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THE DALLES OR.

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

JUN 21 9 11 AM '99

KAREN R. LEBRETON
COUNTY CLERK

IN THE MATTER OF PROPOSED POST-ACKNOWLEDGMENT LEGISLATIVE AMENDMENTS TO THE WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE, CHAPTERS 1, 2, 3, (EXCLUDING SECTION 3.220, "F-F" ZONE), 4, 7, 8, 10, 13, 15, 18 AND 21; AND AMENDMENT TO TEXT OF GOAL 1 - CITIZEN INVOLVEMENT OF THE WASCO COUNTY COMPREHENSIVE PLAN (FILE NUMBERS LUA-99-101-ZO-L AND LUA-99-102-CP-L

ORDINANCE

NO. 99-101

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

IT APPEARING TO THE COURT: That between January 1, 1999, and March 31, 1999, Wasco County Planning staff met on six occasions to review proposed amendments to the Wasco County Land Use and Development Ordinance (LUDO) to make the LUDO consistent with State law and to make the Ordinance responsive to citizen concerns; and

IT FURTHER APPEARING TO THE COURT: That on Tuesday, May 4, 1999, in the Columbia Gorge Community College Board Room #1.139, The Dalles, Oregon, the Wasco County Planning Commission met to conduct a legally notified legislative public hearing on the above matter. Chair Sandee Burbank read aloud the rules of evidence. The Planning Commission reviewed the record and received all testimony and evidence, then closed the public hearing; and

IT FURTHER APPEARING TO THE COURT: That the Planning Commission then deliberated, and based upon the full record and evidence and testimony presented, voted 7-0 to recommend to the County Court the approval of the proposed ordinance amendments via Resolution 99-102 and 103; and

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IT FURTHER APPEARING TO THE COURT: That on 1:30 p.m. on June 9, 1999, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to conduct a legislative public hearing on the above matter. The members of the Court were determined to be qualified to hear the matter; and

IT FURTHER APPEARING TO THE COURT: That the Court reviewed the record of the Planning Commission, heard the staff report and received all testimony and evidence from the parties, then closed the hearing for further input. The Court then deliberated, resulting in a 3-0 vote to adopt the proposed legislative amendments to the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance, Chapters 1, 2, 3 (excluding Section 3.220, "F-F" zone), 4, 7, 8, 10, 11, 13, 15, 18, and 21, as proposed by staff and recommended for approval by the Wasco County Planning Commission. Based upon the full record and evidence and testimony presented, the Court being fully apprised in the premises, did hereby make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County Comprehensive Plan.

2. Three (3) members of the County Court were present and were qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by the Court;

3. In making its decision, the Court recognizes the procedural and legal requirements of the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance and weighed fully each requirement in arriving at its decision.

4. In making its decision, the County Court recognizes the findings of fact in the staff report, including the Recommendation from the Wasco County Planning Commission Recommendation dated May 4, 1999.

CONCLUSIONS OF LAW

1. The Court adopts the Conclusions of Law as set forth in the staff report dated June 9, 1999, finding that the proposed amendments to the text of the Wasco County Land Use and Development Ordinance and Wasco County Comprehensive Plan are consistent with

applicable State Law, Oregon Administrative Rules, the interpretations found in relevant case law and the requirements of the Wasco County Comprehensive Plan and Land Use and Development Ordinance.

2. The recommended amendments to Chapters 1, 2, 3 (excluding Section 3.220, "F-F" zone), 4, 7, 8, 10, 11, 13, 15, 18, and 21 of the Wasco County Land Use and Development Ordinance and the text of Goal 1- Citizen Involvement of the Wasco County Comprehensive Plan are the result of the review procedure performed by staff.

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Land Use and Development Ordinance is hereby amended for Chapters 1, 2, 3 (excluding Section 3.220, "F-F" zone), 4, 7, 8, 10, 11, 13, 15, 18, and 21 of the Wasco County Land Use and Development Ordinance and the text of Goal 1 – Citizen Involvement of the Wasco County Comprehensive Plan, to bring that document into compliance with State Statutes, Oregon Administrative Rule (OAR) 660, Division 33, and other changes requested by staff and Planning Commission. The revised Wasco County Land use and Development Ordinance wording adopted by these ordinance amendments is attached as Exhibit A.

SIGNED this 16th day of June, 1999.

WASCO COUNTY COURT

John Mabrey, Judge

Scott McKay, Commissioner

Absent

Dan Ericksen, Commissioner

Approved as to Form:

Eric Nisley
Wasco County District Attorney

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deemed a bed and breakfast inn. An establishment with more than five (5) sleeping rooms shall be deemed a hotel. A bed and breakfast inn must be within the residence of the operator. (added 2/89)

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

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

~~[Board - The Wasco County Board of Adjustment.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Camp, Tourist, or Trailer Park - Any area or tract of land used or designed to accommodate **more than** two [~~or more~~] 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

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migration routes as designated by the Oregon Department of Forestry. Stream flows may be perennial or intermittent.

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

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

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

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

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

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

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

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

grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

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

Director – Wasco County Planning Director or their designee.

