FILED
WASCO COUNTY

2009 DEC 10 A 9:49

MAREN 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 WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE TO IMPLEMENT THE WASCO COUNTY TRANSPORTATION SYSTEM PLAN AND MAKE OTHER AMENDMENTS NECESSARY FOR CONSISTENCY WITH STATE LAW AND OTHER PORTIONS OF THE ORDINANCE AS WELL AS INCREASE CLARITY (FILE NUMBER PLALEG-08-12-0003) | ) | ORDINANCE No. 09-011 |

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, Wasco County does not have a Transportation System Plan and the existing Wasco County rules, regulations and policies are not necessarily consistent with the Oregon State Transportation Planning Rule, OAR 660, Division 12. On March 9, 2007, the Wasco County Planning & Development Department and Wasco County Public Works Department applied for a Transportation and Growth Management Grant to pay for the process of conducting a long range planning process that will result in a Transportation System Plan and a Post Acknowledgement Plan Amendment



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process for a Legislative Text Amendment to the Comprehensive Plan and Land Use & Development Ordinance to amend the transportation element and associated regulations to become consistent with the Transportation Planning Rule, OAR 660, Division 12. On May 21, 2007, Wasco County received notification that it was awarded $100,000 (with a 10% local match requirement) to hire a consulting firm to conduct this process which is required to be completed by June 30, 2008. On October 29, 2008, the Wasco County Court entered into an Intergovernmental Agreement with the State of Oregon that included an agreed upon statement of work. In July of 2008, Wasco County chose Kittelson and Associates, Inc. to conduction this long range planning project.

WHEREAS, The Wasco County Planning & Development Department was directed by the Wasco County Court on January 7, 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 Development Ordinance to update the Wasco County Land Use and Development Ordinance to implement the Wasco County Transportation System Plan and make other amendments necessary for consistency with state law and other portions of the Ordinance as well as increase clarity; and

WHEREAS, The Wasco County Planning & Development Department sent notification to the Department of Land Conservation and Development, pursuant to ORS 197.610, on August 13, 2009, and all property owners in the unincorporated portion of Wasco County outside of the National Scenic Area on September 15, 2009; and

WHEREAS, That on October 6, 2009, at the hour of 3:00 p.m. at the Columbia River 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 back ground information and listen to public comments for the purpose of better understanding the proposed amendments prior to the Planning Commission hearing; and

WHEREAS: That on October 6, 2009, following the conclusion of the workshop, 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 voted to elevate 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 November 4, 2009, at the hour of 10:30 a.m. 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 reviewed the record, heard the Planning Commission recommendation and 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, November 25, 2009; and

NOW THEREFORE IT IS HEREBY ORDERED: That the request by the Wasco County Planning & Development Department for a Post-Acknowledgement Plan

Amendment for a legislative text amendment to the Land Use and Development Ordinance to update the Wasco County Land Use and Development Ordinance to implement the Wasco County Transportation System Plan and make other amendments necessary for consistency with state law and other portions of the Ordinance, as well as increase clarity is approved.

SIGNED this 25th day of November, 2009.

Approved as to Form:

Eric J. Nisley
Wasco County District Attorney

WASCO COUNTY COURT

Dan Ericksen, Judge

Sherry Holliday, Commissioner

Bill Lennox, Commissioner



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# ATTACHMENT A
# PLALEG-08-12-0003

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

**Title Page**

**Chapter 1 -** Definitions

**Chapter 2 -** Development Approval Procedures

**Chapter 4 -** Supplemental Provisions

**Chapter 5 -** Conditional Use Review

**Chapter 9 -** Zone Change & Ordinance Amendment

**Chapter 18 -** Planned Unit Development

**Chapter 20 -** Site Plan Review

**Chapter 21 -** Land Divisions

# WASCO COUNTY

# LAND USE AND DEVELOPMENT ORDINANCE

**ADOPTED**
June, 1985

**EFFECTIVE**
July, 1989
January, 1992
May, 1993
September, 1993
January, 1995
April, 1995
December, 1996
September, 1997
June, 1998
September, 1999
November 16, 1999
January 19, 2000
February 1, 2000
February 2, 2004
January 17, 2006
November 22, 2006
February 5, 2007
July 8, 2009
July 22, 2009
December 16, 2009

**PREPARED BY THE**
Wasco County Planning and Development Office

**STAFF**

| | |
|---|---|
| Todd R. Cornett | Director of Planning |
| A. Gary Nychyk | Senior Planner |
| Brenda Jenkins | Planning Coordinator |
| Dawn M. Baird | Associate Planner |
| Jeanette Montour | Associate Planner |
| Benjamin Hoey | Planning Assistant |
| Keith Cleveland | Code Compliance Officer |

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# CHAPTER 1 INTRODUCTORY PROVISIONS

## SECTION 1.005 Authority

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

## SECTION 1.010 Title

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

## SECTION 1.020 Purpose

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

## SECTION 1.030 Severability

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

## SECTION 1.040 Repeal

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

"Wasco County Zoning Ordinance", adopted February 3, 1982.
"Wasco County Subdivision and Land Development Ordinance", adopted February 3, 1982.
"Wasco County Mobile Home and Recreational Vehicle Park Ordinance".

**SECTION 1.050 Effective Date**
This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

**SECTION 1.060 Interpretation and Scope**
Interpretation: The provisions of this Ordinance shall be liberally construed to effect the purpose. These provisions are declared to be the minimum requirements to fulfill objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, then the more restrictive shall govern.

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

**SECTION 1.070 Compliance Required**
No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.

**SECTION 1.080 Editorial Revision**
Editorial revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to Oregon Revised Statute 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Planning Department, but subject to disapproval by the Commission at next regular meeting thereafter. Editorial revisions shall become effective, unless disapproved by the Commission, on the first regular meeting of the Commission after the directing memorandum is filed with the County Clerk.

**SECTION 1.090 Definitions**
For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.



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**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.

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

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

**Access** - A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property. Includes driveways and private accesses.

**Access easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public or private road to a parcel across intervening property under separate ownership from the parcel being provided access. See Private Easement Road.

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

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

**Agricultural Land (Per OAR 660-33-020(1)(a)** - Means lands classified by the US Natural Resource Conservation Service as predominantly Class I-VI in Eastern Oregon; 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:

All buildings and structures

**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;

Agricultural Exempt Buildings Only

**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).

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

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

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

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

**Airport (Personal-Use)** - Means pursuant OAR 660-33-130(7), an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than



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those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division. (amended 12/96)

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

**All Weather Road** - A road that has, depending upon design criteria, a six [to eight] or more inches of gravel base, smooth surface, that a two wheel drive vehicle can use all year round. Confirmation of "all weather" to be made by the Wasco County Public Works Department.

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

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

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

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

**Approach Road** – That portion of any access, driveway or other facility that immediately abuts upon a public or county road and provides ingress to or egress from said public or county road.

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

**Arterial Road or Street** - A road or street used primarily to carry high levels of regional vehicular traffic at high speeds; connects the collector road system to freeways; provides connection to other cities and communities; serves major traffic movements; access control may be provided through medians and/or channelization. The typical average daily traffic exceeds 2,000.

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

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

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

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

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

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

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

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

**Bikeway** - Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

**Bike Lane** - A defined portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

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



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

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

**Boarding of Horses** - The boarding of horses for profit 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.

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

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

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

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

**Campground** - 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.

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

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

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

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

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

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

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

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

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

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**Collector Road or Street (Major)** - A road used primarily to serve traffic between neighborhoods and community facilities; principal carrier between arterials and local roads; provides some degree of access to adjacent properties, while maintaining circulation and mobility for all users; carries lower traffic volumes at slower speeds than arterials; typically has two or three lanes; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 500 to 2,000.

**Collector Road or Street (Minor)** - A road used primarily to connect rural residential areas with arterials and major collector roads; has slower speeds to enhance safety; bicycle facilities may be exclusive or shared roadways depending on traffic volumes, speeds, and extent of bicycle travel. The typical average daily traffic ranges from 250 to 400.

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

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

**Commercial 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.

**Commercial Energy Facility** - An electrical power generating plant with a nominal electrical generating capacity of more than 25,000 kilowatts or operates at more than 230 kilovolts; including, but not limited to: a thermal power plant, hydroelectric power plant, combustion turbine power plant, geothermal power plant, electric power transmission facility, or a nuclear installation, including a power reactor, re-processing plant, waste

disposal facility, and any facility handling a quantity of fissionable materials sufficient to form a critical mass. A commercial power generation facility includes related or supporting facilities including any structure adjacent to and associated with an energy facility, including associated transmission lines, reservoirs, intake structures, road and rail access, pipelines, office or industrial structures built in conjunction with and used as part of the energy facility. A commercial power generation facility does not include a portable power plant, the principal use of which is to supply power in emergency or for individual domestic use.

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

**Commission** - The Wasco County Planning Commission.

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

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

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

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

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

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

**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.

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**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, 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.

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

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

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

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

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

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

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

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

**County Governing Body** - The County Governing Body of Wasco County, Oregon.

**County Road** - A public road which has been designated as a county road and formally accepted for maintenance by the Wasco County Governing Body. A county road shall not act as a dividing feature of a lot-of-record.

**County Road District** - For purposes of improving county roads or public roads within the boundaries of a city or drainage district, county road districts may be formed from contiguous territory within the county. All road improvements are initiated through a petition process approved by the County Governing Body. To fund the road improvements, county road districts may assess, levy and collect taxes on all taxable property within the district. See ORS 371.055.

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

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

**Cross Access** - A service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

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

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

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

**Dam** - Any man-made structure that impounds water.

**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.

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

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

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

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

**Director** - Wasco County Planning Director or their designee.

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

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

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

**Driveway** - A private access providing ingress and egress to and from within a single property, or portion of a single property to a public road, private road or private easement road.

**Driveway, Shared** - When land uses on two or more lots or parcels share one driveway. A Private Easement Road must be created for any new shared driveway crossing another property.

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

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

**a.** Single Family Attached (Duplex) - Two (2) household units which share a common wall or ceiling, but no unit may have a ceiling common to another unit.

**b.** Single Family Attached (Multiplex) - Three (3) or more household units which share common walls, but no unit may have a ceiling common to another unit. Otherwise known as Townhouses or Row Houses.

**c.** Single Family Detached - A single household unit whose construction is characterized by no common wall or ceiling with another unit.

