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WASCO COUNTY

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KAREN LEBRETON COATS
COUNTY CLERK

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING & DEVELOPMENT DEPARTMENT'S REQUEST TO APPROVE THE PROPOSED POST-ACKNOWLEDGEMENT LEGISLATIVE AMENDMENTS TO UPDATE THE EXCLUSIVE FARM USE ZONE AND ASSOCIATED CHAPTERS TO CREATE CONSISTENCY WITH STATE REGULATIONS AND MAKE OTHER AMENDMENTS APPROPRIATE FOR WASCO COUNTY. (FILE NUMBER PLALEG-08-12-0002)	ORDINANCE #09-007

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

WHEREAS, the Wasco County Exclusive Farm Use zone is at least five legislative sessions out of date and is no longer consistent with state regulations; and it has been approximately ten years since the last significant update to the Exclusive Farm Use zone and there are numerous other local issues that can be resolved with an amendment to this zone; and

WHEREAS The Wasco County Planning & Development Department was directed by the Wasco County Court on 29 January 2009 per Section 9.010(A) of the Wasco County Land Use & Development Ordinance to initiate a Post-Acknowledgement Plan Amendment process for a legislative text amendment to the Land Use and

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Development Ordinance to update the Exclusive Farm Use Zone and associated chapters to create consistency with state regulations and make other amendments appropriate for Wasco County; and

WHEREAS: The Wasco County Planning & Development Department sent notification to DLCD pursuant to ORS 197.610 on 19 February 2009 and all affected property owners pursuant to Measure 56 on 2 March 2009; and

WHEREAS: That on 3 March 2009, at the hour of 3:00 PM at the Gorge Discovery Center downstairs classroom the Wasco County Planning Department held a legally notified public workshop with the Wasco County Planning Commission and the Wasco County Court on the above matter to review Agricultural Resource Group recommendations, back ground information, and listen to public comments for the purpose of identifying preferred options and the need for any additional information prior to the Planning Commission hearing; and

WHEREAS: That on 7 April 2009, at the hour of 3:00 PM at the Gorge Discover Center downstairs classroom, the Wasco County Planning Commission met to conduct a legally notified public hearing on the above matter. The Commission reviewed the record, heard the Staff recommendation and all relevant testimony from parties, deliberated and, on a vote of 5 to 0 (2 Commissioners Absent) elevated the request for a Post-Acknowledgement Plan Amendment with a recommendation of approval to the Wasco County Court with additional amendments; and

WHEREAS: That on 17 June 2009 at the hour of 11:00 AM in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse the Wasco County Court met to conduct a legally notified public hearing on the above matter. The County Court

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reviewed the record, heard the Staff recommendation and all relevant testimony from the parties, deliberated and, on a vote of 3 – 0 approved the recommendation by the Wasco County Planning Commission on the above matter with additional amendments, as laid out in **Attachment A**, to be signed at the next scheduled County Court meeting, 1 July 2009; and

NOW THEREFORE IT IS HEREBY ORDERED: That the request by the Wasco County Planning Department for a Post-Acknowledgement Plan Amendment for legislative amendments to the Land Use and Development Ordinance to update the Exclusive Farm Use Zone and associated chapters to create consistency with state regulations and make other amendments appropriate for Wasco County is approved.

SIGNED this 1st day of July, 2009.

Approved as to Form:

Eric J. Nisley
Wasco County District Attorney

WASCO COUNTY COURT

Dan Ericksen, Judge

Absent

Sherry Holliday, Commissioner

Bill Lennox, Commissioner

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ATTACHMENT A
PLALEG-08-12-0002
Amendments to EFU Zone & Related Chapters

Final Updated Versions of the Following Chapters of the Land Use and Development Ordinance

Title Page: This has been updated to reflect a new amendment date for the ordinance.

Chapter 1: This includes numerous additions related to the EFU zone.

Chapter 3 - Section 3.210: This includes all of amendments within the Exclusive Farm Use Zone.

Chapter 4: All of the parking and loading criteria are being taken from this chapter and included in Chapter 20 – Site Plan Review.

Chapter 20: All of the parking and loading criteria are being brought to this chapter from Chapter 4. Additionally the review criteria associated with Home Occupations to Host Commercial Events are located in this Chapter.

Misc: The following zones are being changed to reflect the relocation of the parking and loading criteria from Chapter 4 to Chapter 20. Each zone currently includes a reference to Chapter 4 which has been changed to Chapter 20.
These Zones are not included as part of Attachment A.

-AR Zone: Section D(5) – Chapter 4 parking reference
-F-1 Zone: Section H(5) – Chapter 4 parking reference
-F-2 Zone: Section I(4)(c)(1)- Chapter 4 parking reference
-F-F Zone: Section D(8) – Chapter 4 parking reference
-R-R(5) Zone: Section D(7): Chapter 4 parking reference
-R-R(10) Zone: Section E(7): Chapter 4 parking reference
-R-R(2): Section D(7) – Chapter 4 parking reference
-R-C: Section B & D(7) – Chapter 4 parking and loading reference
-R-I: Section B & D(7) – Chapter 4 parking and loading reference
-TVR: Section D(7) – Chapter 4 parking reference
-TVC: Section E(6) – Chapter 4 parking reference
-TVM1: Section E(6) – Chapter 4 parking reference
-TVM2: Section E(6) – Chapter 4 parking reference
-TVRR: Section D(7) – Chapter 4 parking reference
-TVAG: Section D(6) – Chapter 4 parking reference
-WAMR2: Section D(7) – Chapter 4 parking reference
-WAMR5: Section D(7) – Chapter 4 parking reference
-WAMC2: Section E(9) – Chapter 4 parking reference
-WAMM2: Section D(9) – Chapter 4 parking reference

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EFU Related Definitions Only

AUM - Animal Unit Month - Unit of measure of dry forage to graze a 900 - 1000 pound cow and calf for thirty (30) days as prescribed by the NRCS Rangeland Specialist.

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

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

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

Agricultural Structure - In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:

<u>All buildings and structures</u>

a. The lot or parcel is enrolled in a farm deferral program with the County Assessor;

b. The owner provides a farm management plan that is reviewed and approved by the Planning Department;

<u>Agricultural Exempt Buildings Only</u>

c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and

d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).

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Boarding of Horses - The boarding of horses for profit in specified zones other than the Exclusive Farm Use zone shall include the following:

a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and,

b. Related facilities, such as training arenas, corrals and exercise tracks.

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

a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;

b. The incidental stabling of not more than four (4) horses;

c. The boarding of horses for friends or guests where no charge is made; and

d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Campground - A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

Commercial Agricultural Enterprise - Consists of farm operations that will contribute in a substantial way to the area's existing agricultural economy; and help maintain agricultural processors and established farm markets. When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. These are important factors because of the intent of Goal 3 to maintain the agricultural economy of the state.

Compost - A mixture of decaying, organic matter, such as leaves and manure, used as fertilizer.

a. Green Feedstocks – Materials low in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are low in, and unlikely to support, human pathogens. Green feedstocks include but are not limited to yard debris, animal manure, wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor byproducts and crop residue.

b. Non-Green Feedstocks – Materials high in: (1) Substances that pose a present or future hazard to human health or the environment; (2) Substances that are high in,

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and likely to support, human pathogens. Non-green feedstocks include but are not limited to animal parts and byproducts, mixed materials containing animal parts or byproducts, dead animals and municipal solid waste.

c. Agricultural Composting – Composting as an agricultural operation conducted on lands employed for farm use.

d. Institutional Composting – The composting of green feedstocks generated from the facility's own activities. It may also include supplemental feedstocks. Feedstocks must be composted on-site, the compost produced must be utilized within the contiguous boundaries of the institution and not offered for sale or use off-site. Institutional composting includes but is not limited to parks, apartments, universities, schools, hospitals, golf courses and industrial parks.

e. Reload Facility – A facility or site that accepts and reloads only yard debris and wood waste for transport to another location.

Date of Creation and Existence - Within the Exclusive Farm Use zone, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993 or July 1, 2001, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling or a non-farm division respectively, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract. A property line adjustment which does not have the effect of qualifying an otherwise non-qualifying lot, parcel or tract for a dwelling or a non-farm division respectively, does not change the date of creation.

Farm Management Plan - Shall include information applicable to the specific farm use from the following list: Proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor; written description of a current farm operation that identifies the number of acres of land in current production, type and number of acres planted to a specific crop; the number of animals grazing or being raised on the farm parcel; existing farm structures (including irrigation sprinklers) supporting the farm use; and any existing water rights. The plan shall include a description of the number of employees working the farm parcel, and their responsibilities. The plan shall include a map that shows the location of all farm activities including but not limited to registered fields (Farm Services Agency map), grazing areas and areas dedicated to farm structures.

Farm Unit - means the contiguous and noncontiguous tracts in common ownership used by the farm operator for farm use as defined in ORS 215.203.

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

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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, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. Farm use also includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land" means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

Farm use does not include the use of land subject to the provisions of ORS chapter 321(Timber Taxation), except land used exclusively for growing cultured Christmas trees as defined below or land described in ORS 321.267 (3) or 321.824 (3).

Cultured Christmas trees" means trees:

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

b. Of a 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.

Current employment of land for farm use includes:

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

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

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c. Land planted in orchards or other perennials, other than land specified in subparagraph (d) of this paragraph, prior to maturity;

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

e. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use;

f. Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.213 (1)(x) and 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.213 (2)(c) and 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 land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;

i. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of this paragraph, illness includes injury or infirmity whether or not such illness results in death;

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

k. Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:

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

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

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

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Accepted Farming Practice
As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Golf Course - An area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.

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

a. Irrigated and classified prime, unique, Class I or II; or

b. Not irrigated and classified prime, unique, Class I or II.

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

Hunting Preserve - Pursuant to ORS 497.248 Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not more than 1,280 acres and is on one continuous tract of land owned by the applicant or leased by the applicant for a period of at least five years.

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

Irrigated - means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purposes of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

Medical Hardship – Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physicians Assistant or Nurse Practitioner).

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Mobile Home for Storage – Mobile homes may not be used as storage buildings in any zones.

Recreational Vehicle or Camping Vehicle - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if *any* of the following are true:

a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;

b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

NOTE: Allowances can be made for subsections a and b above if in the opinion of the Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors

c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or

d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

Review Types -

a. Type I (Ministerial/Nondiscretionary)
These procedures are decided by the Director, or the Director's designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a "land use decision" under Oregon Revised Statute (ORS) 197.015(11).

b. Type II (Administrative/Discretionary)
These procedures are decided by the Director or the Director's designee with notice, as established by Chapter 2, and appeal period established by ORS 215.416(11). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11). An appeal of a Type II decision becomes a Type III review.

c. Type III (Quasi Judicial/Planning Commission or County Court)

Planning Commission
These procedures are initially heard and decided solely by the Planning Commission or on appeal from the Planning Director with the hearings process,

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notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).

