The intent of the Rural Light Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, mineral and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. 2005-09, passed 10-13-2005)

§152.308 USES PERMITTED

(A) Uses permitted outright. In an RLI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In the RLI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to [§152.025](#) and subject to the requirements of §§152.310 through 152.312 of this chapter:

(1) Blacksmith or machine shop;

(2) Bottling works, if agriculturally-related;

(3) Contractor's equipment storage yard;

(4) Custom meat cutting and cold storage locker;

(5) Food products processing, except meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Greenhouse or nursery;

(8) Hauling, freighting and trucking yard or terminal (excluding truck stops);

(9) Ice or cold storage plant;

(10) Primary processing of raw materials produced in rural areas;

(11) Information kiosk;

(12) Manufacturing, compounding, assembling or treatment of products;

(13) Mini-warehouses;

(14) Plumbing or sheet metal shop;

(15) Industrial uses in conjunction with farm, forest or aggregate use;

(16) Signs: Type 3, 4, 5, 7, 8, 9, 10, 11;

(17) Tire recapping, with building size;

(18) Truck sales, service, storage and maintenance;

(19) Veterinary clinic or animal hospital primarily devoted to the treatment

of large animals, but not kennels;

(20) Welding shop;

(21) Wholesale business, storage building or warehouse, in conjunction with farm or forest use.

(Ord. 2005-09, passed 10-13-2005)

§152.309 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an RLI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ [152.610](#) through [152.616](#), and 152.310 through 152.312 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;

(2) Automobile wrecking yard;

(3) Commercial gravel extraction and processing;

(4) Concrete block or pipe manufacturing;

(5) Concrete manufacturing plant;

(6) Junkyard;

(7) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage of products derived from rural areas or related to agriculture or forestry industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined (i.e. natural gas, propane, oil and electricity);

(8) Petroleum products sales and storage, limited to card lock and not general retail;

(9) Public or semi-public use;

(10) Sand or gravel storage yard;

(11) Utility and public power generating facilities;

(12) Wood processing facilities;

(13) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted industrial uses.

(14) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(B) The following general criteria shall be used to review all conditional uses listed in the RLI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with

other uses allowed in a RLI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.

(4) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(5) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(6) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2005-09, passed 10-13-2005)

§152.310 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an RLI Rural Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in residential or commercial zones, unless the entire activity is conducted more than 50 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(D) A lawfully approved or lawfully

constructed structure existing as November 12, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(Ord. 2005-09, passed 10-13-2005)

§152.311 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.308 of this chapter shall be accompanied by a site plan.

(B) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions, and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access parking lots and spaces, off-street parking and loading requirements, setbacks, signs, vision

clearance, and other standards which may now or hereafter be enacted.
(Ord. 2005-09, passed 10-13-2005)

§152.312 DIMENSIONAL STANDARDS

In an RLI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) No building shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater;

(2) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(3) Side yard: 20 feet;

(4) Rear yard: 20 feet;

(5) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission or Planning

Director, upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

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

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high-water line or mark.

(Ord. 2005-09, passed 10-13-2005)

LRLI, LIMITED RURAL LIGHT INDUSTRIAL ZONE

Sub-Sections

<u>152.313</u>	<u>Purpose</u>
<u>152.314</u>	<u>Uses permitted</u>
<u>152.315</u>	<u>Conditional uses permitted; general criteria</u>
<u>152.316</u>	<u>Limitations on use</u>
<u>152.317</u>	<u>Design review</u>
<u>152.318</u>	<u>Dimensional standards</u>

§152.313 PURPOSE.

The LRLI, Limited Rural Light Industrial Zone, is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LRLI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned industrial outside unincorporated communities and urban growth boundaries after January 1, 2004.

The intent of the Limited Rural Light Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, mineral and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. 2005-09, passed 10-13-2005)

§152.314 USES PERMITTED

(A) *Uses permitted outright.* In an LRLI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In the LRLI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §§ [152.025](#) and subject to the requirements of §§152.316 through 152.318 of this chapter:

- (1) Blacksmith or machine shop;
- (2) Bottling works, if agriculturally-related;
- (3) Contractor's equipment storage yard;
- (4) Custom meat cutting and cold storage locker;
- (5) Food products processing, except meat processing and rendering plants;
- (6) Grain elevator or flour mill;
- (7) Greenhouse or nursery;
- (8) Hauling, freighting and trucking yard or terminal, (excluding truck stops);
- (9) Ice or cold storage plant;
- (10) Primary processing of raw materials produced in rural areas;
- (11) Information kiosk;
- (12) Manufacturing, compounding, assembling or treatment of products derived from rural areas or related to agriculture or forestry.;
- (13) Manufacturing, compounding, assembly or treatment of products not derived from rural areas, with building size not to exceed 35,000 square feet of floor space;
- (14) Mini warehouses;
- (15) Plumbing or sheet metal shop, building size not to exceed 35,000 square feet of floor space;