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

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

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

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

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

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

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

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

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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 - ~~[One or more rooms designed for occupancy by one (1) family or individual for living purposes, either temporary or permanent, and having a kitchen and/or laundry facility. (Revised 1/92)]~~ **A lawfully established dwelling is a single-family dwelling which:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

~~[Legally Created Lot or Parcel - This is commonly referred to as Legal Lot of Record, but because House Bill 3661 from the 1993 Legislature established a specific definition for "Lot of Record" it is necessary to distinguish a "Legal lot of Record" from "Lot of Record" which follows. Prior to September 1974 a lot or parcel could be legally created by a duly recorded deed, subdivision or land partition. Subsequent to September 1974, the Wasco County Land Use and Development Ordinance (WCLUDO) established the process and conformity by which land could be legally subdivided or partitioned in Wasco County. All land in Wasco County being divided after September 1974 is required to conform to WCLUDO Chapter 21, Land Divisions. WCLUDO Chapter 1 Severability clause disallows planning officials from approving development or land use on land divided or developed in violation of the Ordinance. Remedies for persons owning illegally created lots or parcels is cited in ORS 92.018. (added 12/96)~~

~~Also, 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, if there were no applicable planning, zoning or partitioning ordinances or regulations, provided that contiguous units of land so created under common ownership and not conforming to the minimum lot size requirement of this ordinance shall be considered one (1) lot of record. (revised 2/89)]~~

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

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

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

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

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

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

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

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

c. Having a permanent foundation.

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

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

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

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

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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.

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 that is created by a partitioning of land.~~] **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))"

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

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

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

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

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

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

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

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

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

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

b. gateway roads; and,

c. statutory ways of necessity.

Property Line Adjustment - The relocation of a common property line between two abutting properties **where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any additional zoning regulations.** ~~[(Revised 1/92)]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Sectional Home - Defined the same as a modular home.

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

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

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

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

Sidewalk - A pedestrian walkway with permanent surfacing.

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Through Lot - Lot having frontage on two streets.

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

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

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

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

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

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

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

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

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

a. A single lot of record;

b. A lot as defined herein;

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{Section 2.060 Application...}

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

1. Conditional Use Review (Chapter 5)

2. Administrative Variances (Chapter 7)

3. Temporary Use Permits (Chapter 8)

~~4. Approval of a Non-Farm/Non-Forest Dwelling on Substandard Lot of Record in the "A-1" Exclusive Farm Use Zone and the "FF" Forest-Farm Zone, (Chapter 11)~~

4. [~~5.~~] Partition, Replat and Lot Line Adjustment Approval, except as provided for in section 2.060 B.10 (Chapter 21) (Revised 1-92)

5. [~~6.~~] Site Plan Reviews (Chapters 3 and 20) (added 2-89)

6. [~~7.~~] Uses Permitted Subject to Standards (Chapter 3) (added 7-89)

7. [~~8.~~] Similar use. (Added 5-93)

8. [~~9.~~] Significance Determination for Aggregate Overlay (Chapter 3, Section 3.815)

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

1. **Recommendation to County Court on** Quasi-Judicial Plan Amendment

2. Zone Change and Ordinance Amendment (Chapter 9)

3. Subdivision (Chapter 21)

4. Planned Unit Development (Chapter 18)

5. Mobile Home Parks (Chapter 16)

6. Recreational Vehicle Parks (Chapter 17)

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

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8. Variance (Chapter 6) (Revised 1-92)

9. Private Road Approval (Chapter 21) (Revised 1-92)

10. Preliminary Partitions involving private or public road approval. (Revised 1-92)

11. Recommendation to the County Court on street dedications (Chapter 21). (Revised 1-92)

12. Revocation of Conditional Use Permits (Chapter 5) (Revised 1-92)

13. Appeals of Decision of Director made pursuant to Section 2.060 (A) (1), (2), (3), (4) & (5), and any ministerial action of the Director. (Revised 1-92)

14. Matters which the Director elects not to review, pursuant to Section 2.060 (A)(1), (2), (3), (4), (5), (6), (7), and (8). (Revised 1-92, 5-93)

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

SECTION 2.070 Filing Fees

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

B. Fees shall not exceed the actual or average cost of providing the service. (added 2-89)

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

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

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

F. Fees are not transferable or refundable.

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SECTION 2.080 Notice

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

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

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

3. The appropriate Citizen Advisory Group;

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

5. The city within whose recognized Urban Growth Boundary the subject property lies;

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

B. Notice of Administrative Action for the use listed in Section 2.060(A) (1), shall be given as prescribed by subsection (A) (1) – [~~(6)~~] **[7]** of this Section, with the exception that notice be given at least ten (10) days prior to a decision. (Revised 1-92, 5-93)

C. Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing, pursuant to Section 2.060 (B). An affidavit of publication shall be made part of the record. (Revised 1-92)

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

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

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

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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) – [~~(8)~~] **(9)** shall be filed in the records of the Director and also mailed to the applicant, the owner(s) or contract purchasers of the subject property, and all parties within the required notification areas, as described by Section 2.080. (Revised 1-92)

B. Notice of a decision shall contain:

1. Identification of the application;
2. The findings of fact and conclusions of law of the Director;
3. Other information pertinent to the application, if any;
4. The date of the filing of the decision of the Director;
5. Notice that any party may appeal the decision within ten (10) days from the date such notice was sent by filing a timely statement with the Director.