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

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

**a.** Has intact exterior walls and roof structure;

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

**c.** Has interior wiring for interior lights; and

**d.** Has a heating system."

**Easement** - A grant of the right to use a strip of land for specific purposes. Includes but is not limited to access easements and utility easements.

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



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

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

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

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

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

**Family Hardship Dwelling** - A mobile home or recreational vehicle used temporarily during a family hardship situation when an additional dwelling is allowed to house aged or infirm person or persons physically incapable of maintaining a complete separate residence apart from their family.

**Farm 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.

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.



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Current employment of land for farm use includes:

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

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

**c.** Land planted in orchards or other perennials, other than land specified in 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.

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.

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

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

**Floor Area** - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls.

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

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

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

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

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

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

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Hunting Preserve** - Pursuant to ORS 497.248 Subsections (1) - (4). The Oregon Department of Fish and Wildlife Commission issues a private hunting preserve license if the preserve contains not more than 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.

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

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

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

**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.

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

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

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

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

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

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

**Local Access Road** – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication but that is not a county road, state highway or federal road. Local access roads are privately maintained.

**Local Road or Street** - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

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

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

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

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

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

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

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

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

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

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

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

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

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

**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).

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

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

**Mobile Home** -

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

b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

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

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

**Mobile Home for Storage** - Mobile homes may not be used as storage buildings in any zone.

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

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

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

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

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

**a.** Having an electrical meter base permanently attached to the structure.

**b.** Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.

**c.** Having a permanent foundation.

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

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

**Neighborhood** - In relation to Nonconforming Uses a neighborhood shall include the surrounding areas whose use and enjoyment of their property would be materially impacted as a result of the proposed alteration.

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



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

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

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

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

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

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

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

**a.** A lot in an existing, duly recorded subdivision; or

**b.** A parcel in an existing, duly recorded major or minor land partition; or

**c.** By deed or land sales contract prior to September 4, 1974.

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

**a.** Is a unit of land created solely to establish a separate tax account;

**b.** Lies in different counties;

**c.** Lies in different sections or government lots;

**d.** Lies in different land use or zoning designations; or

**e.** Is dissected by a public or private road.

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

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

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

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

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

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

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

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

**a.** The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.

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**b.** All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.

**c.** A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.

**d.** Any affected unit of local government or public district or state or federal agency.

**e.** Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

**Pathway** - A walkway conforming to Chapter 21 that is not within a street right-of-way.

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

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

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

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

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

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

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

**Private Easement Road** - A minimum 30 foot wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

**Private Road** - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to Section 21.300 of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

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

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

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

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

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

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

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

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

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

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

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

**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 Governing Body)

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, 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 Governing Body
These procedures are initially heard and decided solely by the County Governing Body 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 Governing Body)
These procedures are heard and decided solely by the County Governing Body 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).

**Right-of-Way** - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

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

a. Ways described as streets, highways, throughways, or alleys;

b. Road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and

c. Structures that provide for continuity of the right-of-way such as bridges.

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

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



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

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

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

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

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

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

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

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

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

**Sectional Home** - Defined the same as a modular home.

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

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

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

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

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

**Sidewalk** - A pedestrian walkway with permanent surfacing.

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

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

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

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

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

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

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

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



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**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.

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

**Special Road District** – For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable property within the district; and to do any other act necessary to carry out purposes of the special road district. See ORS 371.305.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Through Lot** - Lot having frontage on two streets.



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

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

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

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

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

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

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

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

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

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

**a.** A single lot of record;

**b.** A lot as defined herein;

c. A parcel, as defined herein.

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

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

**Use Permit** - A permit allowing a specific use.

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

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

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

**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.

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

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

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

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

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

**Walkway** - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# CHAPTER 2 DEVELOPMENT APPROVAL PROCEDURES

## SECTION 2.010 Purpose

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

## SECTION 2.020 Review Process

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

## SECTION 2.030 Coordination of Development Approval

**A.** The Director or the Director's designee shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance and the Wasco County Comprehensive Plan. Before approving any development the Director or the Director's designee shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this Ordinance. (Revised 5-93)

**B.** The coordination of development application shall include the opportunity for the applicant to apply for all permits necessary for a development project at one time. The consolidated procedure shall be subject to the time limitations set out in this chapter. (added 2-89)

**C.** After an application has been submitted, no building permit for the proposed use shall be issued until final action has been taken. Following final action on the application, the issuance of a building permit shall be in conformance with the zoning regulations of this Ordinance, and any conditions of development approval.

## SECTION 2.040 Who May Apply

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

1. The owner of the property which is the subject of the application; or

2. The purchaser of such property who submits a duly executed written contract, or copy thereof, which has been recorded with the Wasco County Clerk; or

3. The purchaser of such property who submits a duly executed earnest money agreement stating the land use action proposed; or (Added 1-92)

4. A lessee in possession of such property who submits written consent of the owner to make such application; or

5. Resolution of the County Governing Body ~~Court or Commission~~; or

6. County Road Department, (when dealing with land involving public works projects).

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

**SECTION 2.050 Pre-Application Conference**

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

**SECTION 2.060 Application**

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

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

**A.** The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review. Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:



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1. Conditional Use Review (Chapter 5)

2. Administrative Variances (Chapter 7)

3. Temporary Use Permits (Chapter 8)

4. Partition, Replat and Lot Line Adjustment Approval, except as provided for in section 2.060 B.10 (Chapter 21)

5. Site Plan Reviews (Chapters 3 and 20)

6. Uses Permitted Subject to Standards (Chapter 3)

7. Similar use.

8. Significance Determination for Aggregate Overlay (Chapter 3, Section 3.815)

9. Nonconforming Use Verification, Restoration, or Alteration (Chapter 13)

**B.** The following matters shall be heard by the Planning Commission, pursuant to Sections 2.080, 2.090, 2.130, 2.140, 2.150, and 2.190 of this Ordinance:

1. Recommendation to County Governing Body on a Legislative or Quasi-Judicial Plan Amendment (Comprehensive Plan)

2. Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)

3. Subdivision (Chapter 21)

4. Planned Unit Development (Chapter 18)

5. Mobile Home Parks (Chapter 16)

6. Recreational Vehicle Parks (Chapter 17)

7. Division of Non-Resource Land in Designated Resource Areas (Chapter 10)

8. Variance (Chapter 6)

9. Private Road Approval (Chapter 21)

10. Preliminary Partitions involving private or public road approval.

11. Recommendation to the County Governing Body on public road dedications (Chapter 21).

12. Revocation of Conditional Use Permits (Chapter 5)

13. Appeals of Decision of Director made pursuant to Section 2.060 (A) (1), (2), (3), (4) & (5), and any ministerial action of the Director.

14. Matters which the Director elects not to review, pursuant to Section 2.060 (A)(1), (2), (3), (4), (5), (6), (7), and (8).

15. Recommendation for implementation of Aggregate Overlay zone (Chapter 3, Section 3.800)

16. Variances to floodplain standards (Chapter 22).

**SECTION 2.070 Filing Fees**

**A.** Any application filed with the Planning Department shall be accompanied by the appropriate filing fee to reimburse the County for processing costs attendant upon the application.

**B.** Fees shall not exceed the actual or average cost of providing the service.

**C.** Any and all fees shall be established by County Governing Body Order, be separate from this Ordinance, and may be revised whenever necessary.

**D.** A filing fee may be waived by the County Governing Body for Governmental agencies or nonprofit groups, or upon satisfactory showing that an applicant is without means and is unable to pay the established fee. Said waiver shall be approved by the County Governing Body prior to submitting an application or appeal to the Planning Office. FAX copies of a purchase order or check for payment of an application or appeal are not acceptable. True payment must be paid prior to the expiration of an appeal period, or prior to acceptance of an application.

**E.** All fees received pursuant to this Section shall be deposited in the County General Fund.

**F.** Fees are not transferable or refundable.



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## SECTION 2.080 Notice

Citizen and Agency Involvement. The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested agencies and departments such as County departments, sheriff and fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Affected jurisdictions and agencies could include the Department of Environmental Quality, the Oregon Department of Transportation, Wasco County Transportation Network, and other applicable local, state or federal agencies.

If the subject property is being considered for a comprehensive plan or zone change, notice of receipt of the application shall be provided to the Oregon Department of Transportation.

**A.** At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section 2.060 (B), notice shall be sent to: (Revised 1-92)

1. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;

2. All owners of property within one hundred feet (100') if located wholly or in part within an urban growth boundary, three hundred feet (300') if located outside an Urban Growth Boundary and not within a farm, farm/forest or forest zone, and five hundred (500) feet within a farm, farm/forest or forest zone. (Revised 1-92)

3. The appropriate Citizen Advisory Group;

4. Any affected governmental agency or public district within whose boundary the subject property lies;

5. The city within whose recognized Urban Growth Boundary the subject property lies or whose facilities may be impacted;

6. Other persons as may be clearly and necessarily affected by the result of the development request.

**B.** Notice of Administrative Action for the use listed in Sections 2.060(A) (1) and (9), shall be given as prescribed by subsection (A) (1) – (6) of this Section, with the exception that notice be given at least ten (10) days prior to a decision. (Revised 1-92, 5-93, 9-99)

**C.** Notice shall be given by publication in the official newspaper of Wasco County at least

fifteen (15) days prior to the date of a quasi-judicial public hearing, pursuant to Section 2.060 (B). An affidavit of publication shall be made part of the record. (Revised 1-92)

**D.** Notice of Review by the County Governing Body pursuant to Section 2.180 shall be sent to all parties, posted in at least two (2) different public locations and published in the official newspaper of Wasco County ten (10) days prior to the date set for the hearing. (Revised 1-92)

**E.** An affidavit of all mailing notices shall be made part of the record.

**F.** Notice shall be sent to owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface. (added 2-89)

**SECTION 2.090 <u>Contents of Notice</u>**

**A.** Notice of a quasi-judicial hearing on any development request shall be filed with the Director and also given pursuant to Section 2.080 and shall include the following information:

**1.** The date, time and place of hearing and the name of the hearing body;

**2.** The general location of the subject property and legal description;

**3.** The legal owner of record of the property and the name of applicant seeking the review;

**4.** The present zoning of the subject property and applicable Ordinances and sections that apply to the application at issue;

**5.** The request and purpose of the proposal;

**6.** That failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;

**7.** The name of a local government representative to contact and the telephone number where additional information may be obtained;

**8.** That a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no



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cost and will be provided at reasonable cost;

9. That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

10. General explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

**B.** Notice of an Administrative Action on a conditional use permit shall be filed with the Director and also given pursuant to Section 2.080, and shall include the following information: (Revised 1-92, 5-93)

1. The location, title of the request and the date such notice was sent;

2. The general location of the subject property and legal description;

3. The legal owner of record and the name of applicant seeking review;

4. The present zoning of the subject property and applicable Ordinances and sections;

5. The nature of the application;

6. The deadline established for rendering a final decision;

7. The deadline for filing comments on the request.

## SECTION 2.100 Administrative Action Procedure of the Director

**A.** After accepting an application for Administrative Action pursuant to Section 2.060(A)(1) - (9) of this Ordinance, the Director shall act on or cause a hearing to be held on the application within the time requirements of O.R.S. 215.428(1). (Revised 2-89, 5-93)

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

**B.** Within such time period, the Director shall (Revised 5-93):

1. Publish or otherwise file notice pursuant to Section 2.080;

2. Prepare findings of fact and conclusions of law;

3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan pursuant to Section 2.110(D).