County Court
These procedures are initially heard and decided solely by the County Court or on appeal from the Planning Commission with the hearings process, notice and appeal period governed by ORS 197.763. They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under ORS 197.015(11).

d. Type IV (Legislative/County Court)
These procedures are heard and decided solely by the County Court after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by ORS 197.763. They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under ORS 197.015(11).

Shooting Course - Any lot(s) or parcel(s) where target shooting (excluding hunting preserves) is conducted on a commercial basis.

Solid Waste - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;

b. Septic tank and cesspool pumping or chemical toilet waste;

c. Reusable beverage containers as defined in ORS 459A.725; and

d. Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Tract - One or more contiguous lots or parcels in the same ownership.

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

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Utility Facility Service Lines – Utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

a. A public right of way;

b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

c. The property to be served by the utility.

Yurt - A round, domed shelter of cloth or canvas on a collapsible frame.

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SECTION 3.210 EXCLUSIVE FARM USE ZONE

A. Purpose

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

Uses, buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the Exclusive Farm Use zone shall comply with the following regulations. If these regulations are preempted by mandatory ORS's or OAR's those shall be applied directly pursuant to ORS 197.646.

B. Uses Permitted Without Review

The following uses may be allowed on lands designated Exclusive Farm Use without review.

FARM/FOREST USES

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is non-discretionary.

2. Propagation and harvesting of a forest product.

NATURAL RESOURCE

3. Creation of, restoration of or enhancement of wetlands that do not include development as defined by Section 22.030 in a FEMA designated Flood Zone. If the project is located wholly or partially within a FEMA designated Flood Zone and includes structural development it shall be subject to Section D(2) below.

MINERAL, AGGREGATE, SOIL & GAS

4. 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).

5. 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. (Processing of said resources is a conditional use.)

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TRANSPORTATION FACILITIES

6. Climbing and passing lanes within a highway right of way existing as of July 1, 1987.

7. 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 additional travel lanes, where no removal or displacement of buildings would occur and not resulting in any new land parcels.

8. Temporary public road and highway detours that will be abandoned and restored to original condition when no longer needed.

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

UTILITY/DISPOSAL FACILITIES

10. 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 or more of the following:

    a. A public right of way;

    b. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

    c. The property to be served by the utility.

11. Transport of biosolids to tract of land for application. Pursuant to ORS 215.247 if biosolids are transported by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095, the transport and the land application are allowed outright.

    The application of biosolids which do not meet these criteria is subject to Section D(2) below.

12. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

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COMMERCIAL USES

13. An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period.

14. Minor Home occupation that:

    a. Is carried on within a lawfully established dwelling only by members of the family who reside in the dwelling;

    b. Does not serve clients or customers on-site;

    c. Does not produce odor, dust, glare, flashing lights or noise;

    d. Does not occupy more than 25 percent of the floor area of the dwelling; and

    e. Does not include the on-premises display or sale of stock in trade.

    Any Home Occupation that exceeds these standards is Major and subject to Section E(26) below.

C. Uses Permitted Subject to Property Development Standards
The following uses and activities may be allowed subject to a Type I Review on a legal parcel designated Exclusive Farm Use subject to the Subsection F - Property Development Standards, Chapter 10 - Fire Safety Standards and any other listed standards.

1. Agricultural Structure: Buildings and structures other than dwellings customarily provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions.

2. Accessory Structure: Buildings and structures accessory to a legally established dwelling not provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions.

3. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a Farm Management Plan documenting how the replacement dwelling will be used in conjunction with a farm use.

D. Uses Permitted Subject to Standards
The following uses and activities may be allowed subject to a Type II Review on a legal parcel designated Exclusive Farm Use subject to the Subsection F - Property Development Standards, H – Agricultural Protection, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards.

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FARM USES

1. Farm use as defined by Section 1.090, Definitions and ORS 215.203 that is discretionary.

2. Land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and must be reviewed subject to Section J(11), Additional Standards below.

COMMERCIAL USES RELATED TO FARM USE

3. A winery subject to Section J(6), Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review:

4. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 subject to the applicable provisions of Chapter 20, Site Plan Review following:

   a. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility.

   b. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for the preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use.

   c. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. No division of a lot or parcel shall be approved to separate a processing facility from the farm operation on which it is located.

5. Farm stands subject to Section J(12), Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review:

RESIDENTIAL USES

6. Farm Dwelling: One single family dwelling customarily provided in conjunction with farm use, subject to Section J(5), Additional Standards below.

7. Accessory Farm Dwelling(s): An accessory farm dwelling is a single family dwelling occupied by a person or persons 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. Accessory farm dwelling includes all types of

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residential structures allowed by applicable state building code. Accessory farm dwellings are also subject to Section J(2), Additional Standards below.

8. Relative Farm Dwelling: A single family dwelling on property used for farm use, to be occupied by a relative of the farm operator or farm operator's spouse and located on the same lot or parcel as the farm operator's dwelling, subject to the following standards:

   a. The relative is a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse;

   b. The farm operator does, or will require the assistance of the relative in the management of the farm use;

   c. 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; and

   d. The farm operator shall submit a farm management plan documenting how the relative dwelling is necessary for maintaining the farm use.

9. Lot of Record Dwelling: One single family dwelling on a lot or tract of record less than 80 acres, which does not otherwise qualify for a dwelling Subject to Section E(5) (Non-Farm Dwelling) below and also subject to Section J(4), Additional Standards below.

10. Alteration, restoration relocation, or replacement of a lawfully established dwelling subject to Section J(3), Additional Standards below.

NATURAL RESOURCE

11. Creation, restoration of or enhancement of wetlands that includes development as defined by Section 22.030 in a FEMA designated floodplain subject to Section 3.740, Flood Hazard Overlay and Chapter 22, Flood Damage Prevention.

UTILITY/ENERGY FACILITIES

Pursuant to Section 4.070, General Exceptions to Building Height Requirements, these uses do not require a variance if they exceed 35 feet in height.

12. Utility facilities "necessary" for public service, including wetland waste treatment systems, but not including commercial utility facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height, subject to Section J(8), Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review.

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13. A Transmission Facility under 200 feet in height subject to J(8)(a)(1) – (6) below and the applicable Subject to Standards criteria of Chapter 19.

14. A Wind Facility, Wind Energy Conversion System (WECS) or Wind Measurement Device pursuant to the applicable Subject to Standards criteria of Chapter 19.

15. A Hydroelectric Facility pursuant to the applicable Subject to Standards criteria of Chapter 19.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

16. Public or private schools, including all buildings essential to the operation of a school, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4, and further that no such use may be authorized on high value farmland. This use is subject to the applicable standards of Chapter 20, Site Plan Review.

17. Model Aircraft take-off and landing sites including such buildings or facilities as may be reasonably necessary, subject to the following standards and the applicable standards of Chapter 20, Site Plan Review:

    a. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use.

    b. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use.

    c. "Model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground.

18. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, except that no such use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4, and further that no such use may be authorized on high value farmland. Existing facilities wholly within a farm zone may be maintained, enhanced or expanded on the same tract. This use is subject to the applicable standards of Chapter 20, Site Plan Review.

MISCELLANEOUS USES

19. On-site filming and related accessory uses may be conducted provided the use does not exceed 45 days, subject to Section J(15), Additional Standards below. On-site filming in excess of 45 days is a conditional use.

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E. Conditional Uses

The following uses and activities may be allowed subject to a Type II or Type III Review on a legal parcel designated Exclusive Farm Use subject to Subsection F - Property Development Standards, H – Agricultural Protection, Chapter 5 – Conditional Use Review, Chapter 10 - Fire Safety Standards as well as any other listed, referenced, or applicable standards.

FARM/FOREST USES

1. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. Notice of all applications under this shall shell be sent to the State Department of Agriculture at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

2. Primary processing of forest products, subject to the following:

   a. Such facility does not seriously interfere with accepted farming practices and is compatible with farm uses as defined.

   b. Such facility may be approved for a one-year period which is renewable.

   c. The facility is intended to be only portable or temporary in nature.

   d. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this section means timber grown upon a tract where the primary processing facility is located.

COMMERCIAL USES RELATED TO FARM USE

3. Commercial activities in conjunction with farm use as defined in ORS 215.203, including the processing of farm crops into biofuel not otherwise allowed in the definition of farm use or by Section D(4) above, subject to Section J(16), Additional Standards below and the applicable standards of Chapter 20, Site Plan Review.

4. Farm ranch recreation including but not limited to hunting preserves, fishing, fly fishing and tying clinics, trap and skeet range, archery range, ranch skills, horsemanship, equine eventing, habitat improvement, wildlife viewing, and outdoor schools in conjunction with a commercial farming operation subject to Section J(7), Additional Standards below and Sections 20.010 – 20.090 of Chapter 20, Site Plan Review.

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In season fee hunting shall not be included in Farm Ranch Recreation unless it includes lodging or is part of a larger farm ranch recreation operation.

RESIDENTIAL USES

5. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1), Additional Standards, below.

6. A temporary medical hardship dwelling for the term of hardship suffered by the existing resident or relative subject to Section 8.070, Temporary Use of a Mobile Home (Family Hardship):

7. Residential home which means a residential treatment or training or adult foster home in an existing dwelling licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that 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 (or as further defined in ORS 197.660) subject to the applicable standards of Chapter 20, Site Plan Review.

ENERGY/UTILITY/SOLID WASTE DISPOSAL FACILITIES

8. Commercial utility facilities (Wind, Hydroelectric or Other) for the purpose of generating power for public use by sale. This use is subject to the applicable provisions of Chapter 19, Standards for Energy Facilities and Commercial Energy Facilities and Chapter 20, Site Plan Review. A wind power generation facility shall also be subject to Section J(17), Additional Standards below

9. Transmission towers greater than 200 feet in height and transmission facilities pursuant to the applicable provisions of Chapter 19, Standards for Energy Facilities and Commercial Energy Facilities.

10. A site for disposal of solid waste approved by a city or county governing body and for which a permit has been granted by the Department of Environmental Quality under ORS 459.245, including the equipment, facilities, and building necessary for its operation, except that such uses are prohibited on high value farmland subject to the applicable provisions of Chapter 20, Site Plan Review.

11. Composting facilities (excluding non-green feedstocks) for which a permit has been granted by DEQ under ORS 459.245 and OAR 340-96-020 subject to Section J(10), Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review.

MINERAL/AGGREGATE/GEOTHERMAL USES

12. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9),

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Additional Standards below, Section 3.800, Mineral & Aggregate Overlay and the applicable provisions of Chapter 20, Site Plan Review.

13. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt production is filed, and subject to WCLUDO Section 3.800, Mineral and Aggregate Overlay and the applicable provisions of Chapter 20, Site Plan Review.

14. Processing of other mineral resources and other subsurface resources.

15. Mining and processing of geothermal resources as defined in ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted in Section B(5) above and the applicable provisions of Chapter 20, Site Plan Review.