C. The decision of the Director pursuant to Section 2.060 (A)(1)-[~~(6) and (8)~~] **(9)** shall be final unless an appeal from an aggrieved person is received by the Director within ten (10) days after the filing of a decision on an Administrative Action or unless the Commission or County Court on its own motion, orders review within ten (10) days after the filing of the proposed decision. (revised 2-89, 5-93)

[~~D. The decision of the Director pursuant to Section 2.060 (A) (7) shall be final unless written objection is received from an aggrieved party within fifteen (15) days after the filing of decision, or unless the Commission or County Court, on its own motion, orders review within (15) days after the filing of the proposed decision. (added 7-89, revised 5-93)~~]

SECTION 2.125 Time Limits for Permits and Extensions of Time

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

1. Development has not commenced within two (2) years of the date of approval;

2. The use approved is discontinued for any reason for one (1) continuous year or more.

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

- **Request for an extension of time has been made prior to expiration of the approved permit.**
- **There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.**

SECTION 2.130 Establishment of Party Status

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

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

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

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

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

2. May be made by the County Court, pursuant to Section 2.180, on its own motion passed within ten (10) days from the date of the final decision sought to be reviewed. (Revised 1-92)

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

C. Every Notice of Review shall contain:

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

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

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

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

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

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

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

SECTION 2.180 Review by the County Court [~~(Revised 1-92)~~]

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

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

2. Verbatim Record:

a. For quasi-judicial plan amendments, unless waived by the Court, a verbatim record of the hearing below, in the form of audio tapes, together with a transcription thereof, or the minutes thereof if no

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verbatim record is available due to mechanical failure or inadvertent error.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. Only those members of the County Court reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the prior Approving Authority shall stand.

~~[A. The review of the decision of the Planning Commission by the County Court shall be conducted as a "de novo" hearing, including but not limited to the record established at the Planning Commission level. (Revised 5-93)~~

~~B. Review by the County Court upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.~~

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

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

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

~~D. The County Court may remand the matter to the Planning Commission. In deciding such remand, the County Court shall consider and adopt findings and conclusions respecting: (Revised 5-93)~~

~~1. Prejudice to parties;~~

~~2. Convenience or availability of evidence at the time of the initial hearing;~~

~~3. Surprise to opposing parties;~~

~~4. Date notice was sent to other parties as to an attempt to admit; and~~

~~5. The competency, relevancy and materiality of the proposed testimony or other evidence.~~

~~E. Only those members of the County Court reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission. Upon failure of at least two (2) members to agree, the decision of the Approving Authority below shall stand.~~]

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

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

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

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

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

SECTION 3.060 Classification of Zones

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

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

OVERLAY ZONES

Environmental Protection District	EPD

Division 1 Flood hazard overlay
Division 2 Geologic hazard overlay
Division 3 Airport impact overlay
Division 4 Cultural, Historic, and Archaeological overlay
Division 5 Mineral Resources overlay
[~~Division 6 Columbia River Gorge overlay~~]
Division 7 Natural areas overlay
Division 8 Sensitive wildlife habitat overlay

2. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.

3. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.

4. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards as described in subsection (H)(7) of this zone.

H. Property Development Standards

1. Property Size - The minimum property size is eighty (80) acres with a 1,000 foot minimum lot width.

2. Setbacks - No structure other than a fence shall be located closer than forty (40) feet from the right-of-way of a public road (front yard) and one-hundred (100) feet from all other property lines.

3. Height - Maximum height for all structures shall be thirty-five (35) feet. **Height is measured from average grade.**

4. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

5. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

6. Parking - Off street parking shall be provided in accordance with Chapter 4 when and if necessary.

7. Fire Safety Standards - All structures shall institute the following fire safety

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measures for protection of the development and surrounding forest areas:

a. An adequate water supply, capable of pumping ten (10) gallons per minute (gpm) for two hundred fifty (250) consecutive minutes (2500 gallon supply) with a minimum of twenty-five (25) psi of pressure from the hose nozzle shall be employed prior to issuance of zoning approval; and

b. At least one standpipe shall be placed a minimum of fifty (50) feet from the structure and shall be capable of handling the (gpm) requirements of (a) above; and

c. Separate power service ~~[from the structure]~~ **independent of the dwelling** shall be provided for the pump utilized in (a), above; **and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer**; and

d. All structures shall be surrounded by a maintained primary fire break, and a secondary break, not less than thirty (30) feet wide. The break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within eight (8) feet of the ground; based on the slope of the area surrounding a building site the width of the primary fire break may increase; and

e. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened, with a spark arrester, to prevent discharge of sparks or other burning material; and

f. Access drives (driveways) shall be maintained to a level that is passable for fire equipment.

   1. Grades shall not exceed an average of eight percent (8%) with a maximum of twelve percent (12%) on short pitches.

   2. Driveway widths shall be a minimum of twelve (12) feet.

   3. Turnouts shall be provided at four-hundred (400) foot intervals on one-lane drives (drives less than sixteen (16) feet in width).

   4. Dead-end driveways shall have a turnaround of not less than a forty-eight (48) foot radius.

   5. Driveways shall be marked with the property owners address.

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Letters and numbers shall be a minimum of three (3) inches in height and made of a reflectorized material. Placement of the address numbers or letters shall occur at the entrance to the driveway.