4. Provide opportunity for and conclusion to all local appeals. (Added 5-93)

**C.** If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under Section 2.060(A) for public hearing before the Planning Commission, pursuant to Section 2.060 (B) (14), and the Commission shall decide the matter, as if the matter were listed under Section 2.060 (B). (Revised 1-92)

## SECTION 2.110 <u>The Decision of the Director</u>

**A.** A decision on an Administrative Action under Section 2.060(A) shall be rendered by the Director within the time limitations of this Ordinance.

**B.** In making a decision, the Director shall consider the following:

1. The burden of proof is placed upon the petitioner seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Chapter, such burden shall be to prove:

   a. The proposed action fully complies with the applicable map elements of the relevant Comprehensive Plan and also the goals and policies of the applicable plan.

   b. The proposed action is in accordance with the applicable criteria of this Ordinance.

2. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.

3. Written comments from parties or other persons.

**C.** In all cases, the Director shall enter findings and conclusions to justify his decision.

**D.** The following limitations shall be applicable to conditional approvals:

1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time.



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2. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:

   a. Protection of the public from the potentially deleterious effects of the proposed use; or

   b. Fulfillment of the need for public service demands created by the proposed use.

3. Changes or alterations of conditions shall be processed as a new Administrative Action.

4. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the application until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

5. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of Administrative Action or revocation of approval by the Director.

6. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Governing Body or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Wasco County Clerk.

E. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order of the action denying the application.

## SECTION 2.120 Notice of a Decision by the Director

**A.** Notice of a decision by the Director pursuant to Section 2.060 (A) (1) - (9) shall be filed in the records of the Director and also mailed to the applicant, the owner(s) or contract purchasers of the subject property, and all parties within the required notification areas, as described by Section 2.080. (Revised 1-92)

**B.** Notice of a decision shall contain:

1. Identification of the application;
2. The findings of fact and conclusions of law of the Director;
3. Other information pertinent to the application, if any;
4. The date of the filing of the decision of the Director;
5. Notice that any party may appeal the decision within twelve (12) days from the date such notice was sent by filing a timely statement with the Director.

**C.** The decision of the Director pursuant to Section 2.060 (A)(1) - (9) shall be final unless an appeal from an aggrieved person is received by the Director within ten (10) days after the filing of a decision on an Administrative Action or unless the Commission or County Governing Body on its own motion, orders review within ten (10) days after the filing of the proposed decision. (revised 2-89, 5-93, 9-99)

## SECTION 2.125 Time Limits for Permits and Extensions of Time

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

1. Development has not commenced within two (2) years of the date of approval;
2. The use approved is discontinued for any reason for one (1) continuous year or more.

**B.** Extension of Time Request: If an extension of time is required, the holder of the approved permit must file an application which will be processed as an administrative action. A one time extension may be granted for a maximum of two (2) years. Extensions shall be granted only upon findings that:

1. Request for an extension of time has been made prior to expiration of the approved permit.

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2. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

3. The applicant has provided reasons that prevented the applicant from beginning or continuing development within the approval period.

## SECTION 2.130 Establishment of Party Status

**A.** In order to have standing under this Chapter, a person shall be recognized as a party by the Approving Authority.

Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this Chapter.

**B.** A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.

**C.** Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.

**D.** With respect to applications under Section 2.060 (B) of this Chapter, the Approving Authority may authorize a person to have party status, at any time prior to the close of a hearing, if that person is not otherwise a party, as defined by Section 1.090 of this Ordinance. (Revised 1-92)

**E.** A request for establishment of party status for an Administrative decision pursuant to Section 2.060(A) of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:

1. The name, address and telephone number of the person filing the statement;

2. How the person qualifies as a party; as defined in Section 1.090 of this Ordinance; and

3. Comments which the party wishes to make with respect to the application under consideration.

**F.** Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

## SECTION 2.140 Hearing Procedure

**A.** In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Governing Body, to:

1. Determine who qualifies as a party.

2. Regulate the course, sequence and decorum of the hearing.

3. Dispose of procedural requirements or similar matters.

4. Rule on offers of proof and relevancy of evidence and testimony.

5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony. (Revised 1-92)

6. Take such other action appropriate for conduct commensurate with the nature of the hearing.

7. Grant, deny, or in appropriate cases, attach conditions pursuant to Section 2.110(D) of this Chapter to the matter being heard.

**B.** Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:

1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.

2. Recognize parties.

3. Ask for disclosure of any potential conflicts of interest by those on the decision-making body. (added 2-89)

4. Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case. (added 2-89)

5. Request the Director or his designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.

6. Allow the applicant to be heard first, on his own behalf or by representative.

7. Allow parties or witnesses in favor of the applicant's proposal to be heard.



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8. Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.

9. Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.

10. Allow only the proponent to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence. (Revised 1-92)

11. Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.

12. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.

13. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision and findings and conclusions, the Approving Authority may be either the Chairman of the Planning Commission or the Director of Planning. (Revised 1-92)

14. At the latest, the next regularly scheduled meeting shall be the time the Approving Authority shall grant, deny or, in appropriate cases, pursuant to Section 2.110(D), attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail. (Revised 5-93)

15. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110(D) of this Ordinance.

    a. For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.

    b. The Director shall send a notice of the Approving Authority's decision to all

parties to the matter and a copy of such decision shall be filed in the records of the Director.

## SECTION 2.150 Official Notice

**A.** The Approving Authority may take official notice of the following:

1. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.

2. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.

**B.** Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

## SECTION 2.160 Appeal from Decision of the Director

**A.** Any action taken by the Director or his designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission, pursuant to Section 2.060 (B)(13). (Revised 1-92)

**B.** Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

**C.** The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in Section 2.160. For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to Section 2.180.

**D.** Every Notice of Appeal shall contain:

1. A reference to the application sought to be appealed.

2. A statement as to how the petitioner qualifies as a party.

3. The specific grounds relied upon in the petition request for review.



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4. The date of the final decision of the action.

5. The required fee, unless wavered pursuant to Section 2.070.

E. At least twenty (20) days prior to the date of the Approving Authority meeting, the Director shall give notice to all parties to the case as provided by Section 2.080 of the time, date and place of the meeting. (Revised 1-92)

F. Members of the Approving Authority shall neither:

1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor

2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.

G. During the course of the review, the Director shall first present to the Approving Authority the decision and the reasons for such action. The appellant then may present its argument and may call witnesses to give additional relevant testimony.

H. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public. (Revised 5-93)

I. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.

J. All evidence offered and not objected to may be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to Oregon Revised Statutes 183.450 except as otherwise provided for herein.

K. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110(D).

1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.

2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

**SECTION 2.170 Review of a Decision of the Planning Commission**
Twelve (12)-days from the date of a final decision of the Planning Commission, the decision shall become effective unless review is sought pursuant to this Section. (Revised 1-92)

**A.** Review of the decision of the Planning Commission: (Revised 1-92)

1. Shall be made by the County Governing Body Court, pursuant to Section 2.180, upon any party filing a Notice of Review with the Director within twelve (12) days from the date of the final decision sought to be reviewed; or (Revised 1-92)

2. May be made by the County Governing Body, pursuant to Section 2.180, on its own motion passed within twelve (12) days from the date of the final decision sought to be reviewed. (Revised 1-92)

**B.** Notice of the time and place of the review together with any Notice of Review filed shall be mailed to parties at least ten (10) days prior to the date of review.

**C.** Every Notice of Review shall contain:

1. A reference to the decision sought to be reviewed;

2. A statement as to how the petitioner qualifies as a party;

3. The specific grounds relied upon in the petition request for review; and

4. The date of the decision sought to be reviewed.

**D.** A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Governing Body.

1. If the Court does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this subsection shall be a jurisdictional



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defect.

2. If a transcript is desired by the Court, the costs shall be borne by Wasco County.

## SECTION 2.180 Review by the County Governing Body

**A.** Except as provided in Sections B. and C. below, appeal to the Governing Body of all final decisions of the Planning Commission shall be confined to the record. The record shall include:

1. All materials received as evidence at any previous stage;

2. Verbatim Record:

   a. For quasi-judicial plan amendments, unless waived by the Court, a verbatim record of the hearing below, in the form of audio tapes, together with a transcription thereof, or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error.

   b. In appeals of all other development actions, unless waived by the Court, a verbatim record of the hearing below in the form of audio tapes or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error. However, a party may prepare all or a portion of the transcript for submission to the Court.

3. The findings and conclusions supporting the action being appealed; and

4. Oral and written argument from the parties as defined by Section 2.130, or their representatives presented during the hearing or appeal but not including new evidence.

**B.** A party, or the Director, may request that the Court conduct a de novo or partial de novo hearing on appeal. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:

1. Reference the name, case number and date of the decision;

2. Contain the name and address of the requesting party;

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3. Indicate the reasons for the request without addressing the merits of the land use action; and

4. Indicate any persons known to be opposed to the request.

C. The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Court as a nonpublic hearing item, except that the Court may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

1. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;

2. The substantial rights of the parties will not be significantly prejudiced; and

3. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

D. In conjunction with determining whether to conduct a de novo hearing for the appeal of a quasi-judicial plan amendment, the Court may remand the matter to the Planning Commission. The decision on whether to remand shall not be appealable. Upon remand, the appealing party shall be entitled to return of the appeal fee less actual costs incurred by the County. Appeal from a decision on remand shall be taken as any other appeal.

E. Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.

F. The County Governing Body may affirm, reverse or modify the action of the Planning Commission and may approve or deny the request, or grant approval subject to conditions necessary to carry out the Comprehensive Plan as provided by Section 2.110(D).

1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it, as justification for its action.

2. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decisions shall be filed in the records of the Director.

G. Only those members of the County Governing Body reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is



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necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the prior Approving Authority shall stand.

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

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

**A.** No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

**B.** No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.

**C.** No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

**D.** Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.

**E.** The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.

## SECTION 2.200 Additional Hearing Notification Requirements

**A.** Notice

1. Notice of a legislative hearing will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be impacted by the proposed action. Affected agencies and jurisdictions could include the Department of Environmental Quality, the Oregon Department of Aviation, cities within Wasco County, and neighboring jurisdictions.

2. Notice of a legislative or quasi-judicial hearing for any proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and any special interest transportation

groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and public transit providers. Information that should be conveyed with the notice includes the following:

**a.** Project location

**b.** Proposed land use action

**c.** Location of project access point(s)



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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 Governing Body 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.

**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.

**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.

## SECTION 4.140 Traffic Impact Analysis (TIA)

**A.** Purpose - The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the Study.

**B.** Typical Average Daily Trips - The latest edition of the Trip Generation Report, published by the Institute of Transportation Engineers (ITE), or a source deemed acceptable to the City Engineer through the pre-application process (Section 4.140(D)(.3)) shall be used to gauge the trip generation potential of future development.

**C.** When Required - A Traffic Impact Analysis shall be required to be submitted to the County with a land use application when the following conditions apply:

**1.** The development application involves one or more of the following actions:

**a.** A change in zoning or a plan amendment designation; or

**b.** Any proposed development or land use action that ODOT states may result in operational or safety concerns along a state highway; and

**c.** The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided



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by the local reviewing jurisdiction and/or ODOT:

**(1)** An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or

**(2)** An increase in intersection traffic volume by 50 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or

**(3)** An increase in use of adjacent roads by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

**(4)** The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the adjacent roadway, creating a safety hazard; or

**(5)** The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or

**(6)** A change in internal traffic patterns that may cause safety problems, such as back up onto the roadway or traffic crashes in the approach area.

**D.** Traffic Impact Analysis Requirements

**1.** Preparation - A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.

**2.** Transportation Planning Rule Compliance - See Section 9.059 Transportation Planning Rule Compliance.

**3.** Pre-application Conference - The applicant will meet with the County Roadmaster prior to submitting an application that requires a Traffic Impact Analysis. ODOT will be invited to participate in the pre-application conference if a proposal is expected to have impacts to a state transportation facility. The objective of this meeting is to prepare a scope of the TIA, including the required elements of the TIA and the level of analysis expected.

**E.** Approval Criteria

**1.** Criteria - When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:

**a.** The Traffic Impact Analysis was prepared by a registered professional



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engineer in the State or Oregon; and

**b.** If the proposed development shall cause one or more of the effects in Section C(1)(c), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet County's volume-to-capacity ratio of 0.85 and satisfactory to the County Road Master, and ODOT when applicable; and

**c.** The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

**(1)** Have the least negative impact on all applicable transportation facilities; and

**(2)** Accommodate and encourage non-motorized vehicular modes of transportation to the extent practicable; and

**(3)** Make the most efficient use of land and public facilities as practicable; and

**(4)** Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

**(5)** Otherwise comply with applicable requirements of the Wasco County Land Development Ordinance.

**F.** Conditions of Approval. The County may deny, approve, or approve the proposal with appropriate conditions.

**1.** Dedication of land for streets/roadways, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

**2.** Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets/roadways that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

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# CHAPTER 5 CONDITIONAL USE REVIEW

## SECTION 5.010 Purpose

A conditional use is an activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be approved through the Administrative Action procedure to ensure that the use is compatible with the permitted uses in a zone and consistent with the general and specific purposes of this Ordinance and the Wasco County Comprehensive Plan. Conditions of approval may be imposed to ensure that any use may be made compatible with surrounding uses and that non-resource uses permitted in resource areas do not interfere with accepted resource management practices.

## SECTION 5.020 Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

**A.** The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.

**B.** Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.

**C.** The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.

**D.** The proposed use will not unduly impair traffic flow or safety in the area.

**E.** The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)

K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

**SECTION 5.030 Conditions**

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D). Such conditions may include, but are not limited to, the following:

A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.

B. Establishing a special yard or other open space or lot area or dimension.

C. Limiting the height, size, or location of a building or other structure.

D. Designating the size, number, location, and nature of vehicle access points.

E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

F. Limiting or otherwise designating the number, size, location, height and lighting of signs.



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**G.** Limiting the location and intensity of outdoor lighting and requiring its shielding.

**H.** Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

**I.** Designating the size, height, location and materials for a fence.

**J.** Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural, historic, or cultural resources.

**K.** Other conditions to permit the development of the County in conformity with the intent and purpose of the conditional classification of uses.

**SECTION 5.040 Revocation of Conditional Use Permit (added 2-89)**
Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)

**A.** A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.

**B.** Notice of public hearing pursuant to Section 2.080 shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.

**SECTION 5.050 Pre-existing Uses Classified as Conditional Uses in this Ordinance.**
A use or structure existing prior to the affective date of this ordinance and classified in this ordinance as a conditional use in subject to the following restrictions:

**A.** The use may continue as this ordinance defines and allows as though it had been granted conditional use approval. Any change or alteration to structures or area related to the pre-existing use shall conform to the development standards of the current zoning designation. (Revised 1-92)

**B.** If the use or structure is destroyed by fire, other casualty or natural disaster, restoration or replacement shall be permitted, provided restoration or replacement is commenced within one year from the occurrence of fire, casualty, or natural disaster. Restoration shall substantially conform to the use as it existed prior to the fire, casualty, or natural disaster. Beyond one year, a conditional use permit must be

obtained, as required by Chapter 2 of this ordinance, prior to restoration or replacement.

**SECTION 5.060 Criteria for Certain Transportation Facilities and Improvements.**

**A.** Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted Wasco County Transportation System Plan ("TSP") or (2) not designed and constructed as part of an approved, active, development order are allowed in all zoning districts subject to the Conditional Use Review provisions of this ordinance and satisfaction of all of the following criteria:

1. The project and its design are consistent with the County's adopted TSP and consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").

2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.

3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available.

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

5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP.

**B.** State transportation system facility or improvement projects. The Oregon Department of Transportation ("ODOT") shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in this Section. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.

**C.** Proposal inconsistent with TSP/TPR. If the County determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:

1. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use application; or

2. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or

3. If the County's determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 215.429 120/150-day period within which to complete all local reviews and appeals once the application is deemed complete; or

4. If the County's determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.

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# CHAPTER 9 ZONE CHANGE AND ORDINANCE AMENDMENT

## SECTION 9.010 Application for Zone Change

Application for a zone change may be initiated as follows:

**A.** By resolution of the County Governing Body referring to the Commission a proposal therefore;

**B.** By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;

**C.** By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner with the area of the proposed change, and containing such information as may be required by the to establish the criteria for the change (quasi-judicial only);

**D.** By request of the Director of Planning, limited to changes required to implement the Comprehensive Plan or to eliminate spot zoning.

## SECTION 9.020 Criteria for Decision

The Approving Authority may grant a zone change only if the following circumstances are found to exist:

**A.** The original zoning was the product of a mistake; or

**B.** It is established that:

1. The rezoning will conform with the Comprehensive Plan; and,
2. The site is suitable to the proposed zone; and
3. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

## SECTION 9.030 Transportation Planning Rule Compliance

**A.** Review of Applications for Effect on Transportation Facilities - A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – "TPR"). "Significant" means the



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proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

2. Change standards implementing a functional classification system; or

3. As measured at the end of the planning period identified in the adopted transportation system plan:

   a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

   b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

   c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

B. Amendments That Affect Transportation Facilities - Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

   1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

   2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.

   3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.

   4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

C. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a zone change application pursuant to Section 4.140 Traffic Impact Analysis (TIA))

**SECTION 9.040 Conditions Relative to the Approval of a Zone Change**
Reasonable conditions may be imposed, pursuant to Section 2.110(D) as are necessary to insure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

**A.** Special yards and spaces;

**B.** Fences and walls;

**C.** Special parking and/or loading provisions;

**D.** Street dedication and improvements or bonds in lieu of improvements;

**E.** Control of points of vehicular ingress and egress;

**F.** Special provisions for signs;

**G.** Lighting, landscaping and maintenance of grounds;

**H.** Control of noise, vibration, odors, or other similar nuisances.

**SECTION 9.050 Amendments to the Zoning Ordinance**
Amendments to this Ordinance may be initiated as follows:

**A.** By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;

**B.** By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;

**C.** By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in the State Law;

**SECTION 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance**
After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning



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or his assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.

**SECTION 9.070 Notice of Planning Commission Recommendation**
Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.

**SECTION 9.080 Action by County Governing Body**
Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.



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# CHAPTER 18 PLANNED UNIT DEVELOPMENT (PUD)

## SECTION 18.010 Purpose

The purposes of the Planned Unit Development District are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

## SECTION 18.020 Definitions

The following definitions apply only to this chapter:

Gross Acreage: The acreage of the entire PUD, less the acreage devoted to streets, public or semi-public buildings, kindergarten or day-care centers, and commercial uses.

Homeowners' Association: A nonprofit corporation, membership in which is mandatory for owners of PUD residences, and which is responsible for maintaining common open space and private streets.

Landscape Features: Natural features of the PUD site, including waterways, wetlands, rock outcroppings, forest areas and significant wildlife habitat areas.

Net Acreage: The acreage of the PUD devoted to residential use, including residential building sites, private open space and driveways.

Open Space: Land not covered by buildings or structures, except minor recreational structures. Open Space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure-time activities, freely accessible to residents, may be counted as open space at a value of fifty percent (50%) of actual roof area devoted to these uses.

**A.** Common Open Space: open space reserved primarily for the leisure and recreational use of all PUD residents, and owned and maintained in common by them through a homeowner's association.

**B.** Private Open Space: open space located immediately adjacent to an individual

dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.

**C.** Public Open Space: open space designed primarily for use by residents of a PUD, dedicated in fee to a public agency, and maintained by the agency.