TRANSPORTATION

16. Personal use airports for airplanes and helicopter pads, including associated hangars, maintenance and service facilities. A personal-use airport, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be 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.

17. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

18. Reconstruction or modification of public roads and highways involving the removal or displacement of structures but not resulting in the creation of new land parcels.

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

20. Roads, highways and other transportation facilities and improvements not otherwise allowed by this ordinance subject to:

    a. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or

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b. ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

PARKS/PUBLIC/QUASI-PUBLIC FACILITIES

21. Fire service facilities providing rural fire protection services subject to the applicable standards of Chapter 20, Site Plan Review.

22. Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community subject to the applicable standards of Chapter 20, Site Plan Review.

A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

23. Parks and playgrounds A public park includes only the uses specified under OAR 660-034-0035 or 660-034-0040 whichever is applicable and may only be established subject to the applicable provisions of Chapter 20, Site Plan Review and ORS 195.120,

24. Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210 subject to the applicable provisions of Chapter 20, Site Plan Review.

25. Any gathering subject to review by a county planning commission under the provisions of ORS 433.76. These gatherings and any part of which is held in open spaces are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period subject to the applicable provisions of Chapter 20, Site Plan Review.

COMMERCIAL USES

26. Major Home occupation subject to the applicable provisions of Chapter 20, Site Plan Review. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

27. Home Occupation with Room and Board or (Bed and Breakfast) arrangements in an existing residence, but may not be sited adjacent to or on high value lands within two (2) miles of the National Scenic Area Boundary subject to the applicable provisions of Chapter 20, Site Plan Review and the following.

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a. Room and board arrangements shall:

(1) Not exceed accommodations for five unrelated persons beyond the inhabitants of the house; and

(2) Include month to month rental with food contract.

b. Bed and breakfast arrangements shall:

(1) Not exceed five rooms;

(2) Limit occupation by guests to no more than 30 consecutive days; and

(3) Only allow breakfast to be served to guests and no other meals.

28. Home Occupation to Host Commercial Events: The commercial events are associated with a farm use, lawfully approved winery, bed and breakfast or farm ranch recreation and includes weddings, receptions, parties, bicycle races confined to the subject parcel(s) and other small-scale gatherings hosted for a fee that are incidental and subordinate to the primary use of the parcel. The use is subject to the applicable provisions of Chapter 20, Site Plan Review. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

If the commercial event is in conjunction with a farm use, the applicant shall submit a Farm Management Plan which includes documentation that the property is capable of meeting the Farm Dwelling income test in Section J(5)(b) below.

29. Dog Kennels, except that such uses are prohibited on high value farmland, subject to the applicable provisions of Chapter 20, Site Plan Review.

30. Private parks, playgrounds, and campgrounds, as defined in Section 1.090, Definitions, except that such uses are prohibited on high value farmland, subject to Section J(14) Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review.

31. Golf courses: A 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course except that such uses are prohibited on high value farmland, subject to Section J(13), Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review.

32. Operations for the extraction and bottling of water subject to applicable provisions of Chapter 20, Site Plan Review.

33. On-site filming if the activity exceeds 45 days on any site within a one-year period or involves the erection of sets that would remain in place for longer than

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45 days. These activities may include administrative or security functions and may include the use of campers, trailers, or similar temporary facilities. This use is also subject to Section J(15), Additional Standards below and the applicable provisions of Chapter 20, Site Plan Review.

F. Property Development Standards

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6, or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstances that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

1. Setbacks

a. Property Line

(1) All dwellings (farm and non farm) and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements:

(a) If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.

(b) If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.

(c) If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.

(d) If any of the setbacks listed above conflict with the Sensitive Wildlife Habitat Overlay the following shall apply and no variance shall be required:

i. The structure shall be set back a minimum of 25 feet from the road right of way or easement;

ii. The structure shall be located within 300 feet of the road right of way or easement pursuant Section 3.920(F)(2), Siting Standards; and

iii. As part of the application the applicant shall document how they are siting the structure(s) to minimize impacts to adjacent agricultural uses to the greatest extent practicable.

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(2) Farm structures shall be set back a minimum of 25 feet from the property line.

(3) Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:

(a) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria.

(b) Farm & Non-Farm buildings and structures: The proposed addition, modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements. If the building or structure currently conforms to all setback standards and the proposal would result in non-conformity a Chapter 6 or 7 variance will be required. If the building or structure currently does not conform to all setback standards and the proposal would increase the non-conformity it shall be subject to the applicable provisions of Chapter 13, Nonconforming Uses, Buildings and Lots.

(4) Property line setbacks do not apply to fences, signs, roads, or retaining walls less than four (4) feet in height.

Front yard (road) property line setbacks do not apply to parking areas for farm related uses. However, parking areas for farm related uses must meet side and rear yard property line setbacks.

b. Waterways:

(1) Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes rivers, or wetlands.

(a) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all waterbodies designated as fish bearing by any federal, state or local inventory.

(b) A minimum distance of fifty (50) feet when measured horizontally at a right angle for all waterbodies designated as non fish bearing by any federal, state or local inventory.

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(c) A minimum distance of twenty five (25) feet when measured horizontally at a right angle for all waterbodies (seasonal or permanent) not identified on any federal, state or local inventory.

(d) If the proposal does not meet these standards it shall be subject to Section (a)(3), Additions or Modifications to Existing Structures, above.

(e) The following uses are not required to meet the waterway setbacks, however they must be sited, designed and constructed to minimize intrusion into the riparian area to the greatest extent possible:

(i) Fences;

(ii) Streets, roads, and paths;

(iii) Drainage facilities, utilities, and irrigation pumps;

(iv) Water-related and water-dependent uses such as docks and bridges;

(v) Forest practices regulated by the Oregon Forest Practices Act;

(vi) Agricultural activities and farming practices, not including the construction of buildings, structures or impervious surfaces; and

(vii) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

(2) Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone shall be subject to Section 3.740, Flood Hazard Overlay and Chapter 22, Flood Damage Prevention.

c. Irrigation Ditches:
All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 25 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs.

d. Wasco County Fairground

(1) Front Yard - No structure other than a fence or sign shall be located closer than ten (10) feet from the rights-of-way of a public road.

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(2) Side Yard - No structure other than a fence or sign shall be located closer than seven (7) feet for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

(3) Rear Yard - No structure other than a fence shall be located closer than ten (10) feet from the rear yard property line.

(4) RV Spaces – RV spaces are subject to the setback requirements of Chapter 17, Recreational Vehicle Parks.

(5) Existing & Replacement Structures – All lawfully established structures which do not conform to current setback standards shall be allowed to be expanded, or replaced and expanded into the required setback as long as the expansion does not encroach upon the required setback more than the existing structure.

2. Height: Except for those uses allowed by Section 4.070, General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.

3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

4. Signs:

   a. Permanent signs shall not project beyond the property line.

   b. Signs shall not be illuminated or capable of movement.

   c. Permanent signs shall describe only uses permitted and conducted on the property on which the sign is located.

   d. Size and Height of Permanent Signs:

      (1) Freestanding signs shall be limited to twelve square feet in area and 8 feet in height measured from natural grade.

      (2) Signs on buildings are permitted in a ratio of one square foot of sign area to each linear foot of building frontage but in no event shall exceed 32 square feet and shall not project above the building.

   e. Number of permanent signs:

      (1) Freestanding signs shall be limited to one at the entrance of the property. Up to one additional sign may be placed in each direction of vehicular

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traffic running parallel to the property if they are more than 750 feet from the entrance of the property.

(2) Signs on buildings shall be limited to one per building and only allowed on buildings conducting the use being advertised.

f. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way.

5. Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

6. Parking - Off street parking shall be provided in accordance with Chapter 20.

7. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

G. Property Size Standards

Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone.

1. Farm Divisions:

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

b. 80 Acre: There shall be a 80 acre minimum land division for farm parcels in the A-1(160) zone to allow for land divisions around higher value per acre crops. All proposed farm parcels at least 80 acres but less than 160 acres shall meet the following standards:

(1) A farm management plan shall be submitted with the application. The farm management plan shall also include an evaluation of the following:

(a) The property size shall be large enough to keep commercial farms and ranches in the area successful and not contribute to their decline. This evaluation shall include the potential negative impacts such as increasing traffic on farm to market roads or adding practices or uses that would conflict with existing accepted farming practices on adjacent farms.

(b) Determine the nature of this type of commercial agricultural enterprise

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in the county, or within the surrounding area.

(2) The proposed farm parcel or parcels have been planted in a higher value per acre crop adequate to meet the income requirement in (3) below;

(3) Income Test

The proposed farm parcel or parcels are each capable of producing $250,000 in gross annual income (2009 dollars adjusted for inflation at an annual rate of *2.375%) from the sale of farm products.

Capability of producing the gross annual income described above shall be shown in one of two ways.

(a) Documentation of actual gross income received during the last two years or three of the last five years.

(b) Documentation that the current amount of acreage planted on the proposed farm parcel or parcels are each capable of producing the gross income described above. This documentation shall be prepared by a professional with the credentials to make such a determination such as a representative of the Oregon Department of Agriculture or Oregon State Extension Office. The documentation shall include the following:

(i) Identify the type(s) and size(s) of viable farms that comprise this commercial agricultural enterprise in the county, or within the surrounding area which meet or exceed the gross income described above.

(ii) Identify soils, topography, land forms, slopes, solar access, irrigation, rainfall, sunlight of viable farms that comprise this type of commercial enterprise and compare those to the proposed property.

(iii) Is there an identified industry with infrastructure for this type of commercial enterprise within the county or surrounding area? If so, how will this operation contribute to that enterprise? If not, will it be viable on its own?

Approval of a request to divide agricultural land to the 80-acre minimum does not necessarily guarantee a farm dwelling. Any subsequent request for a farm dwelling will have to meet applicable standards set forth in Section D(5), Farm Dwelling above.

*It is the intention of the Wasco County Court to reevaluate the validity of this inflationary adjustment percentage by 2014.

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c. 160 Acre: There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone and cannot meet the 80 acre minimum test in b above.

2. Non-Farm Divisions (Part of Parcel)

a. Non-Farm Dwelling & Non-Farm Use Divisions

(1) A one time division of land to create:

(a) Up to two new parcels no less than 2 acres in size and no greater than 20 acres in size, each to contain a dwelling not provided in conjunction with farm use, only if the dwelling has been authorized in accordance with Section E(5), Non-Farm Dwelling above; or

(b) A parcel to contain a nonfarm use, except dwellings, listed in Section (E), Conditional Uses above, unless otherwise precluded by statute. The parcel shall be the minimum size needed to accommodate the use in a manner consistent with other provisions of law;

(2) The parcel(s) are divided from a lot or parcel that was lawfully created in its current configuration prior to July 1, 2001. This date applies to properties even if they were created after July 1, 2001 pursuant to this section;

(3) The parcel(s) are divided from a lot or parcel that exceeds 160 acres and which will continue to meet or exceed 160 acres after the division;

(4) The parcel(s) are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land; and

(5) The parcels for the nonfarm dwellings are not located in the "A-1(40)" zone.