6. All private roadways and driveways shall be capable of supporting vehicular traffic equal to or greater than fifty thousand (50,000) pounds of gross vehicle weight.

7. Driveways shall have a vertical clearance of 13'6".

g. The exterior roofing of all structures shall be of fire-resistant materials.

h. Power and telephone lines shall be located underground whenever possible.

i. If a water supply is available and suitable for fire protection, such as a pond, stream or lake, then road access shall be provided for pumping units. The road access shall be sited so as to allow adequate turnaround area for fire fighting equipment. Access roads leading to the water supply shall be signed.

8. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and [~~the Columbia River~~] **waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.** ~~(Revised 5-93)~~

9. **New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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14. Maintenance, repair or replacement of existing legally implemented dwellings and/or accessory structures.

15. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds.

D. Conditional Uses

In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses may be permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance:

1. Single family dwellings necessary for and accessory to forest operations, subject to the request meeting the requirements of the Approving Authority pursuant to subsection (E), (G), (H) and (J) of this section and Chapter 5 of this Ordinance.

[~~2. Single family dwellings not necessary for and accessory to forest operations, subject to the request meeting the requirements of the Approving Authority pursuant to subsection (F), (G), (H) and (J) of this section and Chapter 5 of this Ordinance.~~

~~* Within thirty (30) days of the LCDC adopting goal and rule amendments establishing secondary lands, dwellings not in conjunction with forest or farm use shall be prohibited. **Such rule was adopted 12/3/92 and became effective 1/3/93.**~~]

2. [~~3.~~] Permanent facility for the primary processing of forest products.

3/ [4.] Log scaling and weigh stations.

4. [~~5.~~] Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

5. [~~6.~~] Parks and campgrounds. All parks and/or campgrounds shall comply with the definition of parks and campgrounds as defined in Section (B)(4) of this zone.

6. [~~7.~~] Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

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7. [~~8.~~] Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

8. [~~9.~~] Television, microwave and radio communication facilities and transmission towers.

9. [~~10.~~] Fire stations for rural fire protection.

10. [~~11.~~] Utilities facilities for the purpose of generating five (5) megawatts of power or less (subject to Chapter 19).

11. [~~12.~~] Aids to navigation and aviation.

12. [~~13.~~] Water intake facilities, related treatment facilities, pumping stations and distribution lines.

13. [~~14.~~] Reservoirs and water impoundments.

14. [~~15.~~] Cemeteries.

15. [~~16.~~] Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

16. [~~17.~~] Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

17. [~~18.~~] Home occupations as defined in ORS 215.448.

18. [~~19.~~] A mobile home in conjunction with an existing legally implemented dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283 (subject to section ~~(C)(8)~~ **(J)**).

19. [~~20.~~] Expansion of existing airports.

20. [~~21.~~] Public road and highway projects as described in ORS 215.213 (2)(q) through (s) and ORS 215.283 (2)(p) through (r).

21. ~~[22]~~. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations

22. [~~23.~~] Caretaker residence for public parks and public fish hatcheries.

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23. [~~24.~~] Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;

a. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.

b. Only minor incidental and accessory retail sales are permitted.

c. Accommodations shall only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.

d. Fishing accommodations must be located within 1/4 mile of fish-bearing Class 1 waters.

e. Other conditions imposed by the Approving Authority deemed necessary.

24. [~~25.~~] Firearms training facility.

25. [~~26.~~] New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

E. Standards for Establishment of Forest Management Dwelling(s)

Prior to submission of an application and "Management Plan" to the Wasco County Planning and Economic Development Office the applicant shall submit a "management plan", on a form provided by the Wasco County Planning and Economic Development Office, to the Oregon Department of Forestry for their review so the Department can, within forty-five (45) days, determine that;

1. The information describing the productivity and current condition of the forest land to be managed is complete and accurate.

2. Fulfillment of the forest management plan will result in the use of the parcel for the required management purpose in terms of stocking, stand density and harvest.

3. The siting and safety standards in OAR 660-06-029/035 have been adequately addressed.

The applicant shall then demonstrate, through the submission of the "Management Plan" and application, on a form prescribed by the Director of Planning, to the Wasco County Planning and Economic Development Office that;

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4. The proposed dwelling complies with subsection **(F),** (G), **and (I)** ~~(H) and (J)~~ of this zone and Chapter 5 of this Ordinance.

5. Each dwelling is necessary for and accessory to a forest operation, including cultured Christmas trees as defined in ORS 215.203(3). All dwellings proposed shall comply with the definition of accessory to and necessary for as defined in Section (B)(3) and (4) of this zone.

6. There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forest or farm management, which could be used as the principal forest or farm dwelling.

7. The property qualifies for and is enrolled in one of Oregon's forest tax programs.

8. The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.

9. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement.