## SECTION 18.030 Application of PUD District

**A.** The Planned Unit Development (PUD) District is an overlay which may be applied to the following zoning classifications: FF, RR, AR, RC, R-1, R-2, R-3, R-4, RMH.

**B.** In the case of a conflict between a provision of the underlying district and that of the Planned Unit Development District, the provision of the PUD District shall apply.

**C.** The PUD District may be applied through the Development Approval Process subject to the provisions of Section 2.060(B) this Ordinance; provided that, if initiated by the owner or contract purchaser of the subject property, or their authorized representatives, application for a zone change to apply the PUD District must be in conjunction with application for PUD preliminary development plan approval.

**D.** If the PUD District was applied as the result of the Development Approval Process initiated by the owner or contract purchaser of the subject property, or by their authorized representatives, in conjunction with an application for PUD preliminary development plan approval, and subsequently the approved preliminary or final development plan becomes void as provided in Section 18.160(B) or Section 18.190(B) of this chapter; the PUD District will stand until further Administrative Action is taken.

**E.** All development in the PUD District requires approval of a PUD preliminary development plan and final development plan as provided in this chapter.

## SECTION 18.040 Criteria for Zone Change to Apply PUD District

The Approving Authority shall decide an application to apply the PUD District, initiated pursuant to Section 2.060(B) of this Ordinance, and shall approve the zone change if it finds:

**A.** The criteria of Section 9.020 of Chapter 9 of this Ordinance have been met; and,

**B.** Two or more of the following:

1. The subject property contains significant landscape features or open space



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whose preservation requires planned unit development rather than conventional lot-by-lot development;

2. Planned unit development of the subject property will promote increased energy conservation or use of renewable energy resources;

3. The subject property contains natural hazards, the avoidance of which requires planned development of the property;

4. Planned unit development of the subject property will produce more efficient use of the land and provision of services than conventional lot-by-lot development.

**SECTION 18.050 PUD Preliminary Development Plan Approval**

Approval of a PUD preliminary development plan is a development request subject to Section 2.060(C) of this Ordinance.

**A.** An application for PUD preliminary development plan approval shall be initiated as provided in Chapter 2 of this ordinance.

**B.** The PUD preliminary development plan shall consist of the following:

1. Written documents

   **a.** A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

   **b.** The names and addresses of all owners of adjacent property.

   **c.** A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and adjacent areas, discussion of how the proposed development will relate to the natural environment and significant landscape features of the site and adjacent areas, and the rationale behind the assumptions and choices made by the applicant.

   **d.** A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

   **e.** A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

f. If common open space is to be deeded to a Homeowners' Association, a declaration of covenants and restrictions that will govern the Association.

g. Quantitative data for the following: total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate gross and net residential acreages; total amount of open space; amounts of private, common and public open space; total area and types of non-residential construction; economic feasibility studies or market analysis where necessary.

h. Traffic Impact Analysis, pursuant to Section 4.140.

2. Site Plan and Supporting Maps
A site plan and any maps necessary to show the major details of the proposed PUD, containing the following minimum information:

a. The existing site conditions, including contours at five (5) foot intervals, water courses, floodplains and other areas subject to natural hazards, significant landscape features, and forest cover.

b. Proposed lot lines and layout design.

c. The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, and non-residential structures, including commercial facilities.

d. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common or public open spaces or recreational areas, school sites, and similar public and semi-public uses.

e. The existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.

f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.

g. The existing and proposed systems for providing sewage disposal, water, electricity, gas, fire protection and telephone services.

h. A general schematic landscape plan indicating the technique and materials to



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be used for private, common and public open spaces.

i. A preliminary subdivision or partition plan if the land is to be divided.

j. Information on land areas adjacent to the proposed PUD, including land uses, zoning classifications, densities, circulating systems, public facilities, and significant landscape features, to show the relationships between the proposed development and the adjacent areas.

k. The proposed treatment of the perimeter of the PUD, including materials and techniques to be used, such as screens, fences and walls.

3. The Approving Authority shall decide on the PUD preliminary development plan application as provided in Chapter 2 of this Ordinance; and shall approve the preliminary development plan if it finds:

   a. The proposed PUD is consistent with applicable Comprehensive Plan goals, policies and map designations, and with the purpose set forth in Section 18.010 of this chapter.

   b. The preliminary development plan meets the development standards of Section 18.060 to Section 18.140 of this chapter.

   c. If the preliminary development plan provides for phased development, pursuant to Section 18.150 of this chapter, that each phase meets the standard of Section 18.150(C) and that the applicant has the capability to obtain final development plan approval in the time limits imposed.

   d. Exceptions from the standards of the underlying zone district or from the quantitative requirements of Chapter 21 of this Ordinance are warranted by amenities and other design features of the PUD furthering the purpose of Section 18.010.

   e. Any conditions or modifications imposed by the Approving Authority on the preliminary development plan approval are necessary to meet the requirements of Section 18.060 to Section 18.140, to further the purposes of Section 18.010, or to comply with the Comprehensive Plan.

**SECTION 18.060 <u>Development Standards for Preliminary Development Plan</u>**
A PUD preliminary development plan must meet the Development Standards in Section 18.070 through 18.140 of this Chapter.

**SECTION 18.070 Minimum Site Size**
The PUD site must be of such a size that at least four (4) dwelling units would be permitted by the underlying district.

**SECTION 18.080 Permitted Uses**
The following uses are permitted subject to the general standards of this chapter:

**A.** Residential Uses:

1. Single-family dwellings or duplexes, and accessory buildings used as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses; provided, that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex and unattached structures shall be located on the rear half of the lot.

2. Multi-family dwellings, including townhouses, row houses, apartments, and condominiums.

**B.** Commercial Uses:
Retail commercial uses shall be permitted, except in the "FF" zone, if the Approving Authority determines that they are designed to serve primarily the residents of the PUD and their guests. The Approving Authority may require that the applicant submit a market analysis demonstrating what the amount of land proposed for commercial use is needed for, and realistically can be supported in, commercial use by the residents of the PUD and their guests.

**C.** Other Uses:
If designed to serve primarily the residents of a PUD and their guests, the following uses are permitted. If designed to serve residents of adjacent areas as well, the following uses may be permitted by the Approving Authority if it finds that such use is consistent with the purposes of Section 18.010 of this Chapter and with the underlying zone district.

1. Public and semi-public buildings, including schools, churches, libraries, community centers, fire stations, pump stations, and substations.

2. Park, playground or golf course.

3. Privately operated kindergartens or day nurseries.

4. Home occupations.



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## SECTION 18.090 Residential Density

**A.** Basic Allowable Density: Unless an increase in density is allowed by the Approving Authority as provided in subsection (B) of this section, the number of dwelling units shall not exceed the number that would be allowed on the gross acreage of the PUD if dwelling units of same type were built at the minimum lot sizes specified by the underlying zoning district. A preliminary development plan meets this standard if the density ratio, computed as provided in subsection (C) of this section, is less than or equal to 1.00.

**B.** The Approving Authority may permit an increase of up to twenty-five percent (25%) in the allowable density if the proposed PUD is to be served by the community water supply and sanitary sewer systems, and the Approving Authority finds that such increase in density contributes to the purposes of Section 18.010, by providing one or more of the following:

1. Distinctiveness and excellence in design (up to five per cent (5%) increase).

2. Additional common open space, over that required by Section 18.110 (up to five percent (5%) increase).

3. Recreational amenities (up to five percent (5%) increase).

4. Preservation of significant landscape features of the site, or avoidance of areas with natural hazard site limitations, beyond what is required by Section 18.110 (up to five percent (5%) increase).

5. Improvement of air, water or noise level qualities of the area (up to five percent (5%) increase).

6. Energy conservation or use of renewable energy resources (up to five percent (5%) increase).

7. Location of housing convenient to transportation facilities, commercial services, employment opportunities, and public facilities and services (up to five percent (5%) increase).

A preliminary development plan meets such an increased density standard if the Density Ratio, computed as provided in subsection (C) of this section, is less than or equal to a number determined by increasing 1.00 by the percentage of the approved density increase.

**C.** Density Ratio Computation:

1. For each residential structure proposed on the preliminary PUD plan, determine the minimum lot size specified for that structure by the underlying zone district. If a proposed residential structure is of a type not permitted in the underlying district, for the purpose of calculating

   Density Ratio, it will be assumed that the minimum lot size of such a structure is that specified by the underlying district for a single-family dwelling multiplied by the number of dwelling units in the structure.

2. Add the specified minimum lot sizes for all proposed residential structures as determined in (1) above.

3. Divide this sum by the gross acreage of the proposed PUD.

## SECTION 18.100 Building Spacing

**A.** A preliminary development plan shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to avoid adverse impact on neighboring low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

**B.** If the Approving Authority determines that a preliminary development plan meets the standards of subsection (A) of this section, it may waive the lot area, lot width, lot coverage, setback and height requirements of the underlying zone district.

**C.** If the Approving Authority finds it necessary to meet the perimeter design standards of Section 18.140, it may require a special setback from all or a portion of the perimeter of the PUD.

## SECTION 18.110 Open Space

**A.** At least sixty percent (60%) of the gross acreage of the PUD must be open space. At least twenty-five percent (25%) of the total open space provided shall be private and at least fifty percent (50%) of the total open space provided shall be common or public. Not more than one-half of the common or public open space provided may



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be areas covered with water.

**B.** Locations, shapes, sizes, and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the PUD. Unless the Approving Authority requires

Otherwise to meet the Environmental Design Standards of Section 18.120, common or public open space shall be distributed equitably throughout the PUD in relation to the dwelling units of the residents they are intended to serve.

**C.** Open spaces shall be suitably improved for the intended use. Open spaces containing significant landscape features may be left unimproved or may be improved to assure protection of the features, subject to requirements imposed by the Approving Authority pursuant to Section 18.120.

**D.** The development schedule required by Section 18.050(B)(1)(d) shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.

**E.** The Approving Authority shall require that the applicant assure the permanence of the common or public open space required by this section in one of the following ways:

1. By conveying the open space to a public agency which will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it; or

2. By conveying the open space to a Homeowners' Association, subject to covenants running with the land which restrict the common open space to the uses specified in the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

**F.** If the common open space is to be deeded to a Homeowners' Association, the declaration of covenants and restrictions required by Section 18.050(B)(1)(f) shall include the following:

1. The Homeowners' Association must be set up before the homes are sold. Prior to such sale, the property owner assumes the responsibility of that share attributable to each unsold home defined in the Homeowners' Association.