- (16) Industrial uses in conjunction with farm, forest or aggregate use;
- (17) Signs: Type 3, 4, 5, 7, 8, 9, 10, 11;
- (18) Tire recapping, with building size not to exceed 35,000 square feet of floor space;
- (19) Truck sales, service, storage and maintenance, building not to exceed 35,000 square feet of floor space.
- (20) Veterinary clinic or animal hospital primarily devoted to the treatment of large animals, but not kennels;
- (21) Welding shop;
- (22) Wholesale business, storage building or warehouse, in conjunction with farm or forest use.
(Ord. 2005-09, passed 10-13-2005)

§152.315 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an LRLI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ [152.610](#) through [152.616](#), 152.316 – 152.318 and upon the issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Automobile wrecking yard, with a building size not to exceed 35,000 square feet of floor space;
- (3) Commercial gravel extraction

and processing;

(4) Concrete block or pipe manufacturing;

(5) Concrete manufacturing plant;

(6) Junkyard;

(7) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage of products derived from rural areas or related to agriculture or forestry industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined (i.e. natural gas, propane, oil and electricity);

(8) Petroleum products sales and storage, limited to card lock and not general retail;

(9) Public or semi public use;

(10) Sand or gravel storage yard;

(11) Utility and public power generating facilities;

(12) Wood processing facilities;

(13) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or

districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted industrial uses. Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size limitation.

(14) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(B) The following general criteria shall be used to review all conditional uses listed in the LRLI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in an LRLI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.

(4) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall

address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(5) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(6) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2005-09, passed 10-13-2005)

§152.316 LIMITATIONS ON USE.

(A) All business, commercial and

industrial activities, and storage allowed in an LRLI, Limited Rural Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(D) Expansion of structures that existed on November 12, 2005, shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on November 12, 2005, whichever is larger

(E) Notwithstanding the size limitations for structures contained in this section, a lawfully approved or lawfully constructed structure existing as November 12, 2005, shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(Ord. 2005-09, passed 10-13-2005)

§152.317 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.314 of this chapter shall be accompanied by a site plan.

(B) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions, and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(3) Applicable standards listed in this chapter for access parking lots and spaces, off street parking and loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted. (Ord. 2005-09, passed 10-13-2005)

§152.318 DIMENSIONAL STANDARDS

In an LRLI Zone, the following

dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) No building shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater;

(2) Front yard: 20 feet, except if the front yard area is used for off street parking space, then the front yard shall be a minimum of 40 feet;

(3) Side yard: 20 feet;

(4) Rear yard: 20 feet;

(5) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission or Planning Director, upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better

light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

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

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2005-09, passed 10-13-2005)

HI, HEAVY INDUSTRIAL ZONE

Sub-Sections

<u>152.320</u>	<u>Purpose</u>
<u>152.321</u>	<u>Uses permitted</u>
<u>152.322</u>	<u>Conditional uses permitted; general criteria</u>
<u>152.323</u>	<u>Limitations on use</u>
<u>152.324</u>	<u>Design review</u>
<u>152.325</u>	<u>Dimensional standards</u>

§ 152.320 PURPOSE.

The HI Heavy Industrial Zone is designed to provide for industrial uses where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The HI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways. (Ord. 83-4, passed 5-9-83)

§ 152.321 USES PERMITTED.

(A) *Uses permitted outright.* In an HI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not

requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan .

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a HI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ [152.025](#) and 152.324 of this chapter:

(1) Automobile wrecking yard;

(2) Concrete block and pipe manufacturing;

(3) Concrete manufacturing plant;

(4) Contractor's equipment storage yard;

(5) Food products manufacturing, excluding meat, fish, salt, sauerkraut, sugar, vinegar and yeast products;

(6) Grain elevator or flour mill;

(7) Hauling, freighting and trucking yard;

(8) Ice and cold storage;

(9) Junkyard;

(10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage, except as modified by § 152.323(A);

(11) Rendering plant;

(12) Sand or gravel storage yard;

(13) Signs: Type 3, 4, 5, 8, 9, 11;

(14) Tire recapping;

(15) Utility facility;

(16) Welding shop;

(17) Wholesale business, storage building or warehouse;

(18) Wood processing facilities. (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.322 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In a HI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ [152.610](#) through [152.616](#) and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;

(2) Commercial gravel pit;

(3) Eating or drinking establishment;

(4) Major manufacturing, repairing, compounding, fabricating, assembling,

processing or storage industry having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity.

(5) Surface mining, rock crushing or asphalt plant;

(6) Any requested use involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, unstable chemicals, ammonium nitrate and liquified petroleum gases.

(7) Any request involving the handling or storage of radioactive waste.

(8) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed. Additional approval standards may be applied by the Planning Commission or planning staff that would address specific or unique situations that could be created by a proposed use in this section.

(9) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not

designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

(c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(10) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(11) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) The following general criteria shall be used to review all conditional uses listed in the HI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a HI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by existing adjacent industrial uses.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-2002)

§ 152.323 LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in a HI Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