10. The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Eastern Region (OAR 629-24-402).

~~F. Standards for Establishment of Non-Forest Management Dwelling(s)~~

~~1. The parcel on which the dwelling is proposed is serviced by a rural fire protection district.~~

~~2. The parcel on which the dwelling is proposed was lawfully created prior to adoption of this ordinance (July 26, 1985).~~

~~3. The parcel is composed primarily of soils which are;~~

~~a. Capable of 0 to 50 cf/ac/yr and where this parcel and at least all or part of seven (7) other parcels exist within a one-hundred sixty (160) acre square when centered on the center of the subject parcel; or~~

~~b. Capable of above 50 cf/ac/yr and where this parcel and at least all or part of eleven (11) other parcels exist within a one-hundred sixty (160) acre square when centered on the center of the subject parcel.~~

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~~4. The dwelling would not force a significant change in, significantly increase the costs of, or impede accepted forest or farming practices on surrounding agricultural or forest lands.~~

~~5. The parcel on which the proposed dwelling would be located has been disqualified from receiving a farm or forest tax deferral.~~

~~6. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.~~

~~7. The proposed dwelling complies with subsection (G), (H) and (J) of this section and Chapter 5 of this Ordinance.~~

~~* Within thirty (30) days of the LCDC adopting goal and rule amendments establishing secondary lands, dwellings not in conjunction with forest or farm use shall be prohibited.~~ **~~Such rule was adopted 12/3/92 and became effective 1/3/93.~~**

F. [~~G.~~] Siting Requirements for Dwellings and Accessory Structures

1. Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.

2. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.

3. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.

4. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards as described in subsection ~~(J)(8)~~ **I.** of this zone.

5. Siting shall allow for a domestic water supply to be obtained from sources either contained within the boundaries of the property or legally acquired through easement or water rights from adjacent property. The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)).

G. [~~H.~~] Conditional Use Approval Standards

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

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

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

3. A written statement recorded with the deed or written contract with the county is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for use authorized in subsections D(1), ~~(2),~~ (6), (14), (18), (19), and (24).

4. Complies with such other conditions as the governing body of the County considers necessary.

H. [~~I.~~] Prohibited Uses

1. All other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

I. [~~J.~~] Property Development Standards

1. Property Size - The minimum property size is eighty (80) acres with a one thousand (1,000) foot minimum average lot width.

2. Setback - No structure other than a fence or sign shall be located closer than forty (40) feet from the right-of-way of a public road (front yard), and one hundred (100) feet from all other property lines.

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

4. Height - Maximum height for all structures shall be thirty-five (35) feet. Maximum height of transmission towers may exceed this height requirement upon administrative approval of a site plan review. **Height is measured from average grade.**

5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all

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streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Fire Safety Standards - All dwellings, and other structures shall institute the following fire safety measures for protection of the development and surrounding forest areas:

   a. For dwellings and accessory structures;

      An adequate water supply, capable of pumping ten (10) gallons per minute (gpm) for two hundred fifty (250) consecutive minutes (2500 gallon supply) with a minimum of twenty-five (25) psi of pressure from the hose nozzle shall be employed prior to issuance of zoning approval; and

   b. At least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling or accessory structure and shall be capable of handling the (gpm) requirements of (a) above; and

   c. Separate power service [~~from the dwelling or accessory structure~~] **independent of the dwelling** shall be provided for the pump utilized in (a), above, **and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer**; and

   d. All structures shall be surrounded by a maintained primary fire break, and a secondary break, not less than thirty (30) feet wide. The break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within eight (8) feet of the ground; based on the slope of the area surrounding a building site the width of the primary fire break may increase; and

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e. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened, with a spark arrester, to prevent discharge of sparks; and

f. Access drives (driveways) shall be maintained to a level that is passable for fire equipment.

1) Grades shall not exceed an average of eight percent (8%) with a maximum of twelve percent (12%) on short pitches.

2) Driveway widths shall be a minimum of twelve (12) feet.

3) Turnouts shall be provided at four-hundred (400) foot intervals on one-lane drives (drives less than sixteen (16) feet in width).

4) Dead-end driveways shall have a turnaround of not less than a forty-eight (48) foot radius.

5) Driveways shall be marked with the residents address. Letters and numbers shall be a minimum of three (3) inches in height and made of a reflectorized material. Placement of the address numbers or letters shall occur at the entrance to the driveway.

6) All private roadways and driveways shall be capable of supporting vehicular traffic equal to or greater than fifty thousand (50,000) pounds of gross vehicle weight.

7) Driveways shall have a vertical clearance of 13'6".

g. The exterior roofing of all structures shall be of fire-resistant materials.

h. Power and telephone lines shall be located underground whenever possible.

i. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream or lake, then road access shall be provided for pumping units. The road access shall be sited so as to allow adequate turnaround area for fire fighting equipment. Access roads leading to the water supply shall be signed.

9. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River (revised 5-93).~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.**

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10. **New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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H. Dimensional Standards and Setbacks

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

1. Additions or modifications to existing farm or non-farm structures or group of structures built before January 1, 1997 shall be set back 40 feet from roads, 25 feet from side yards and 40 feet from the rear yard property lines. These setbacks do not apply to fences and signs. (amended 6/98)

2. New Farm or non-farm structures and dwellings on parcels unimproved as of January 1, 1997 shall be set back 200 feet from all property lines and 40 feet from roads. If the road is also a property line, the setback is 200 feet from the road. A natural topographic or vegetative barrier may reduce the setback to 100 feet. Parcels may qualify for a variance if these setbacks render the parcel impractical to develop. These setbacks do not apply to fences and signs.

   a. In addition to the above setbacks, farm dwellings shall be set back 50 feet from any field used for agricultural crops; either on the subject parcel or adjacent parcels.

   b. In addition to the above setbacks, Farm labor housing, and farm accessory structures shall be set back 100 feet from any field used for agricultural crops; either on the subject parcel or adjacent parcels. (amended 6/98)

3. No farm or non-farm dwelling, non-farm accessory structure, or seasonal farm labor housing shall exceed a height of 35 feet. (amended 6/98) **Height is measured from average grade.**

4. All bottoms of foundations of permanent structures, or similar permanent fixtures (except hydroelectric or irrigation pumping facilities) shall be setback from the high water line or mark, along all streams, lakes or rivers a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

5. All bottoms of foundations of all permanent structures shall be above the 100 year floodplain.

6. All dwellings and structures shall be setback 100 feet from the centerline of irrigation ditches which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs. (amended 6/98)

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7. Signs. Permanent signs shall not project beyond the property line.

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

   b. Signs shall be limited to twelve square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.

   c. Temporary signs such as signs advertising the sale or rental of the premise are permitted provided the sign is erected no closer than ten feet from the public road right-of-way. (added 6/98)

8. Lighting. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties**,** [~~and~~] roadways**, and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials**. [~~(added 6/98)~~]

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

I. Special Agricultural Considerations

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

Irrigation District: _____ Contact: _____

Water Rights: _____ Contact: _____
Prevent loss of water rights to instream use.

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

Chemical Trespass: _____ Contact: _____
OSU Extension Service

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

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

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SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE

A. Purpose

The purpose of the "A-R" Agricultural-Recreational zone is to provide areas for outdoor recreation and to allow controlled growth to continue in existing rural unincorporated communities.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-R" Agricultural-Recreational zone shall comply with the following regulations:

B. Permitted Uses

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

1. **One** Single-family dwellings **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~with a minimum of eight hundred (800) square feet of floor space~~, subject to Section 4.160, provided [~~that the minimum average density is maintained and~~] proper sanitation approval[~~s are~~] **is** obtained.

2. [~~Buildings accessory to a single family dwelling such as garages, store rooms, woodsheds, laundry, playhouses, greenhouses, hobby shop or similar and related accessory uses.~~] **Accessory structures customarily provided in conjunction with the primary use.**

3. Farm use, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

4. Forest uses, including the propagation and harvesting of forest products.

5. Dude ranches and hunting and fishing lodges**, including overnight facilities** in accordance with Chapter 20, Site Plan Review.

6. Public parks, recreation areas, preserves and community or neighborhood centers in accordance with Chapter 20, Site Plan Review.

7. Water supply and treatment facility.

8. Sewage disposal and treatment facility.

9. Recreational vehicles provided such vehicles are not attached to the land and proper sanitation is maintained.

10. Recreational vehicle parks in accordance with Chapter 17.

11. Mobile home parks in accordance with Chapter 16.

12. Planned Unit Developments.

13. Subdivisions.

14. Agricultural Produce Stand in accordance with Chapter 20, Site Plan Review. (Revised 1-92)

15. Youth/family camp (Added 9/97).

16. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

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

1. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

2. Airports.

3. Lodges, resort motels and hotels, apartments, dormitories, auditoriums, outdoor stages and entertainment areas, convention facilities.

4. Retail commercial uses provided the following conditions are met:

   a. the use is in conjunction with the development of a Planned Unit Development, Subdivision, Mobile Home Park or Recreational Vehicle Park,

   b. the use is designed to serve the residents and their guests of the development, and

{Property Development Standards...}

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

4. Height - Maximum height for all structures shall be thirty-five (35) feet. **Height is measured from average grade.**

5. Stream **or Lake** Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities **and docks**) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.**

9. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

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SECTION 3.240 "RR" RURAL RESIDENTIAL

A. Purpose

To provide for low density residential and agricultural uses in a rural atmosphere which will not conflict with commercial agricultural operations.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RR" Rural Residential zone shall comply with the following provisions:

B. Permitted Uses

In the "RR" Rural Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. **One** ~~S~~**single**-family dwellings **on any legally created parcel** including mobile homes **at least eighteen (18) feet wide** ~~with a minimum of eight hundred (800) square feet of floor area~~ subject to Section 4.160, provided [~~that the minimum average density of five (5) acres is maintained and~~] proper sanitation approval is obtained.

2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.

3. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.

4. Forest uses, including the propagation and harvesting of forest products.

5. Agricultural Produce Stands in accordance with Chapter 20, Site Plan Review. (Revised 1-92)

6. Home occupation, subject to chapter 20.

7. Cemetery.

8. Planned Unit Developments in accordance with Chapter 18.

9. Subdivisions in accordance with Chapter 21.

10. Energy facilities subject to the provisions of Chapter 19.

11. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

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

1. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.

2. Private schools or day nursery centers.

3. Parks, playgrounds and recreation areas and community or neighborhood centers.

4. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.

5. Temporary tract office for the sale of lots in subdivision or Planned Development in which the office is located.

6. Personal-use airports for airplanes and helicopter pads, including seasonal hangars, maintenance and service facilities, where approach zones will not constitute hazards to adjoining residential properties.