2. Membership must be mandatory for each home buyer and any successive buyer.

3. The open space restrictions must be permanent, not just for a period of years.

4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5. Residence owners must pay their pro rata share of the cost. The assessment levied by the Association can become a lien on their property.

6. The association must be able to adjust the assessment to meet changed needs.

G. If the common open space is to be deeded to a Homeowners' Association, the Approving Authority shall require that one of the following enforcement methods be provided by the applicant:

1. Conveyance to the County of the legal right to develop the common open space for uses not specified in the final development plan; or

2. Inclusion in the conveyance of the common open space, a condition that the fee title of the common open space shall vest in the County in the event of a substantial default in the conditions and restrictions governing the use and maintenance of the common open spaces; or

3. Inclusion in the conveyance of the common open space a condition that, in the event a common open space is permitted to deteriorate or is not used and maintained consistently with the final development plan, the County may, at its own option, cause such maintenance to be done and assess the cost to members of the association.

## SECTION 18.120 Environmental Design

A. The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites, and landmarks and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Approving Authority may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project.

B. Excessive site clearing of topsoil, trees and natural features before the commencement of construction operations shall be discouraged. The Approving Authority may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.

C. Sites for residential and non-residential buildings shall be discouraged in areas of natural hazards, such as floodplains, areas subject to landslides, areas with average

slopes greater than twenty-five percent (25%) and areas with unstable soil formations. The Approving Authority shall require that all floodplains be preserved as permanent common or public open space, and may require that other natural hazard areas be included in the common or public open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.

**D.** All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting until growth is established.

**E.** The preliminary development plan shall promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

**SECTION 18.130 Traffic Circulation**

The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings and uses.

**SECTION 18.140 Perimeter Design**

**A.** The preliminary development plan shall minimize adverse impacts of proposed uses and structures in the PUD on existing and anticipated uses and structures in the adjacent area.

**B.** If topographical or other barriers do not provide reasonable privacy for existing uses adjacent to the development, the Approving Authority shall require one or more of the following:

1. A special setback, or setbacks, of residential and non-residential structures shall be located on the perimeter.

2. Residential and non-residential structures located on the perimeter of the development shall be screened by fencing, landscaping, or other natural or man-made materials.

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## SECTION 18.150 Development Phasing

**A.** The applicant may provide in the preliminary development plan for development of the project in up to three (3) phases.

**B.** In acting to approve the preliminary development plan, the Approving Authority may require that development be completed in up to three (3) specific phases, if it finds that public facilities would not otherwise be adequate to serve the entire development.

**C.** If the preliminary development plan provides for phased development, each phase shall provide for the same ratio of open space and/or recreational facilities to dwelling units as the over-all project. Development of accessory commercial uses shall be limited to the final phase.

**D.** The following time limitations shall be observed in phased development proposals:

1. Phase 1--final development plan must be approved within twelve (12) months of the date of preliminary plan approval.

2. Phase 2--final development plan must be approved within twenty-four (24) months of the date of preliminary plan approval.

3. Phase 3--final development plan must be approved within thirty-six (36) months of the date of preliminary plan approval.

## SECTION 18.160 Duration of PUD Preliminary Development Plan Approval

**A.** Approval of the preliminary development plan shall be valid for twelve (12) months from the date of approval, provided that if an approved preliminary development plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of Section 18.150(D) of this Section.

**B.** If any time limit for obtaining final development plan approval is exceeded, the approved preliminary development plan, or phase of the preliminary development plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new development request.

**SECTION 18.180 PUD Final Development Plan Approval**

Approval of a PUD final development plan is subject to Section 2.060(C) of this Ordinance.

**A.** Within twelve (12) months of the date of approval of the preliminary development plan, unless otherwise specified pursuant to Section 18.150 and 18.170 of this Ordinance, the applicant shall submit a final development plan, prepared by an Oregon registered engineer, and supporting documents to the Director.

**B.** The final development plan shall include:

1. The site plan and maps submitted pursuant to Section 18.050(B)(2) in their final, detailed form, and including reasonable assurance that an adequate, potable, year-round water supply is available for the development.

2. The documents submitted pursuant to Section 18.050(B)(1) amended to incorporate any conditions imposed on the preliminary development plan approval.

3. Final subdivision plat or partition map, if the land is to be divided.

4. Except as permitted by the Approving Authority pursuant to subsection (F) of this section, documents conveying common open space to a Homeowners' Association, including the restrictive covenants and conditions required by Section 18.110(E) to (G).

5. Articles of Incorporation of the Homeowners' Association formed to maintain common open space and other common improvements.

**C.** The Director shall require the applicant to enter into an agreement with the County to complete all improvements required by the final development plan according to a schedule set forth in the agreement.

**D.** Agreement for Improvements:

1. Before approval of the final development plan, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the PUD, or shall execute and file with the Court an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.

2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for Administrative Action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him/her to fulfill the agreement within the original time limit(s).

E. Performance Bond:

1. To assure full performance of the improvement agreement, an applicant shall file one of the following:

   a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or

   b. Cash deposit with the County Treasurer; or

   c. Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Director of Public Works. The bank certification or letter of assurance shall be approved by the District Attorney; or

   d. Cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Director of Public Works. Escrow instructions shall be approved by the District Attorney.

2. Such assurance of full and faithful performance shall be for a sum determined by the County Roadmaster to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plan, including related engineering, and may include an additional percentage as determined by the County Roadmaster to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.

3. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

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**F.** Action By the Approving Authority:
The Approving Authority shall take action on the application for final approval in accordance with the procedures outlined in Chapter 2 of this Ordinance, and shall approve the final development plan if:

1. The applicant has submitted all information and documents required pursuant to subsection (B), (C) and (D) of this section; and

2. The final development plan is in substantial compliance with the approved preliminary development plan and any conditions imposed by the Approving Authority. Substantial compliance means that any differences between the final and preliminary plan are "minor amendments" as defined in Section 18.200(A)(1) of this chapter.

**G.** Recording a Final Development Plans:
The approved final development plan shall be recorded in the County Clerk's office within thirty (30) days of the date of approval.

## SECTION 18.190 Expiration of Final Development Plan Approval

**A.** If the Director determines that no substantial construction or development has occurred within two (2) years of the date of approval of the final development plan for a PUD, or for a phase thereof, the Director shall initiate an Administrative Action to consider invalidating the final development plan approval.

**B.** The Approving Authority shall invalidate such final development plan approval unless it determines that the applicant was not responsible for the failure to complete substantial construction, and that the applicant will be able to complete the development within two (2) years.

**C.** If final development approval is invalidated, any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new application for preliminary development plan approval.

## SECTION 18.200 Amendments to Approved Preliminary and Final Development Plans

**A.** Definitions:

1. "Minor Amendment" means a change which:

   **a.** Does not increase residential densities;

**b.** Does not enlarge the boundaries of the approved plan;

**c.** Does not change any use;

**d.** Does not change the general location or amount of land devoted to a specific land use, including open space;

**e.** Does not eliminate the preservation of a significant landscape feature; and

**f.** Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.

**2.** "Major Amendment" is any change which does not meet the definition of a "Minor Amendment".

**B.** A minor amendment to an approved preliminary or final development plan may be approved ministerially by the Director.

**C.** A major amendment to an approved preliminary or final development plan shall be considered a new development request subject to the provisions of Chapter 2 of this ordinance.

**SECTION 18.210 Granting of Extensions (Added 5-93)**
An applicant may request an extension of the validity of a planned unit development permit approval. Such request shall be considered an Administrative Action and shall be submitted to the Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to twelve (12) months in the validity of the planned unit development permit approval if it is determined that *unexpected* conditions would prevent the applicant from commencing his operation within the original time limitation.



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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.

**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

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 20.055 BICYCLE PARKING REQUIREMENTS**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

A. Number of Bicycle Parking Spaces - A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:

1. Multi-Family Residences - Every residential use of four (4) or more dwelling units provides at least one (1) sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

2. Parking Lots - All public and commercial parking lots and parking structures provide a minimum of one (1) bicycle parking space for every 10 motor vehicle

parking spaces.

3. Schools - Elementary and middle schools, both private and public, provide one (1) bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

4. Colleges and trade schools provide one (1) bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent (50%) of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

5. County Commercial - Within the County commercial and employment zones (Rural Commercial, Rural Industrial, Wamic Commercial, Tygh Valley Commercial, Tygh Valley Light Industrial/Commercial, Tygh Valley Medium Industrial/Commercial), where the proposed use is commercial, bicycle parking for customers shall be provided along the roadway at a rate of at least one (1) space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be located in front of the stores along the roadway, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure shall be provided at a rate of one (1) space per 10 employees, with a minimum of one space per store.

6. Multiple Uses - For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces is required.

**B.** Exemptions - This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.

**C.** Location and Design - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other



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pedestrian amenities.

D. Visibility and Security - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;

E. Options for Storage - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

F. Lighting - Bicycle parking shall be least as well lit as vehicle parking for security.

G. Reserved Areas - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. Hazards - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards (Section 4.090 Vision Clearance).

**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.

**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.



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**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 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.

**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



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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.

**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
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.



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# CHAPTER 21 LAND DIVISIONS

As authorized by law, including Oregon Revised Statutes Chapters 92, 197, and 215, subdivisions, partitions, replats and property line adjustments and streets created for the purpose of partitioning land shall be approved in accordance with this Chapter. The Chapter applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Chapter and state statutes.

## SECTION 21.010 Purpose

In accordance with the provisions of O.R.S. Chapters 92, 197, and 215, this Ordinance sets forth the minimum standards governing the approval of land development, including subdivisions partition, replats, and property line adjustments as necessary to carry out the Wasco County Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

**A.** Encourage well planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.

**B.** Encourage development in harmony with the natural environment and within resource carrying capacities.

**C.** Safeguard the interest of the public, the applicant, and the future lot owner.

**D.** Improve land records and boundary monumentation.

**E.** Insure equitable processing of subdivision plats and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Wasco County.

No person may subdivide or partition land within Wasco County except in accordance with O.R.S. Chapter 92 and the provisions of this Ordinance.

## SECTION 21.020 Definitions

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

## SECTION 21.030 Basic Provisions and Design Standards

**A.** Compliance Required: No land within the unincorporated territory of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority.

**B.** Minimum Standards: The requirements and standards set forth in this chapter are the minimum ones to which a subdivision or partition must conform before approval by the Approving Authority.