(6) The non-farm parcels shall be disqualified from special assessment pursuant to Section J(1)(g) below.

(7) The non-farm parcels do not have established water rights for irrigation.

b. Park and Open Space Divisions: A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels subject to the following:

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(1) A parcel created by the land division that already contains a dwelling is large enough to support continued residential use of the parcel; and

(2) A parcel created pursuant to this subsection that does not contain a dwelling:

(a) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

(b) May not be considered in approving or denying an application for siting any other dwelling;

(c) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and

(d) May not be smaller than 25 acres unless the purpose of the land division is:

(i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

(ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.

H. Agricultural Protection: The uses listed in Section D, Uses Allowed Subject to Standards and E, Conditional Uses must meet the following standards:

1. Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

2. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.

I. Challenging Soil Class Rating

1. Lot of Record: For the purposes of approving a Lot of Record application under Section D(9) above, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

a. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil

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rating or other soil designation should be adjusted based on new information; or

b. Submits the following:

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

(2) Statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph (1) above of this section and finds the analysis in the report to be soundly and scientifically based.

2. All Other: The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:

a. Submits a report to the Wasco County Planning Department from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:

(1) Copy of the most current National Cooperative Soil Survey map(s) for the specified area;

(2) Methods used by the Soil Scientist;

(3) Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units;

(4) Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;

(5) Notation of any limitations encountered;

(6) Results, findings and decisions;

(7) Overview of geology, parent material, and related factors;

(8) Description of landforms, topography, confirming relationship of landforms to soil mapping units;

(9) Description of on-site and adjacent hydrology, including surface and subsurface features;

(10) Description of revised soil mapping units;

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b. Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.

J. Additional Standards

1. Non-Farm Dwelling:

a. The parcel is not within the A-1(40) Zone.

b. There is no other dwelling on the parcel;

c. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;

d. Criteria for Farmland within the EFU Zone:

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

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

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

(1) On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in (3) below.

(2) On parcels at least 80 acres but less than 160 acres that were created prior to January 1, 1993, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in (3) below.

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(3) Generally Unsuitable Criteria:

(a) predominantly greater than 40 % slope, or

(b) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or

(c) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination conducted by an authorized professional using Natural Resource Conservation RCS standards.

e. Criteria for Forested land within the EFU zone

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

(2) If a lot or parcel is under forest assessment, it is presumed unsuitable if it is composed predominantly of soils capable of producing less than 20 cubic feet of wood fiber per acre per year and may qualify for a dwelling if it can be found that:

(a) The dwelling is compatible; and

(b) The dwelling does not seriously interfere with forest or farm uses on surrounding land and it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land; and

f. Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of nonfarm dwellings on

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other lots or parcels in the area similarly situated by applying the following standards:

(1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(2) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings;

(3) Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

(4) In addition to (1) – (3), if the application involves the creation of a new parcel for a nonfarm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying (1) – (3) above.

g. Disqualification of Special Assessment:
The owner of the parcel shall provide evidence that:

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1. The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland; and

2. A Request has been made in writing to the County Assessor to disqualify the parcel from special assessment; and

3. Prior to receiving zoning approval on a building permit application or a final plat map, the non-farm parcel has been disqualified from special assessment pursuant to ORS 215.236 and any additional tax imposed upon disqualification from special assessment have been paid; and

4. Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

2. Accessory Farm Dwelling:

   a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. The applicant shall submit a Farm Management Plan to provide evidence of this;

   b. The accessory farm dwelling will be located:

   (1) On the same lot or parcel as the dwelling of 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 and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved 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 ranch operation registered with the Dept. of Consumer & Business Services, Oregon Occupational Safety and Health Division under ORS

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658.750. Accessory farm dwellings approved Section H. shall be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(5) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under Section G(1) below, Farm Divisions and the lot or parcel complies with the gross farm income requirements in subsection d below..

c. There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling;

d. In addition to the requirements in subsection a - c. of this section, the primary farm dwelling to which the proposed dwelling would be accessory satisfies the following;

(1) The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, and produced in the last two years or three of the last five years, one (1) of the following:

(a) On land not identified as high-value farmland at least *$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income from the sale of farm products.

(b) On land identified as high-value farmland, and produced at least (*$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income

and,

(2) In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

e. Wasco county shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section.

If it is determined that an accessory farm dwelling satisfies the requirements Section D(6) above, One Single Family Dwelling Customarily Provided in Conjunction with Farm Use, a parcel may be created consistent with the minimum parcel size requirements in Section G(1), Farm Divisions; and

f. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction

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with farm use pursuant to Section E(5), One Single Family Dwelling Not Provided in Conjunction with a Farm Use.

*It is the intention of the Wasco County Court to reevaluate the validity of this inflationary adjustment percentage by 2014.

3. Alteration, restoration, relocation or replacement of a lawfully established dwelling:

   a. Has intact interior walls and roof structure;

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

   c. Has interior wiring or interior lights;

   d. Has a heating system;

   e. In the case of replacement, is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling;

   f. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel; and

   g. Be subject to all applicable siting requirements.

4. Lot of Record Dwelling:

   a. The lot or parcel on which the dwelling is to be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner:

      (1) Since before January 1, 1985; or

      (2) By device or by intestate succession from a person who acquired and had owned continuously the lot or parcel since before January 1, 1985.

   b. The tract upon which the dwelling is to be sited does not include another dwelling;

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

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d. The tract on which the dwelling is to be sited is not high value farmland as defined in Section 1.090, Definitions.

e. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel;

f. The director or the director's designee shall notify the county assessor of any decision to permit a lot of record dwelling;

g. As used in this zone, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members; and

h. Land use approval for a lot of record dwelling may be transferred one time to any other person, prior to issuance of building permit.

5. Farm Dwelling:

a. Large Lot: a dwelling may be considered customarily provided in conjunction with farm use subject to the following:

(1) The land on which the dwelling to be sited is not identified as high-value farmland;

(2) The parcel on which the dwelling will be located is at least 160 acres;

(3) The subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan

(4) The dwelling will be occupied by an owner or a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale. If the owner is not principally engaged in the day to day farm operation, no Accessory Farm Dwelling for farm help may be authorized pursuant to Section D(7) above; and

(5) There is no other dwelling on the subject tract.

b. Income Test (for Parcels Less than 160 acres) subject to the following and Subsection 3 below:

(1) Meets either (a) or (b) below:

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(a) On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least at least *$55,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross annual income of from the sale of farm products; or

(b) On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if the subject tract is currently employed for the farm use, as defined in Section 1.090 and ORS 215.203, as evidenced by a Farm Management Plan, that produced at least *$110,000 (2009 dollars adjusted for inflation at an annual rate of 2.375%) in gross Annual income from the sale of farm products in the last two or three of the last five years; and

(2) In determining the gross income required by this subsection:

(a) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(b) Only gross income from land owned, not leased or rented, shall be counted; and

(c) Gross farm income earned from a lot or parcel 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

(3) There is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation; and

(4) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income.

(5) Prior to issuance of zoning approval on a building permit application, a Notice of Decision shall be recorded in the deed records with the Wasco County Clerk for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

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

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

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(6) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Wasco County Judge;

(7) Enforcement of the covenants, conditions and restrictions may be undertaken by the Dept. of Land Conservation & Development or Wasco County;

(8) The Planning Director shall maintain a copy of the Notice of Decisions 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 shall be readily available to the public in the Planning Office.

6. Winery:

a. The winery is a facility that produces wine with a maximum annual production of:

(1) Less than 50,000 gallons and it:

(a) Owns an on-site vineyard of at least 15 acres;

(b) Owns a contiguous vineyard of at least 15 acres;

(c) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or

(d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph; or

(2) At least 50,000 gallons and no more than 100,000 gallons and that:

(a) Owns an on-site vineyard of at least 40 acres;

(b) Owns a contiguous vineyard of at least 40 acres;

(c) Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or

(d) Obtains grapes from any combination of subparagraph (a), (b) or (c) of this paragraph.

b. The winery described in subsection (a)(1) or (2) above shall allow only the sale of:

(1) Wines produced in conjunction with the winery; and

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(2) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include individually portioned prepackaged foods prepared from an approved source by a commercial processor and nonperishable beverages or any items additionally allowed by a limited service restaurant defined in ORS 624.010.

c. Prior to the issuance of zoning approval to establish a winery under this section, the applicant shall show that vineyards, described in subsection (a)(1) and (2) of this section, have been planted or that the contract has been executed, as applicable.

d. Siting Standards to limit conflicts with accepted farming or forest practices on adjacent lands include:

(1) Establishment of a setback, not to exceed 100 feet, from all property lines for the winery and all public gathering places; and

(2) Provision of direct road access, internal circulation and parking.

e. If a Home Occupation to host Commercial Events such as weddings, receptions or parties is desired, that use must be applied for under Section E(28). Failure to apply under Section E(28) for such a use will result in the hosting of any such events to be considered a land use violation.

7. Farm Ranch Recreation:

a. The tract or parcel is currently employed in a commercial agricultural operation as defined in Section 1.090 and ORS 215.203 as evidenced by a Farm Management Plan.

If the Farm Ranch Recreation utilizes agricultural operations on a tract to meet the commercial agricultural operation standards they will be required to own and operate the tract. If portions of the tract used to justify the commercial agricultural operation are sold the Farm Ranch Recreation approval will automatically become void and the owner will cease to operate within 60 days of selling the property.

b. The Farm Management Plan shall also include the Farm Ranch Recreation proposal including the number of acres devoted to the recreational use, proposed or existing buildings involved in the use, hours and days of operation, and anticipated usage (number of visitors). Additionally, it must be demonstrated how the Farm Recreation activities are compatible with the commercial farming operation.

c. The Farm Ranch Recreation proposal shall not be the primary use of the tract, but shall be subordinate to the commercial agricultural operation in scope, scale and impact, however, income generated from the farm ranch

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recreation use does not have to be subordinate to income generated by the commercial agricultural operation. Scope, scale and impact shall take into consideration the number of acres/area devoted to the farm ranch recreation use, anticipated usage of the use, days and hours of operation.

d. New Farm Ranch Recreation structures shall be located on land that is "generally unsuitable" as defined in Section J(1)(d), Non-Farm Dwelling, where practicable. If the proposal is to not locate Farm Ranch Recreation structures on land that is "generally unsuitable", the application shall explain why and how the proposal best protects agricultural lands.

e. Recreational uses such as fly fishing and hunting off of the parcel or tract shall be allowed. However, the primary portion of the Farm Ranch Recreation use, excluding lodging, shall occur on the parcel or tract.

f. Overnight lodging units in new or existing structures may be permitted in conjunction with the Farm Ranch Recreation operation. Lodging unit means an individual guest room in a lodge, bunkhouse, cottage, cabin, tent or licensed recreational vehicles used only for transient lodging and not for a permanent residence. No more than 10 lodging units are allowed. No kitchen facilities are permitted in individual lodging units. All overnight facilities shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements for sanitary sewage disposal.

g. In addition to overnight lodging units a separate kitchen area, rest rooms, storage or other shared indoor space shall be allowed.

h. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation site. The cost of meals, if any, provided to guests of the farm ranch recreation, individuals accompanying the guests and individuals attending a special event at the farm ranch recreation may be included in the fee to visit or stay at the farm ranch recreation site. A farm ranch recreation may not sell individual meals to an individual who is not a guest of the farm ranch recreation, an individual accompanying a guest or an individual attending a special event at the farm ranch recreation site. Kitchen facilities associated with the farm ranch recreation shall comply with Oregon Dept. of Environmental Quality and/or Wasco County Health Dept. requirements.

h. The Approving Authority shall place reasonable no-shooting buffers (setbacks from property lines) for hunting preserves, with the ability to have a minimum one foot (1') buffer.

i. There shall be a two mile radius for public notification in the application of public or private target or shooting courses. There shall be a one-half mile radius for public notification in the application of a hunting preserve.