7. Mobile home parks.

8. Recreational vehicle parks.

9. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.

10. Kennels.

11. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.

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

13. Dude ranches. (added 2-89)

D. Property Development Standards

1. Property Size - The minimum property size for ~~[which a building permit for a dwelling may be issued]~~ **new parcels** is five (5) acres with a three hundred (300) foot minimum average lot width.

2. Setbacks

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a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines of corner building sites.

c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for structures shall be thirty-five (35) feet. **Height is measured from average grade.**

5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Fire Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:

   a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and

   b. **Separate power service independent of the dwelling shall be provided for the pump utilized in a. above, and shall be provided by a public utility. Any exception to this**

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requirement shall be approved in writing by a state licensed fire engineer. ~~[If electricity is provided, service separate from the dwelling shall be provided for the pump delivery water to the standpipe in (a), above~~; and

c. **A minimum water flow equal to twenty (20) gallons per minute for fifty (50) minutes, for a total water capacity of one thousand (1,000) gallons shall be provided. This water source shall be available year-round, and must be usable by the rural fire protection provider (if applicable).** ~~All structures shall be surrounded by a maintained fire break not less than thirty (30) feet wide. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and]~~

d. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and

e. Power and telephone should be located underground where practicable. *Practicable is defined as 'feasible in the circumstances' by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground.)* (added 6-98); and

f. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units. Access shall be a minimum of twelve (12) feet in width, maximum twelve percent (12%) grade, with a fourteen (14) foot vertical clearance. The access road shall have a fifty thousand (50,000) pound carrying capacity. Access roads over one hundred fifty (150) feet in length shall provide a turn-around for vehicles. (added 6-98); and

g. Exterior roofing shall be of fire-resistant materials (added 6-98); and

h. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground (added 6-98); and

Size of Fuel Break Safety Zone by Percent Slope

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

i. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below (added 6-98); and

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

On a slope change Where the downhill slope is	Feet of Setback
10%	50
20%	75
25%	100
40%	150

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.**

10. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

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{Permitted Uses...}

12. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

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

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

15. **Guest house subject to standards in Section 4.170.**

C. Uses Permitted Conditionally

In the "R-R(10)" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this Section:

1. Commercial activities that are in conjunction with farm use as defined in ORS 215.203(2).

2. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.

3. Private parks, playgrounds, hunting and fishing preserves and campgrounds.

4. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.

5. Home occupations, subject to Chapter 20.

6. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.

7. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.

8. Public or private schools.

9. Churches.

10. The propagation, cultivation, maintenance and harvest of aquatic species.

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{Property Development Standards...}

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

5. Height - Maximum height for all structures shall be thirty-five (35) feet. **Height is measured from average grade.**

6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.

8. Parking - Off street parking shall be provided in accordance with Chapter 4.

9. Fire and Safety Standards - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:

   a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and

   b. **Separate power service independent of the dwelling shall be provided for the pump utilized in a. above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer** [~~If electricity is provided, service separate from the dwelling shall be provided for the pump delivery water to the standpipe in (a), above~~]; and

   c. A minimum water flow equal to twenty (20) gallons per minute for fifty (50) minutes, for a total water capacity of one thousand (1,000) gallons shall be provided. This water source shall be available year-round, and must be usable by the rural fire protection provider (if applicable).

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d~~c~~. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and

ed. Power and telephone should be located underground where practicable. *(Practicable is defined as "feasible in the circumstances" by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground)*; and

f~~e~~. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units; and

g~~f~~. Exterior roofing shall be of fire-resistant materials; and

h~~g~~. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and

Size of Fuel Break Safety Zone by Percent Slope

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

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

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

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{Property Development Standards...}

On a slope change Where the downhill slope is	Feet of Setback
10%	50
20%	75
25%	100
40%	150

~~j~~**i**. Driveways and Private Roads shall be maintained to a level that is passable for fire equipment; and

1. Driveway and private roads shall be built and maintained to provide a minimum of twelve (12) foot width, a minimum curve radius of forty-eight (48) feet and a vertical clearance of thirteen (13) feet, six (6) inches.

2. Grades shall not exceed an average of 8% with a maximum of 12% on short pitches.

3. Vehicle Passage Turnouts – Driveways in excess of two hundred (200) feet in length, shall provide twenty (20) foot wide by forty (40) foot long turnouts at a maximum spacing of ½ the driveway length or four hundred (400) feet, whichever is less. Existing driveways may be used as a turnout if they meet the spacing requirements above.

4. Deadend driveways over one hundred fifty (150) feet in length shall have turnarounds of not less than a forty-eight (48) foot radius.

~~k~~**j**. Public Roads providing access to a driveway or access to the dwelling shall be brought to a level that is passable for fire/emergency equipment; and

~~l~~**k**. Roads shall be built and maintained to provide a minimum 18' width, all weather surface, with a minimum curve radius of 48', and a vertical clearance of 13'6".

10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River.~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.**

11. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.310 "R-1" RESIDENTIAL ZONE

A. Purpose

The purpose of the "R-1" Residential zone is to provide for a single-family residential use plus related compatible uses such as schools and parks. This zone is designed for those areas adjacent or close to existing cities or areas of urban character but not necessarily served by a public water or public sewer system.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-1" Residential zone shall comply with the following regulations.