**C.** Conformity with the Comprehensive Plan: All divisions of land shall conform to and be in harmony with the Wasco County Comprehensive Plan and Comprehensive Plan Map of that portion of the County within which the subdivision and partition lies.

**D.** Conformity with Zoning Chapter: All divisions of land, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth.

**E.** Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where the Approving Authority determines that topographic conditions make such continuation or conformity impractical, exceptions may be made as provided for in Section 21.450 of this Chapter.

**F.** Redevelopment Plan:

1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.

2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.

3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.

4. Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.



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G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:

1. The unit of land abuts on the road or street.

2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.

3. The road or street provides actual physical access for the unit of land.

H. Access Requirements for Land Divisions: —Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. Private Easement Road - In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30' in width;

   The requirements of Section 21.300 are not applicable to a Private Easement Road.

   If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

2. Private Road - In resource areas only (areas zoned F-1, F-2, and A-1), a unit of land may have access by way of a private road upon findings of the Approving Authority that:

   a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;

   b. Private road approval is obtained pursuant to Section 21.300;

   c. Private road is constructed to standards of Section 21.420 when more than three (3) units of land use roadway;

   d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;

e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right-of-way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

**I.** Alignment: As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty-five (125) feet.

**J.** Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.

**K.** Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty-five (25) feet in width shall be provided along a railroad right-of-way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right-of-way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.

**L.** Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.

**M.** Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end



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streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

**N.** Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.

**O.** Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

**P.** Cul-De-Sacs: In general, dead-end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 10 and the local fire department.

**Q.** Street Intersections:

1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.

2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.

3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty-five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.

**R.** Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:

1. Prevent access to the street on a side where additional width is required to meet the minimum right-of-way standards;

2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or

3. Prevent the uncontrolled development of land.

**S.** Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in

a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**T.** Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.

**U.** Water Courses: If a subdivision or partition is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

**V.** Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.

**W.** Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.

**X.** Lots:

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.

2. Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.

3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of



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access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.

4. Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.

**Y.** Public Open Space:
Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

**Z.** Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

**AA.** Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

**BB.** Sreet Signs: All street and highway signs shall meet the County standards for such signs.

## SECTION 21.100 Land Partitioning Approval

**A.** Approval of Preliminary Partition Plans:

1. An application for preliminary partition plan approval shall be initiated as provided in Section 2.060.A. of this Ordinance.

2. A preliminary partition application, plan and supporting documentation shall include the following:

   **a.** A vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;

   **b.** North point, scale and date;

   **c.** A plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each tract, acreage of each tract and location and name of existing and proposed roads;

   **d.** Private streets and all restrictions or reservations relating to private streets;

   **e.** Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;

   **f.** Proposed means and location of water supply and sewage disposal for each tract;

   **g.** Zoning classification of the land and Comprehensive Plan map designation;

   **h.** Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards;

   **i.** Any existing permanent structures;

   **j.** Draft of proposed restrictions and covenants affecting the partitioned land;

   **k.** Legal description of the property being partitioned;

   **l.** If not sewered and located in an "F-1", "F-2", or "A-1" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on the face of the final partition plan that no investigation has been made of the



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suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal;

**m.** If not sewered and located in an F-F or any other non-resource zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook-ups for each parcel to be partitioned.

**3.** Standards for approval of a preliminary partition plan.

**a.** A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.

**b.** The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided and if the design and development standards of Section 21.030 of this chapter have been met.

**4.** The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and comprehensive plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.

**5.** Duration of approval for preliminary partition plan: Approval of a preliminary partition plan shall be valid for twenty-four (24) months from the date of tentative approval. During such time, all conditions of approval shall be met and required documentation shall be filed with the Director as an application for final approval, and shall otherwise comply with the provisions of subsections (2) and (3) of this section.

**B.** Approval of Final Partition Plat:

**1.** Within twenty-four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance to those standards specified in Section 21.100 of this Chapter.

**2.** The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:

**a.** the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;

b. any conditions imposed by the Approving Authority have been met;

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section 21.110(1) of this Ordinance.

3. All access easements created as part of land partitioning become effective when the plat is recorded by the County Clerk. If an access easement is pre-existing or if the access easement has been recorded with the County Clerk prior to the final approval of the land partition, then the recorded Document Number shall appear on the face of the plat.

4. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary partition plat.

5. After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.

6. Pursuant to Oregon Revised Statute (O.R.S) 92.055(1) a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:

   a. The approximate acreage of each unsurveyed parcel shall be shown.

   b. Any unsurveyed parcel shall have the word "unsurveyed" placed in bold letters adjacent to the parcel number on the plat at provided in (5) above.

   c. Unsurveyed parcels need not comply with O.R.S. 92.050(5), (7) and (8).

7. Pursuant to O.R.S. 92.095, prior to recordation of the final partition map, the current years' taxes must be paid in full. (The tax year runs from July 1st through June 30th).

8. If the property is zoned "A-1" Exclusive Farm Use, a statement shall appear on the face of the partition plat stating that the land division is for commercial farm use.

C. Final Land Partition Plat Requirements:

1. Conformance to Preliminary plan. The plat shall substantially conform to the preliminary plan as approved.

2. Preparation of the Plat.

   a. A plat shall be prepared on 4 mill (minimum) double matte polyester film,



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approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.

**b.** All signatures on the original must be in archival quality black ink.

**c.** The lettering shall be a size or type to be clearly legible when copies are made.

**d.** A face sheet and index must be included for a plat with 3 or more sheets.

**3.** Compliance with ORS 209.250. A plat shall comply with all requirements of ORS 209.250 including:

**a.** Narrative

**b.** Location of the survey by one-fourth section, Township and Range.

**c.** Date of the survey.

**d.** Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.

**e.** The distance and course of all lines traces or established, giving the basis of bearing.

**f.** Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.

**g.** Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

**h.** The surveyor's seal and original signature.

**i.** The surveyor's business name and address.

**4.** Compliance with 92.050. A person shall not submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.

**a.** The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.

**b.** The plat shall be made by professional land surveyor.

**c.** The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:

**(1)** The survey and mathematical information and all other details are clearly and legibly shown on the plat.

**(2)** Each lot or parcel is numbered consecutively.

**(3)** The lengths and courses of the boundaries of each lot or parcel are shown on the plat.

**(4)** Each street is named and shown on the plat.

**d.** The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be show.

**e.** The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.

**f.** The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.

**g.** In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:

**(1)** Arc length

**(2)** Chord length

**(3)** Chord bearing

**(4)** Radius

**(5)** Central Angle

**h.** The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:



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**(1)** Parcels located in an "A-1", "F-1" or "F-2" zone shall contain the following statement" "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department.

**(2)** Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."

**(3)** Planning Department File Number

**(4)** Tax lot Information

**(5)** Zoning classification and Comprehensive Plan Designation

**(6)** Table indicating the acreages of all existing and newly created parcels.

**(7)** Assessor Account Number for each existing property.

**5.** Monuments.

**a.** The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner, per ORS 92.060 and shown on the plat.

**b.** The exterior boundary and all parcel corners must be monumented per ORS 92.060.

**c.** For partitions involving land in a flood plain, the provisions of Section 21.210(5) shall apply.

**6.** Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

**6.** Declaration.

**a.** The plat shall include a declaration, taken before a notary public, stating that



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the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.

**b.** Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.

**c.** If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.

**d.** If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration

**e.** Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075(4).

**8.** General Information. No plat shall be approved unless:

**a.** Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.

**b.** All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorders number shall appear on the face of the plat.

**c.** Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.

**d.** The names of any streets intersecting or within the parcels are shown.

**e.** All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.

**f.** Zoning classification and Comprehensive Plan Designation

**g.** Space for date and signatures of the following officials is made:

**(1)** Planning Director or designee

**(2)** County Surveyor



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(3) County Assessor

(4) County Tax Collector

h. Any additional information made a condition of approval of the tentative plan is shown.

9. County Surveyor Fees: The partitioner shall pay a fee to the County Surveyor as provided in O.R.S. 92.100(2) which is included in the cost at the time of the plat application.

## SECTION 21.110 Amendments to Preliminary Plans and Final Plats or Maps

A. Definitions:

1. "Minor Amendment" means a change which:

a. Does not change the number of parcels created by the subdivision or partition;

b. Does not enlarge the boundaries of subdivided or partitioned area;

c. Does not change the general location or amount of land devoted to a specific land use; or

d. Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.

2. "Major Amendment" means any change which is not a minor amendment.

B. Approval of Minor Amendments: A minor amendment to an approved preliminary subdivision or partition plan or to an approved final subdivision plat or final partition map may be approved by the Director.

C. Approval of Major Amendments: Approval of a major amendment to an approved preliminary subdivision or partition preliminary plan or to an approved final subdivision plat or final partition plat shall be subject to the provisions of Section 2.060 of this Ordinance.

**SECTION 21.115 Property Line Adjustments/Replats**
The decision on a request for a Property Line Adjustment or Partition Replat shall be initiated as provided in Section 2.060.A. of this Ordinance.

**A.** Preliminary property line adjustment/replat map shall meet the same standards required for preliminary partition approval, described in Section 21.100.A.

**B.** The applicant(s) shall submit a signed statement explaining the purpose of the proposed property line adjustment.

**C.** The applicant(s) shall submit a copy of the property deed. No property line adjustment may be approved unless all properties involved were lawfully created.

**SECTION 21.120 Property Line Adjustment/Replat Approval Standards**
The request for a property line adjustment or replat shall be approved by the Director if the following criteria are met;

**A.** The proposed property line adjustment/replat will not result in the creation of any new tax lot.

**B.** The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.

**C.** Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment/replat.

**D.** Property line adjustments/replats shall result in greater conformity where it can be achieved. Property line adjustments/replats to nonconforming property shall not result in greater nonconformity, provided however, the Director may approve a reduction in area which will result in greater nonconformity if the Director finds the proposal will benefit the public interest.

**E.** Adjusted property lines may cross zoning district boundaries unless the adjustment will increase the number of parcels or lots which could potentially be created, based on the density requirements of the applicable zoning district.

**F.** The proposal will not cause any existing development to be placed in violation of the property development standards of the zone, or force a violation of this ordinance.

**G.** Proposed property line adjustments/replats which have the net result of physically relocating a parcel to a new location beyond an existing common boundary line or which requires the creation of a private or public road will not be acted on, and must be reviewed under Section 21.100 of the Wasco County Land Use and Development



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Ordinance.