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8. Utility Facility:

   a. A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

      (1) Technical and engineering feasibility;

      (2) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

      (3) Lack of available urban and nonresource lands;

      (4) Availability of existing rights of way;

      (5) Public health and safety; and

      (6) Other requirements of state and federal agencies.

   b. Costs associated with any of the factors listed in a. may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

   c. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

   d. The governing body of the County or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farm lands.

   e. In addition to a. through d. of this section, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

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f. The provisions of a. through d. do not apply to interstate natural gas pipelines and associated facilities authorized by an subject to regulation by the Federal Energy Regulatory Commission.

9. Aggregate

a. A land use permit is not required for mining less then than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.

b. A land use permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.

c. "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.

d. "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 road construction or other on-site construction or nonsurface impacts of underground mines.

10. Composting facilities:

a. Composting operations and facilities allowed on land not defined as high-value farmland shall be limited to the composting operations and facilities allowed by OAR 660-033-0130(29)(a) or that require a permit from the Department of Environmental Quality under OAR 340-093-0050. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

b. Composting operations and facilities allowed on high-value farmland are limited to those that are exempt from a permit from the Department of Environmental Quality (DEQ) under OAR 340-093-0050, only require approval of an Agricultural Compost Management Plan by the Oregon Department of Agriculture, or require a permit from the DEQ under OAR 340-093-0050 where the compost is applied primarily on the subject farm or used to manage and dispose of by-products generated on the subject farm. Excess compost may be sold to neighboring farm operations in the local area and shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size. Buildings and facilities used in conjunction with the composting operation

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shall only be those required for the operation of the subject facility.

11. Land application of reclaimed water, agricultural process or industrial process water or biosolids.

a. A determination by the Department of Environmental Quality, in conjunction with the department's review of a license, permit or approval, that the application rates and site management practices for the land application of reclaimed water, agricultural or industrial process water or biosolids ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

b. The use of a tract of land on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred under this section may not be changed to allow a different use unless:

(1) The tract is included within an acknowledged urban growth boundary;

(2) The tract is rezoned to a zone other than an exclusive farm use zone;

(3) The different use of the tract is a farm use as defined in ORS 215.203; or

(4) The different use of the tract is a use allowed under:

(a) ORS 215.213 (1)(c), (e) to (g), (k), (m) to (q), (s) to (u), (x), (z) or (aa);

(b) ORS 215.213 (2)(a) to (c), (i), (m) or (p) to (r);

(c) ORS 215.283 (1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x); or

(d) ORS 215.283 (2)(a), (j), (L) or (p) to (s).

c. An evaluation of the alternatives to application and the reason for not using these alternatives.

d. The uses allowed under this section include:

(1) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application;

(2) The establishment and use of facilities, including buildings, equipment, aerated and nonaerated water impoundments, pumps and other irrigation equipment, that are accessory to and reasonably necessary for the land application to occur on the subject tract;

(3) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water

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or biosolids to the tract on which the land application occurs if the facilities are located within:

(a) A public right of way; or

(b) Other land if the landowner provides written consent and the owner of the facility complies with ORS 215.275 (4); and

(4) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.

e. Uses not allowed under this section include:

(1) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or

(2) The establishment and use of utility facility service lines allowed under B(10) above.

f. A division of land for the land application of reclaimed water, agricultural or industrial process water or biosolids shall not be allowed.

12. Farm stands:

a. The structures are designed and used for 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 sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand;

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

c. "Farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items; and

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d. "Local agricultural area" includes Oregon or an adjacent county in Washington.

13. Golf Courses

a. A regulation 18 hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;

b. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;

c. Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in Section 1.090, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges;

d. Accessory uses provided as part of a golf course shall be consistent with the following standards:

(1) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.

(2) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

(3) Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for

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banquets, public gatherings or public entertainment.

14. Private Parks, Playgrounds and Campgrounds

a. The campground is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

b. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4.

c. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

d. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

e. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection f below.

f. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

15. On Site Filming

a. No filming shall occur without written permission of the landowner.

b. Filming may be restricted during the hours between 10 p.m. and 8 a.m. if nearby residents would be disturbed by noise, lights or any other filming activity.

c. Filming shall not create traffic hazards.

d. Prior to filming, written authorization shall be obtained from the applicable fire department for the use of any fire-related activities, such as welding or cutting equipment, pyrotechnical devices or related activities.

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e. All federal, state and county aircraft regulations shall apply. It is the responsibility of the applicant to be aware of all regulations.

f. All structures shall be self-supporting. Digging or construction of permanent foundations will not be allowed.

g. Weekly garbage pickup shall be provided and any garbage or debris gathered daily.

h. All garbage, debris, sets, or other equipment or props must be removed and properly disposed of within 24 hours of completion of filming.

i. All food concessions shall obtain a permit from the Wasco County Health Department.

j. It is the responsibility of the applicant to provide proper sanitation, potable water, off-road parking, and security.

k. No mammals, fish, reptiles, or other animals shall be released into the environment during or after filming.

l. All animals shall be tethered, leashed or caged when not immediately required for filming.

16. Commercial Activities in Conjunction with Farm Use - The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

-Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.

-Farm product receiving plants, including processing, packaging, and reshipment facilities.(revised 2-89)

-Livestock feed or sales yards.

-Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.

-Farm equipment storage and repair facilities.

-Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.

-Veterinarian clinic.

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-Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.

-Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

-Wineries for production from fruits, a portion of which are grown on the property, including retail sales.

-And other such uses which may be construed as similar to the above listed uses.

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

17. Wind Power Generation Facility: For purposes of this section a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances.

a. For high-value farmland soils described in ORS 195.300(10), it must be found that all of the following are satisfied:

(1) Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:

(a) Technical and engineering feasibility;

(b) Availability of existing rights of way; and

(c) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under paragraph (2) of this subsection.

(2) The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

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(3) Costs associated with any of the factors listed in paragraph (1) of this subsection may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

(4) The owner of a wind power generation facility approved under Section (a) above shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(5) The criteria in Section (b), below are satisfied.

b. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described in ORS 195.300(10), it must be found that:

(1) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and

(2) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and

(3) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

(4) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds

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species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

c. For nonarable lands, meaning lands that are not suitable for cultivation, it must be found that the requirements of Subsection (b)(4) above are satisfied.

d. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Sections (b) and (c) above, the approval criteria of Section (b) shall apply to the entire project.

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CHAPTER 4 SUPPLEMENTAL PROVISIONS

SECTION 4.010 Authorization of Similar Uses

The Director may permit in a particular zone a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted there by this Ordinance. The decision of the Director may be reviewed by the Planning Commission on its own motion or appealed to the Commission pursuant to Section 2.060 (C)(10) of this Ordinance. Notice of Administrative Action shall be given as prescribed by Section 2.080(A) of this ordinance. Notice of a final decision shall be given as prescribed in Section 2.120(A) and (B).

SECTION 4.020 Exceptions

The Director of Planning shall be authorized to grant exceptions to the provisions of this Ordinance to any government agency that requests in writing an exception to a specific requirement or procedure; provided that the following circumstances exist:

A. The proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Land Use and Development Ordinance; and,

B. The proposed use would serve an immediate public need; and,

C. There is inadequate time available for a review of the use through normal procedures, and delays would impair project implementation or pose hazards to property or public health, safety or welfare.

SECTION 4.030 Impact Review

To ensure that adequate information is available to determine potential conflicts or detrimental effects, the Director of Planning may require the submission of an impact assessment, upon forms prescribed by the Director, before an exception shall be granted.

SECTION 4.040 Exemptions

Nothing in this Ordinance shall be deemed to apply to the construction, reconstruction, or alteration by a government agency of road or highway systems, or to the use of materials or sources within rights-of-way. In addition, maintenance rehabilitation, repair and minor betterment activities, not considered to have land use impacts, by a governmental agency on public property or facilities, shall also be exempt from the provisions of this Ordinance. Public works projects or land uses, authorized or approved by the County Court and determined by the Director to be consistent with the long-term objectives of the Comprehensive Plan, shall be exempt from the current provisions of this Ordinance.

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SECTION 4.050 Maintenance of Open Space
No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots. Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this Ordinance.

SECTION 4.060 General Exceptions to Yard Requirements
The following exception to yard requirements is authorized for a lot in any zone:

If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting yards.

SECTION 4.070 General Exceptions to Building Height Requirements
Necessary roof structures housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, energy facilities and commercial energy facilities, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. Transmission towers over 200 feet in height require a Conditional Use Permit.

SECTION 4.080 Projections Into Yards
Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

A. Accessory buildings where permitted.

B. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than eighteen (18) inches or into front and rear yards not more than twenty-four (24) inches.

C. Chimneys may project into any required yard not more than eighteen (18) inches.

D. Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.

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E. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

SECTION 4.090 Vision Clearance

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

A. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the appropriate zone, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

B. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area removed to a height of eight (8) feet above the grade.

C. The following measurements shall establish vision areas:

1. In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.

2. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

SECTION 4.100 Fences

No fence shall exceed six (6) feet in height or two and one-half (2 1/2) feet in a vision clearance area. Game fences designed to protect agricultural crops from game animals shall be included in the definition of fence (protective), however, they are exempt from the height limit.

SECTION 4.110 Through Lots

A. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.

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B. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the greater height shall not extend more than one hundred fifty (150) feet from that street.

C. Through lots having a frontage on two streets shall provide the required front yard on each street.

SECTION 4.120 Exterior Finishing of Mobile Homes

A. All mobile homes located on any lot or parcel in Wasco County shall be skirted with fire-proof, non-decaying and non-corroding materials or shall be provided with a cement or concrete block exterior foundation. If metal skirting is employed, it shall be painted and formed in a pattern complementary to the siding of the mobile home.

B. All awnings carports, ramadas, cabanas, and garages shall be painted and designed in a style complementary to the design of the mobile home.

C. Wheels shall be removed from all mobile homes at the time of installation on property. In addition, tongues, and hitches shall be removed from all mobile homes wider than ten (10) feet that are installed on any parcel of land, exclusive of licensed mobile home parks. The Director of Planning may exempt certain mobile homes from the last requirement when removal would damage the frame and weaken the structure.

SECTION 4.130 Development Standards for Guest Houses (Added 1-92)

A guest house may be allowed as listed in specific zones ("F-F", "R-R", "R-R(10)", "A-R", "R-1", "R-2", "R-3", "R-4", and "R-C") on a legally created lot or parcel on which a primary dwelling is situated, subject to the setback requirements of the underlying district, and the provisions of this section;

A. Only one (1) guest house shall be allowed on a lot-of-record.

B. The maximum floor area of a guest house, including all levels and basement floor areas shall not exceed six-hundred (600) square feet. Garage area shall not count toward the total floor area.

C. A guest house shall be located within one-hundred (100) feet of the primary dwelling on the subject lot-of-record. This distance shall be measured from the closest portion of each structure.

D. Occupants of a guest house and the primary dwelling shall live together as one house keeping unit, sharing one kitchen and one laundry facility, to be located in the primary

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dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.

E. All public water, electricity, natural gas and sewer services for the guest house shall be extended from the primary dwelling service. No separate meters for the guest house shall be allowed. A separate telephone line for the guest house may be provided.

F. A guest house shall use the same septic system as the primary dwelling. Approval from the County Sanitarian shall be required.

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CHAPTER 19 STANDARDS FOR ENERGY FACILITIES AND COMMERCIAL ENERGY FACILITIES

SECTION 19.005 Purposes

This chapter describes how to apply for county approval of a proposed hydroelectric, wind energy, biomass, or geothermal facility. If outside of the A-1 zone county review authority shall be limited to facilities with a nominal rated electric capacity of 25 MW or less, or transmission facilities carrying 230 kV or less. If inside the A-1 Zone county review authority shall extend to the capacity allowed by ORS 469.300, or if the applicant or the County Court so desires for any reason, review authority shall be given to the Oregon Department of Energy who shall decide the matter. It also describes how the county will consider the energy, environmental, economic, and social consequences of a proposed energy facility. A use approved by the county under this chapter will protect the public health, safety, and general welfare, comply with the Statewide Planning Goals and Guidelines, and comply with the Wasco County Comprehensive Plan.

SECTION 19.010 Classification of Energy Facilities

A. Permitted Subject to Standards. A proposed energy facility shall be approved by the Planning Director as a use permitted subject to standards if the proposed facility complies with the applicable standards of subsection 19.030 (A) through (C) and section 19.040, subject to the applicable conditions of section 19.050.

B. Conditional Use. A proposed energy facility that is not permitted subject to standards may be approved by the Planning Commission as a conditional use if the proposed facility complies with the applicable standards of subsection 19.030 (D) through (F) and section 19.040, subject to the conditions of section 19.050 and other conditions found necessary to fulfill the purpose of this chapter.

SECTION 19.020 Other Energy Facilities

Energy facilities and commercial energy facilities other than hydroelectric, wind energy, and transmission facilities are subject to the provisions of Chapter 5.

SECTION 19.030 Standards for Approval

A. A Hydroelectric Facility as a Use Permitted Subject to Standards. A proposed hydroelectric facility is a use permitted subject to standards if it complies with part 19.030 (A)(1) and with part (A)(2), or part (A)(3) below, and the applicable conditions of Section 19.050.

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1. Location. The facility shall comply with subsection 19.040(A) through (D).

2. Capacity and Source of Water. The facility will comply with either subpart 19.030(A)(2)(a) or (b).

   a. The facility will produce 100 theoretical horsepower (thp) or less, or

   b. The facility takes water from and returns water to a man-made water conveyance system, without increasing the system's use of surface and ground waters.

3. Other Small Scale Facilities. A facility other than one in part 19.030(A)(2) with a maximum generating capacity of 5 megawatts (MW) shall comply with all of the following:

   a. Does not increase the maximum surface area of an impoundment at an existing dam or diversion or does not impound more than two acre feet at a new impoundment or diversion.

   b. Does not change the prevailing regime of storage and release or impede fish management. Changes which improve fish management or existing adverse effects of the dam or diversion may be permitted.

   c. Does not require development of more than one mile of new vehicular access routes.

   d. Does not require construction of a transmission line in a new right-of-way or easement that results in clearing of a right-of-way or easement with a length exceeding one mile or with an average cleared width exceeding 50 feet in the zone.

   e. Does not use a diversion or intake structure the height of which is more than twice the diameter of the penstock or ten feet, whichever is less.

   f. Does not increase naturally-occurring head by more than five percent.

B. A Transmission Facility as a use Permitted Subject to Standards. A transmission facility is a use permitted subject to standards if it complies with part 19.030(B)(1) or with parts (B)(2) and (B)(3), and the applicable conditions of section 19.050.

1. Location and Height.

   a. The facility shall comply with subsections 19.040(B) and (C), and

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b. The facility shall result in clearing of a right-of-way or easement with an average width not greater than 50 feet in the F-F and F-1 zones, or

c. The facility shall not increase the extent to which the right-of-way or easement is in an area listed in parts 19.040(A)(1) through (3), except as permitted by part 19.040(A)(4).

d. The facility is less than 200 feet.

2. Existing Use. The facility shall be built in or adjoining an existing public road or utility right-of-way or easement, and

3. Width. The facility will not increase the average width of the clearing for the existing right-of-way or easement by more than 50% nor result in clearing of a right-of-way or easement with an average width greater than 125 feet, whichever is less, and

C. A Wind Facility as a Use Permitted Subject to Standards. A proposed wind facility is a use permitted subject to standards if it complies with parts 19.030(C)(1) through (8). A wind measurement device is a use permitted subject to standards if it complies with subpart 19.030(C)(3)(b) and parts (C)(5), (C)(7) and (C)(8). In addition, a WECS and a wind measurement device are subject to the standards of subsection 19.040(A) through (C) and the applicable conditions of section 19.050.

1. WECS Height. The total WECS shall not exceed 200 feet.

2. Density. No more than two WECS shall be on the same site and under the same ownership or management.

3. Setbacks.

a. A WECS shall be setback from all adjoining property lines as described in (1) and (2) below. An easement that complies with ORS 105.900 through .915 may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

1. A horizontal axis WECS shall be setback at least five rotor diameters.

2. A vertical WECS shall be setback the total WECS height.

b. The furthest horizontal extension of a WECS or wind measurement device (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or

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easement for above-ground telephone, electrical transmission and distribution lines.

4. Minimum Height. The lowest point in the sweep of a WECS blade shall be a minimum height above the tallest current or foreseeable obstruction within a horizontal, 500 foot radius of a WECS or a radius of 10 rotor diameters (for horizontal axis) and 5 WECS heights (for vertical axis), whichever is greater, as described in (a), (b), and (c) below. The radius shall be measured from the center point of the tower.

   a. At least 30 feet for a horizontal axis WECS on a site without site-specific wind direction data or representative off-site data.

   b. At least 30 feet above current or foreseeable obstructions within 45 degrees of the direction(s) of prevailing wind for a horizontal axis WECS on a site with site-specific wind direction data or representative off-site data.

   c. At least six feet for a vertical axis WECS.

5. Public Access. Public access to a vertical axis WECS shall be limited using (c) below. Public access to a horizontal axis WECS shall be limited using one or a combination of the following methods:

   a. Removal of tower climbing fixtures to 12 feet from the ground,

   b. Installation of a locking, anti-climb device on the tower, or

   c. Installation of a protective fence at lease six feet tall with a locking gate.

6. Visual Effects. Except when the applicant demonstrates that such measures will significantly interfere with wind access over the life of the WECS, a WECS shall be sited to reduce visual impacts using means including, but not limited to, the following:

   a. Setting the WECS against a visual backdrop that, because of color, texture or topography, helps the WECS blend into its surrounding environment.

   b. Using non-reflective materials and colors that blend into the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.

   c. No advertising shall be placed on the WECS. Advertising does not include the manufacturer's label or other signs required by law.

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d. Setting the WECS back from scenic highways and zones containing any of the protected areas listed in subsections 19.040(A) and (B).

7. Notice. The following signs shall be clearly visible on the WECS tower and accessory facilities.

a. "No Trespassing" signs shall be attached to any perimeter fence.

b. "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.

c. A sign shall be posted on the tower showing an emergency telephone number.

d. The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

8. Guy Wires. All guy wires shall be sheathed in a bright orange or yellow covering from three to eight feet above the ground.

D. Conditional Use Standards for a Hydroelectric Facility. A hydroelectric facility shall be approved if it complies with the following standards and section 19.040, subject to the conditions of section 19.050.

1. Fish, Wildlife, and Plant Resources. The facility shall not have a significant adverse effect on endangered or threatened fish, wildlife, or plant species or their critical habitats or on other significant habitats identified in the comprehensive plan.

2. Visual Effects. The facility considers visual effects by means including, but not limited to, the following.

a. Using materials and colors that blend with the background.

b. Setting development back from the edge of public arterial rights-of-way, viewpoints, and other significant visual resources identified in the comprehensive plan, and setting accessory facilities back from Class I and II streams.

c. Retaining or planting vegetation to obscure views of the development from significant viewpoints identified in the comprehensive plan.

3. Water Use. Use of water for the facility is not detrimental to the public interest or contrary to the achievement of an integrated, coordinated program for water management. A Water Resources Department or Water Policy Review Board

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decision to grant or approve use of the amount of water proposed for the use shall be conclusive proof that the facility complies with this standard, unless the approval has expired.

E. Conditional Use Standards for a Transmission Facility. A transmission facility shall be approved if it complies with the following standards and section 19.040, subject to the conditions of section 19.050.

1. Use of Existing Routes. The development uses available developed or approved road and utility rights-of-way or easements that can accommodate the proposed facility. New routes are permitted if more adverse energy, environment, economic, and social consequences would result from using an existing route than development of other rights-of-way or easements.

2. Visual Effects. The facility considers visual effects by means including but not limited to the following.

   a. Avoiding ridgelines, scenic areas, unique or significant views and vistas, hilltops, or other high or visually prominent areas.

   b. Building the facilities near the edge of contiguous timber areas or in swales, dips, and depressions that provide a backdrop for or obscure the facility to the extent these features are available between the ends of the facility.

   c. Using materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration or Oregon State Aeronautics Division.

   d. Setting development back from the edge of public arterial rights-of-way, Class I and II streams, viewpoints, and other significant visual resources identified in the comprehensive plan and retaining or planting vegetation to obscure views of the development from those areas.