**SECTION 21.125 Final Property Line Adjustment/Replat Map Requirements**
All final property line adjustment/replat map(s) shall meet the same standards required for final partition approval described in Section 21.100.C., Final Land Partition Map Requirements.

**SECTION 21.130 Survey Requirements for Property Line Adjustments/Replats**

**A.** An adjusted property line created by the relocation of a common boundary as described in ORS 92.010 (7)(b) shall be surveyed and monumented in accordance with ORS 92.060 (3). Said survey shall comply with ORS 209.250, and shall be filed with the Wasco County Clerk. If all property affected by the property line adjustment is greater or becomes greater than ten (10) acres the requirement of a survey and monumentation will be waived.

**B.** Replats shall be reviewed in the same manner as property line adjustment requests, with the exception that the requirements of ORS 92.180 - 92.190 shall apply.

## SECTION 21.200 Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of Section 2.060 (c) of this Ordinance.

**A.** Application for Preliminary Subdivision Plan Approval:

1. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this Ordinance.

2. The applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by subsection (B) of this Section to demonstrate the design and objectives of the subdivision.

3. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

**B.** Information Required in the Preliminary Subdivision Plan:

1. The proposed name of the subdivision or major partition.

2. North point, scale, date of application, and basis of bearing.

3. Names and addresses of the subdivider, engineer, surveyor, land planner or landscape architect.

4. The tract description according to the real estate records of Wasco County.

5. The boundary lines (accurate in scale) of the tract to be subdivided.

6. Contour lines may be required at intervals to be determined by the Director.

7. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.

8. The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.

9. Existing sewers, water mains, culverts or underground utilities and improvements within the tract or immediately adjacent thereto together with pipe sizes, grades and locations indicated.



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10. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.

11. The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.

12. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.

13. Approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.

14. Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.

15. Parks, playgrounds, recreation areas, parkways, and other open space for public use.

16. Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.

17. Proposed source of water supply, if any; estimated volume to be available, together with data regarding the location, type, and size of all storage facilities, distribution lines, fire hydrants, and gate valves.

18. If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.

19. The proposed method of sewage disposal.

    a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.

    b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding

tanks, storage facilities, pumping facilities, and valves.

c. If to be served by subsurface sewage disposal, a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.

20. Information on the source of other public utilities; proposed deed restrictions, if any; and the irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision.

21. The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.

22. Proposed building setback lines.

23. Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.

C. Development Phasing:

1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.

2. Time limitations for the various phases must meet the following requirements:

a. Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.

b. Phase 2 final plat shall be approved within twenty-four (24) months of preliminary approval.

c. Phase 3 final plat shall be approved within thirty-six (36) months of preliminary approval.

D. Criteria for Approval of Preliminary Subdivision Plan:

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.

2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:

a. The information required by this Chapter has been provided;



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b. The design and development standards of Section 21.030 of this Chapter have been met; and

c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

**E.** Duration of Preliminary Subdivision Plan Approval:

1. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 21.200(C)(2) of this Ordinance.

2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

**F.** Granting of Extensions: Extensions of time may be allowed as outlined in Section 2.125.B.

**SECTION 21.210 Final Subdivision Plat Approval**

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Section 2.060(2) of this Ordinance.

**A.** Application for Final Subdivision Approval:

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to Section 21.200 of this Ordinance, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.

2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in subsections (B) to (F) of this Section, and the appropriate fees as established by the County Governing Body.

**B.** Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of Section 21.210.

2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title-holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.

C. Information Required in the Final Subdivision Plat: The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with O.R.S. 209.250:

1. Name of Subdivision.

2. North point, scale and date the plat was prepared.

3. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Donation Land Claim, Township and Range.

4. Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.

5. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.

6. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

7. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.

8. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

9. Numbering of blocks and lots, as follows:



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a. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.

b. Lot numbers beginning with the number "1" and numbered consecutively in each block.

10. Ties to any city, county, or adjacent subdivision boundary lines.

11. Zoning classification of the property within the subdivision.

12. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-sixteenth corner or Donation Land Claim corner in Township and Range.

13. Space for date and signature of the County officials specified in subsection (K.) of this Section.

14. Any conditions specified by the Approving Authority upon granting preliminary approval.

15. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.

16. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco County.

17. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.

18. A declaration and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.

19. A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.

20. A narrative per O.R.S. 209.250(2).

21. All subdivisions outside the boundaries of an irrigation district, drainage district,

water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.

**D.** Survey Requirements for Final Plat:

1. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an equivalent, matted on both sides, eighteen inches by twenty-four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.

2. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.

3. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.

4. Measurements. The subdivision plat shall contain the following measurements:

   **a.** The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.

   **b.** The arc, length, chord length, chord bearing, radii, central angles, of curves.

   **c.** Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.

   **d.** The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.

   **e.** All measured bearings or angles and distances separately indicated from those of record.

   **f.** All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

   Any additional information shall be typed or printed in narrative form.



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5. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.

   a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner per ORS 92.060.

   b. The exterior boundary including every angle point or curve point along the boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.

   c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments are not set prior to the approval of the plat:

      (1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.

      (2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than 120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.

      (3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.

      (4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.

      (5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.

      (6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of

such number for notation on the plat previously filed with him.

**d.** Flood Plain Monumentation for Subdivisions and Partitions.

For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:

**(1)** A standard Bench Mark shall be a minimum of thirty-six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.

**(2)** The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.

**(3)** The level notes or a copy thereof shall be filed with the final map.

Any exceptions shall be allowed only with the approval of the County Surveyor.

**(4)** Field notes and closure copies to County Surveyor:

**(a)** Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

**(b)** If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.

**6.** Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

**7.** Declaration

**a.** The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.

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**b.** Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.

**c.** If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.

**d.** If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.

**e.** Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075 (4).

**8.** Supplemental Information with Final Plat: The following data shall accompany the final plat, if requested by the Director or County Surveyor:

**a.** A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

**b.** Sheets and drawings showing the following:

**(1)** Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.

**(2)** The computation of all distances, angles, and courses shown on the final map.

**(3)** Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.

**c.** A copy of any dedication requiring separate documents.

**d.** A Plan and Profile on Federal Aid sheets showing the following:

**(1)** Widths of the proposed dedication throughout the length of the proposal.

**(2)** Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.

**(3)** Ground line and grade line profile on the centerline of the proposed street or road.

**(4)** Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.

**(5)** Proposed drainage structures, showing both size and type of structure.

**(6)** Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.

**(7)** Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.

**(8)** Toe of slope and top of cut lines showing the limits of the construction area within the dedication.

**(9)** Typical section of roadbed to be constructed.

**(10)** Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.

**(11)** Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.

**(12)** The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.

**e.** Cross Sections

**(1)** Shall be platted on rolls of ten inch (10"), on standard cross-section paper. Computer cross-section print-outs may be submitted in lieu of platted cross-sections.

**(2)** Shall show proposed widened cuts or fill if these are needed for material balance.

**f.** If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:

**(1)** Plans and profiles of proposed sanitary, and storm-water sewers, with grades, pipe sizes and the location of manholes indicated.

**(2)** Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.

**(3)** Specification for the construction of all proposed sewer and water lines and other utilities.



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(4) Grading plans and specifications as required for areas other than streets and ways.

(5) Planting plans and specifications for street trees and other plantings in public areas.

7. County Surveyor Fees: The subdivider shall pay a subdivision review fee to the County Surveyor as provided in O.R.S. 92.100(2) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

E. Agreement for Improvements

1. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County Governing Body an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.

2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

F. Performance Bond

1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:

   a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or

   b. cash deposit with the County Treasurer; or

   c. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Roadmaster. The bank certification or letter of assurance shall be approved by the District Attorney; or

d. cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Roadmaster. Escrow instructions shall be approved by the District Attorney.

2. Such assurance shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related County expenses; and

3. Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.

G. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Comprehensive Plan for the area in which the subdivision is located.

H. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a sum equal to six and two-thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

I. Development Phasing: If the preliminary subdivision plan approval, pursuant to Section 21.200 of this ordinance, provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in subsections (A) through (F) of this section, for that phase only.

J. Standards for Final Subdivision Plat Approval

1. The Planning Commission shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section 21.110(A)(1) of this Ordinance.

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2. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.

3. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.

K. Filing and Recording of Final Plat

1. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials:

   a. Planning Commission Chairman;

   b. County Surveyor;

   c. County Assessor;

   d. An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;

   e. County Tax Collector;

   f. County Commissioners;

   g. County Clerk.

2. The final plat shall be recorded within thirty (30) days of the date that the signatures and approvals required by subsections (J) and (K) of this section were obtained.

**SECTION 21.300 Private Road Approval Public Road Dedications**

Any person desiring to create a public or private road not part of a subdivision or land division shall make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission subject to the provisions of Section 2.060(B).

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**A.** Application for Tentative Plan

1. An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in Chapter 2 of this Ordinance.

2. The applicant shall submit to the Director a written application of a Tentative Plan prepared in accordance with subsection (B) of this section.

3. The Director shall distribute a copy of the Tentative Plan to the County Roadmaster and obtain his recommendation on the proposed action.

**B.** Information Required on Tentative Plan: Tentative Plans shall include the following information presented in the following form:

1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.

2. A vicinity map showing the proposal in relationship to other existing or proposed streets.

3. Date, north point and scale

4. Name and address of applicant and the person preparing the Tentative Plan.

5. Appropriate identification of the drawing as a Tentative Plan.

6. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right-of-way boundary description.

7. Zoning classification and Comprehensive Plan Map designation.

8. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.

9. Existing roads or street(s) intersecting or meeting the proposed dedication or private road.

**C.** Approval of Road or Street Dedication

1. After considering the recommendation by the County Roadmaster, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it



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determines that:

a. the information required by this section has been provided;

b. the road or street is or will be improved to meet all applicable standards of these regulations; and

c. dedication of the road or street to the public is consistent with the goals, policies and map of the Comprehensive Plan.

2. If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Roadmaster.

D. Acceptance of Dedication by the County Governing Body

1. Before the County Governing Body may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with Section 21.210(F) of this Chapter.

2. Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.

3. Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.

4. The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.

5. No road or street will be accepted for maintenance as part of the county road system unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County Governing Body pursuant to law.

E. Approval of a Private Road

1. The County Roadmaster shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.

2. The Approving Authority shall approve a private road if it finds that the private road meets the basic provisions and design standards of Section 21.030 and also the



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