3. In-Stream Towers. A transmission tower may be permitted in a Class I or II stream if it complies with (a) and (b) below.

   a. Adjoining towers and conductors cannot safely and economically support the transmission line(s) that span the stream without an in-stream tower.

   b. The transmission line cannot be safely and economically placed under the water or streambed.

F. Conditional Use Standards for Wind Facilities. A wind energy conversion system (WECS) shall be approved if it complies with parts 19.030(C)(6), (C)(7), (C)(8) and the

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standards in (F)(1) through (6) below. In addition, a WECS is subject to the standards in section 19.040 and the applicable conditions of section 19.050.

1. Setbacks. WECS shall comply with subparts (a), (b) and (c) below.

   a. WECS shall comply with the requirements of subparts 19.030(C)(3)(a) and (b).

   b. A WECS tower or pedestal shall be setback as described in (1) and (2) below from the edge of a public arterial right-of-way and property lines of downwind lots. An easement that complies with ORS 105.900 through .915 may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

      (1) A horizontal axis WECS shall be setback at least five rotor diameters or 100 feet, whichever is greater.

      (2) A vertical axis WECS shall be setback at least the total WECS height.

   c. A WECS shall be set back from lots in residential zones and significant visual resources identified in the comprehensive plan one quarter mile or as described in (1) and (2) below, whichever is less.

      (1) At least 20 rotor diameters for a horizontal axis WECS.

      (2) At least 10 WECS heights for a vertical axis WECS.

2. Minimum Height.

   a. A horizontal axis WECS shall comply with subpart 19.030(C)(4)(b). However, a WECS in a windfarm is not an obstruction to other WECS on-site.

   b. A vertical axis WECS shall comply with subpart (D)(3)(d)(3).

3. Public Access. Public access to WECS shall be limited using one or a combination of the methods contained in section 19.030(C)(5) and a protective fence at least six feet tall enclosing the site.

4. Wind Resources. The site shall have site-specific data documenting wind speed and direction or off-site data from within the same topoclimatological zone as the proposed site.

5. Fish, Wildlife, and Plant Resources. The facility shall not have a significant adverse effect on endangered species or their critical habitats or on other significant habitats identified in the comprehensive plans.

6. Bonding. An applicant who is not the owner of the proposed site shall post a bond or an alternative acceptable to the county which is sufficient to guarantee removal and disposal of the wind farm components and restoration of the land in case of noncompliance with the provisions of the ordinance.

SECTION 19.040 Additional Approval Standards for Energy Facilities and Commercial Energy Facilities

A. Protected Areas. An energy facility may not be sited in the areas listed in part 19.040(A)(1) through (3) unless the facility complies with part (A)(4) below.

1. National parks, national monuments, national wildlife refuges, BLM Outstanding Natural Areas, BLM Areas of Critical Environmental Concern, Federal Research Natural Areas, U.S. Forest Service Special Interest Areas, Wilderness areas under the Federal Wilderness Act and areas recommended for designation as wilderness areas pursuant to section 603 of the Federal Land Policy Management Act of 1976, Federally designated Wild and Scenic Rivers or any rivers recommended for designation by the National Park Service.

2. State of Oregon parks, waysides, refuges, wildlife management areas, and natural area preserves, scenic waterways and adjacent lands designated pursuant to ORS 309.845, wild fish streams designated by the Oregon Department of Fish and Wildlife, and experimental areas established by the Rangeland Resources Programs, School of Agricultural, OSU.

3. Areas which the comprehensive plan designates as not suitable for a given type and size of energy facility, because the area contains significant open space, mineral resources, fish and wildlife habitat, scenic views and sites, waterbodies, wilderness, cultural, geologic, historic, botanical, research, or recreational resources that cannot be protected from the adverse consequences of the facility.

4. Exceptions. An energy facility may be permitted in an area listed in parts 19.040(A)(1) through (3) above if it complies with at least one of the following exceptions, and it will be compatible with adjacent uses and resources. However, a hydroelectric dam or diversion is not permitted in a scenic waterway or adjacent lands designated pursuant to ORS 390.825.

   a. Accessory Use. A proposed energy facility is accessory to a permitted use.

   b. Authority Granted by Management. The public agency responsible for designation or management of a protected area in which an energy facility is

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proposed has authorized the application or approved the proposed facility. However, this is not an exception for areas listed in part 19.040 (A)(3).

c. Substantially Equivalent Substitute. The applicant provides resources equal or better in quantity and quality to those adversely affected by the energy facility.

d. Comprehensive Plan Designation. The comprehensive plan designates the site for an energy facility of the scale and type proposed.

B. Conditionally Protected Areas. An energy facility or commercial energy facility in an area which the comprehensive plan designates as conditionally suitable for the scale and type of facility proposed shall comply with the conditions provided for the facility in the comprehensive plan.

C. F-1 Zone. A transmission facility that results in a clearing with an average width greater than 50 feet, a hydroelectric facility on a site where the average slope of the land within 200 feet of the edge of the project area exceeds 20 percent or uses an impoundment containing not more than 1000 acre feet, and a wind facility on a site which occupies not more than 50 acres on land zoned F-1 shall comply with parts 19.040(C)(1) through (4), except a facility that is accessory to a permitted use.

1. The facility is sited on land that is generally unsuited for forest use, or use of predominant forest areas is warranted for the safe, economical, and efficient operation of the facility;

2. Will not significantly affect forest uses on the site or surrounding land;

3. Will not alter the stability of the land use pattern in the area; and

4. Will be consistent with forest policies of the comprehensive plan.

D. Compliance with the Comprehensive Plan. The facility shall comply with the applicable policies of the comprehensive plan.

SECTION 19.050 Conditions of Approval

Approval of an energy facility shall be subject to the following conditions. In addition, the approval authority may require an energy facility that is approved as a conditional use to comply with other conditions as necessary to fulfill the purpose of this chapter.

A. Coordination

1. Continuing Notice. The applicant shall provide the county with a copy of all applications for, or notices of, state or federal permits, licenses, exemptions, or

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variances in conjunction with the construction and licensing of the facility and proposed significant changes to the facility. The applicant shall make a good faith effort to provide the copy at the earliest possible time.

2. State and Federal Authority. The applicant should demonstrate that all necessary state and federal permits, licenses, exemptions, variances, or authority are approved before initiating construction of the facility.

3. Other Terms & Conditions. The terms and conditions of the following authorities satisfy substantially similar standards and conditions of this chapter and supersede inconsistent county conditions.

   a. A dredge and fill permit is granted by the Division of State Lands under ORS 541.615;

   b. The proposed action is a forest operation that complies with the Forest Practices Act under ORS 526 - 527 and the Rules of Forest Practices;

   c. Written approval of development within the Oregon Scenic Waterways System is granted by the Department of Transportation under ORS 390.800, the Energy Facility Siting Council under ORS 469.430-469.570, or the Water Resources Department under ORS 537.130 through 537.450;

   d. Written approval of the Department of Environmental Quality when air or water quality discharge permits, exemptions, or variances are granted; or

   e. The facility complies with substantially similar standards of the special districts listed in section (F)(4) below.

4. Consistency with Service Districts and Special Purpose Agencies. The development shall comply with the hazardous or solid waste, flood, surface, or groundwater, soil conservation, or resource management program(s) adopted by the appropriate emergency management authority, drainage district, soil conservation agency, or resource management agency(ies).

B. Environmental Protection Overlay Districts. An energy facility or commercial energy facility in the following overlay, combining, or floating districts shall comply with applicable terms of those districts:

1. The Flood Hazard Overlay district,

2. The Geologic Hazard Overlay district,

3. The Mineral Resources Overlay district,

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4. The Cultural, Historic and Archaeological Overlay district,

5. The Sensitive Wildlife Habitat district,

6. The Columbia Gorge Overlay district,

7. The Airport Impact Overlay district, and

8. The Natural Areas Overlay district.

C. Protection of Water Quality.

1. The development shall comply with the water quality standards for dissolved oxygen and temperature adopted by the Oregon Environmental Quality Commission (EQC) and codified in OAR 340-41 and shall not increase turbidity. Water quality effects of forest operations shall comply with the Oregon Rules for Forest Practices (ORFP) and the Forest Practices Act.

2. To the extent not inconsistent with EQC and ORFP rules, the Planning Director may allow these standards to be exceeded for a specified short time when necessary to accommodate essential construction, emergency, or other permitted uses and actions.

D. Protection of Water Bodies and Wetlands. The development will incorporate mitigation and conditions to protect Class I and Class II streams and wetlands and the banks and vegetation along those streams and wetlands affected.

E. Soil Protection. Development shall not cause a significant increase in erosion or sedimentation based on the topography, use and soil classification of the site and access to it. Practices to reduce or avoid erosion and sedimentation include but are not limited to the following.

1. Structures and access avoid areas of steep slopes where high cuts and fills are required and shall use natural contours.

2. The smallest practical area of land is to be exposed for the shortest practical time during development.

3. Measures are used such as seeding and sodding, temporary use of straw or fabric cover, aggregate cover, diversions authorized by state permit, sediment basins, and filters.

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F. Health and Safety.

1. Drinking Water. No water sources shall be used for consumption unless approved in writing by the Oregon State Health Division.

2. Toilets. Field toilets approved by the county sanitarian or Oregon Department of Environmental Quality shall be available at construction sites in the vicinity and upstream of Class I or Class II streams or other water supplies.

3. Grounding. All structures which may be charged with lightning shall be grounded according to the Oregon State Electrical Specialty Code.

4. Electrical Safety. Transmission lines associated with the facility shall not generate an electrical field greater than 9 kV per meter measured at grade and shall comply with the National Electrical Safety Code, based on a written decision by the Public Utility Commissioner.

5. Air Safety. Any structure that is more than 200 feet above grade or exceeds airport imaginary surfaces defined in OAR 738, shall comply with the air hazard rules of the Oregon State Aeronautics Division (OSAD) and Federal Aviation Administration (FFA), based on a written action by those agencies.

6. Communications. The proposed facility shall not unduly reduce or interfere with electromagnetic communication signals. If undue reduction or interference occurs, the applicant shall return reception levels to pre-facility levels.

7. Noise. Construction and operation of the proposed facility shall comply with the noise regulations of the Oregon Department of Environmental Quality (DEQ) in OAR 340-35, based on a written decision by DEQ. In addition, a wind farm application shall identify noise sensitive property(ies) and ambient noise levels prior to construction.

8. Public Roads. Mud and other debris from related construction, road wear from related vehicles, or facility operation shall not create a hazard on public roads and highways. Mud and debris that fall onto a county road should be removed by the applicant as soon as possible.

G. Fish and Wildlife.

1. The applicant shall consult with the Oregon Department of Fish and Wildlife (ODFW) concerning the facility and shall provide information as requested to ODFW. The development shall be subject to ODFW recommendations that are consistent with the county decision regarding the facility.

2. A transmission line sited adjacent to wetlands or water bodies identified as critical bird habitat in the comprehensive plan shall comply with (a), (b), or (c) below:

   a. The line is lower than the level of surrounding treetops.

   b. The line is at least 50 feet from the edge of the nearest wetland or water body.

   c. The line is separated from the nearest wetland or water body by topography or substantial vegetation, does not use static or lightning wires, does use marker balls or flags on the line, or is perpendicular to the prevailing winds.

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CHAPTER 20 SITE PLAN REVIEW

SECTION 20.010 Purpose

The purpose of the Site Plan Review procedure is to enable the Approving Authority to review development proposals for conformity with the provisions of this ordinance and to allow the imposition of such conditions on the development or projects as are necessary to bring it into conformity with the Comprehensive Plan and surrounding development.

SECTION 20.020 Approval, Rejection and Modification

Any such site plan may be approved, rejected and modified, or approved subject to conditions. Any such site plan, after approval, shall be amended through the same procedure as in the initial approval of such site plan; except, that minor alterations or modification to a previously approved site plan may be approved by the Planning Director; provided that, in the judgment of the Planning Director, such modifications or alterations do not represent deviations of a substantial nature.

SECTION 20.030 Contents of the Site Plan

The Site Plan shall clearly indicate the following information:

A. Lot dimensions.

B. Location, size, height, of all existing or proposed buildings and structures, and illustrating the buildings and parking facilities on abutting properties.

C. Location, size and dimension of all yards and setbacks and all spaces between buildings.

D. Walls and fences: Location, height and materials.

E. Off-street parking:

1. Location, dimensions and method of improvement of all driveways and parking areas consistent with Sections 20.050 & 20.080.

2. Number of spaces consistent with Section 20.050 & 20.080 and internal circulation pattern.

3. Size and location of existing and proposed curb openings.

F. Access: Pedestrian, vehicular, service; and definitions of all points of ingress and egress.

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G. Signs: Location, size, height, material and method of illumination.

H. Loading: Location, dimensions, number of spaces, internal circulation and access from public right-of-way consistent with 20.070 & 20.080.

I. Lighting: General nature, location and hooding devices (not including interior building lighting).

J. The location, dimensions and methods of improvement for all property to be dedicated to general public purposes or to public utilities.

K. A detailed plan for landscaping, if determined necessary by the Planning Director which shall clearly illustrate:

1. Plants and tree species, their initial sizes and other proposed landscaping materials.

2. The location and dimensions of all areas to be devoted to landscaping, and location of automatic sprinkler systems.

L. Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices.

M. Drainage and grading plan.

N. Identification of proposed trash storage locations, including proposed enclosure design construction and access for pick-up purposes.

O. Location of existing utility poles.

P. Such data as may be required by the Planning Director to act on the application.

SECTION 20.040 Approval Standards

Upon completion of the Site Plan Review, the Approving Authority shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Approving Authority shall find that:

A. All provisions of this ordinance and other applicable ordinances are complied with.

B. Elements of the site plan are arranged so that:

1. Traffic congestion is avoided.

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2. Pedestrian and vehicular safety and welfare are protected.

3. Significant features and public amenities are preserved and maintained.

4. There will be minimal adverse effect on surrounding property.

C. Proposed lighting is arranged to direct light away from adjoining properties.

D. Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.

SECTION 20.050 Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off-street parking:

A. Residential

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

2. Residential hotel, rooming or boarding house: Four (4) spaces per five (5) guest accommodations, plus one (1) space per two (2) employees.

3. Two family or multi-family dwellings: Three (3) spaces per two (2) dwelling units.

B. Commercial Residential

1. Motel: One (1) space per guest room plus one (1) space for owner or manager.

2. Club or Lodge: One (1) space per five (5) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly, whichever is greater.

C. Institutional

1. Welfare or correctional institutions: One (1) space per five (5) beds for patients or

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inmates, plus one (1) space per employee.

2. Convalescent hospital, nursing home, sanitarium, rest home for the aged: One (1) space per five (5) beds for patients or residents, plus one (1) space per employee.

3. Hospital: Three (3) spaces per two (2) beds.

D. Places of Public Assembly

1. Church: One (1) space for four (4) seats or every eight (8) feet of bench length in the main auditorium.

2. Library, reading room, museum, art gallery: One (1) space per four hundred (400) square feet of floor area plus one (1) space per two employees.

3. Pre-school, nursery, kindergarten: Two (2) spaces per teacher; plus off-street loading and unloading facility.

4. Elementary or junior high school: One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or every eight (8) feet of bench length in the main auditorium, whichever is greater.

5. High School: One (1) space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.

6. Other auditorium, meeting room: One (1) space per four (4) seats or every eight (8) feet of bench length.

E. Commercial Amusement

1. Stadium, arena, theater: One (1) space per four (4) seats or every eight (8) feet of bench length or equivalent capacity if no seating is provided.

2. Bowling alley: Five (5) spaces per alley plus one (1) space per two (2) employees.

3. Dance hall, skating rink: One (1) space per one hundred (100) square feet of floor area plus one (1) space per two (2) employees.

F. Commercial

1. Retail store except as provided in subsection (2): One (1) space per two hundred (200) square feet of floor area plus one (1) space per employee.

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2. Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture: One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.

3. Bank, office (except medical and dental): One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.

4. Medical and dental clinic: One (1) space per three hundred (300) square feet of floor area plus one (1) space for every four (4) seats.

5. Eating and drinking establishment: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for every four seats.

6. Mortuaries: One (1) space per four (4) seats or every (8) feet of bench length in chapels.

G. Industrial

1. Storage warehouse, manufacturing establishment, rail or trucking freight terminal: One (1) space per employee.

2. Wholesale establishment: One (1) space per employee plus one (1) space per seven hundred (700) square feet of patron serving area.

SECTION 20.060 Public Parking Area

Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows:

A. Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be properly maintained. Where such public parking area abuts or lies within an "A" and "R" zone, the required wall, fence or hedge shall not be less than six (6) feet in height on the sides or rear yards abutting or within such "A" or "R" zone.

B. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be fixed so as to reflect away from adjoining premises in residential zones.

SECTION 20.070 Off-Street Loading

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

B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

SECTION 20.080 General Provisions - Off-Street Parking and Loading

A. The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.

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

D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.

E. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.

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

G. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.

H. Design requirements for parking lots:

1. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.

2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

4. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.

5. Lighting of the parking area shall be deflected from a residential zone.

I. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

SECTION 20.090 Home Occupations

Home occupations, as defined in Section 1.090 shall be subject to Sections 2.040 – 20.080 as well as the following criteria:

A. Will be operated by a resident of the property on which the business is located;

B. Will employ no more than five full or part-time persons.

C. Will be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.

D. Will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;

E. Will have retail sales only as an activity incidental or secondary to the primary home

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occupation use;

F. Will not display, or create outside the structure, any external evidence of the operation of the home occupation other than one non-animated, non-illuminated name plate, on premises, and in conformance with the size restrictions of the underlying zone;

G. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

H. Construction of a structure that would not otherwise be allowed in the zone is not permitted.

I. Will be reviewed annually by the Approving Authority. The approval shall continue if the home occupation continues to comply with the requirements of this section.

On High Value Lands in the Exclusive Farm Use Zone (Not Applicable to Section 20.100)

J. Home occupations may only be authorized in existing dwelling and structures accessory to an existing dwelling.

K. Home occupations may not be authorized in structures accessory to resource use.

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

Section 20.100 Home Occupation to Host Commercial Events (Exclusive Farm Use Zone only)

The section is not intended to apply to events hosted at such public gathering places as churches, community centers, grange halls, or schools, or similar structures; or to events hosted by non-profit organizations for charitable purposes. Nor is this Ordinance intended to apply to events covered by the State's Mass Gathering Statute (ORS 433.735 - 433.770).

In addition to meeting Sections 20.010 – 20.090 above, home occupations to host commercial events must meet the following criteria:

A. Frequency of Events: This shall be determined through the review process to minimize the potential impact to the local agricultural region.

B. Maximum Number of Guests: Shall be based on the capacity of the site, but shall not include more than 300 guests at any one event.

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C. Duration of Event: This shall be determined based on the potential impact to adjacent properties but no event shall take place outside the hours of 7:00 am – 10:00 pm.

D. Noise: It is unlawful for any person to make, continue, or cause to be made or continued, any noise, which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities present in the area. Factors to consider in evaluating whether a noise is loud, disturbing, or excessive for the purposes of this section, shall include, but not be limited to the following:

- The volume of the noise;
- The intensity of the noise;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- The time of day or night the noise occurs;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The nature and zoning of the area within which the noise emanates and where it is received;
- Whether the noise is produced by a commercial or noncommercial activity.

Noise shall be considered excessive and in violation of this Section if it meets one of the following criteria:

1. The noise is plainly audible from within any closed dwelling unit that is not the source of the sound; or

2. The sound peak pressure level of the noise, as measured on the A scale, shall not exceed sixty (60) dB(A) during the hours of 7:00 a.m. until 10:00 p.m. as measured at any of the complainant's property lines within a residential district or near a residential area.

F. Parking: At least 200 square feet of parking space shall be required for each vehicle. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.

G. Fire & Emergency Vehicle Access: Shall comply with Fire & Life Safety Requirements for Fire Department Access and Water Supplies.

H. Catering: Operator shall ensure that only caterers licensed in the States of Oregon or Washington are contracted to provide food; caterers shall be bonded.

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I. Alcohol: Operator shall comply with all requirements of the Oregon Liquor Control Commission (OLCC), if alcohol is served during an event.

J. Toilet facilities shall be portable with available hand-sanitizing or hand-washing facilities. Use of the dwelling's on-site septic facilities is not allowed for an event, except by residents or over-night guests of the facility.

K. Sign: One temporary sign may be allowed in addition any other sign allowed as part of a prior approval. The sign shall not exceed eight (8) square feet in size and shall be placed on private property on the day of the event and shall be removed within 24 hours after the event.

L. Contents of the Site Plan: In addition to the requirements of Section 20.030 above, the applicant shall submit a written narrative and site plan addressing the following issue:

1. Designated area and existing structures to be used for the events
2. Number of events anticipated per season
3. Frequency of events
4. Maximum number of guests intend to serve
5. Noise
6. Infrastructure – How will you provide electricity and utilities to the event?
7. Parking & Circulation – Need to provide one (10' x 20') parking space per vehicle; estimate 3 people per car.
8. Traffic and Access
9. Environmental Health Aspects
    a. How will food be provided? Where will it be served?
    b. What is your domestic water source?
    c. Indicate how many portable toilets will be provided, as well as how hand-sanitizing or hand-washing facilities will be provided.
10. Safety & Insurance

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11. Are alcoholic beverages being served? If so, are OLCC requirements being met?

M. Expiration of Approval: Land use approvals for home occupations to host commercial events shall not be valid for more than four years from the original date of approval. Landowners must reapply for the use after a land use approval expires.