B. Permitted Uses

In the "R-1" Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. **One** [~~S~~]single-family dwelling[~~s~~] **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~except single-wides~~, provided [~~that the minimum average density is maintained and~~] proper sanitation approval[~~s are~~] **is** obtained. [~~(revised 2-89)~~]

2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shop or similar and related accessory uses.

3. Home occupation, subject to Chapter 20.

4. Planned Unit Development.

5. Subdivisions.

6. **Guest house subject to standards in Section 4.170.**

C. Uses Permitted Conditionally

In the "R-1" Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

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1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

2. Public parks, recreation areas and community or neighborhood centers.

3. Public and semi-public buildings and uses not otherwise specified in this section.

4. Golf courses.

5. Utility facilities necessary for public service.

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

D. Property Development Standards

1. Property Size - The minimum property size is one (1) acre with a one hundred twenty-five (125) foot average lot width. The parcel or lot may be reduced to a parcel not less than 16,000 square feet with a one hundred (100) foot average lot width when determined by the Health Officer that the parcel or lot is large enough to accommodate a sewage disposal system without affecting the potable water system serving the property or adjacent property.

2. Setbacks -

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. **Height is measured from average grade.** ~~(Revised 1-92)~~

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Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)

5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.**

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.320 "R-2" RESIDENTIAL ZONE

A. Purpose

The purpose of the "R-2" Residential zone is to provide for a single-family residential use plus related compatible uses such as schools and parks. This zone applies to property with minimal topographic limitations; locations which are readily accessible by and to major streets and adjacent commercial services. This zone is intended for areas with some public services including public sewer and water but not necessarily both.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-2" Residential zone shall comply with the following regulations.

B. Permitted Uses

In the "R-2" Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. **One** [S]**s**ingle-family dwelling[~~s~~] **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~except single-wides~~, provided [~~that the minimum average density is maintained and~~] proper sanitation approval is obtained. [~~(revised 2-89)~~]

2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shops or similar and related accessory uses.

3. Home occupation, subject to Chapter 20.

4. Planned Unit Development.

5. Subdivisions.

6. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

In the "R-2" Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon
satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Hospitals and schools (kindergarten, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

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2. Public parks, recreation areas and community or neighborhood centers.

3. Public and semi-public buildings and uses not otherwise specified in this section.

4. Golf courses.

5. Utility facilities necessary for public service.

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

D. Property Development Standards

1. Property Size - The minimum property size is 8,000 square feet with a seventy (70) foot average minimum lot width.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. ~~[Revised 1-92)]~~ **Height is measured from average grade.**

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

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b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting – Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.330 "R-3" RESIDENTIAL ZONE

A. Purpose

The purpose of the "R-3" Residential zone is to provide for single-family residential uses and duplexes plus related compatible uses such as schools and parks. This zone applies to property with minimal topographic limitations; locations which are readily accessible by and to major streets and adjacent commercial services. This zone is intended for areas with public services including public sewer and water.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-3" Residential zone shall comply with the following regulations.

B. Permitted Uses

In the "R-3" Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. **One** [S]single-family dwelling[~~s~~] **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~except single wides~~, provided [~~that the minimum average density is maintained and~~] proper sanitation approval is obtained. [~~(revised 2-89)~~]

2. Duplexes provided that a minimum average density of 10,000 square feet is maintained and proper sanitation approvals are obtained.

3. Buildings accessory to a single-family dwelling or duplex such as garages, store-rooms, woodsheds, laundry rooms, playhouses, hobby shops or similar and related accessory uses.

4. Home occupation, subject to Chapter 20.

5. Planned Unit Development.

6. Subdivisions.

7. **Guest house subject to standards in Section 4.170.**

C. Uses Permitted Conditionally

In the "R-3" Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

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1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

2. Public parks, recreation areas and community or neighborhood centers.

3. Public and semi-public buildings and uses not otherwise specified in this section.

4. Golf courses.

5. Mobile home parks subject to the density of the "R-3" zone and the provisions of Chapter 16.

6. Utility facilities necessary for public service.

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

D. Property Development Standards

1. Property Size - The minimum property size shall be 8,000 square feet with a seventy (70) foot minimum average lot width for a single-family dwelling and 10,000 square feet with a ninety (90) foot minimum average lot width for a duplex.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. [~~Revised 1-92~~)] **Height is measured from average grade.**

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)

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5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.340 "R-4" RESIDENTIAL ZONE

A. Purpose

The purpose of the "R-4" Residential zone is to provide for a high concentration of population with a high range of housing density and type while preserving the residential character of an area.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-4" Residential zone shall comply with the following regulations.

B. Permitted Uses

In the "R-4" Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. **One** [S]**s**ingle-family dwelling[~~s~~] **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~except single wides~~, provided [~~that the minimum average density is maintained and~~] proper sanitation approval is obtained. [~~(revised 2-89)~~]

2. Duplexes provided that a minimum average density of 10,000 square feet is maintained and proper sanitation approvals are obtained.

3. Multiple-family dwellings in accordance with Chapter 20, Site Plan Review.

4. Accessory buildings used as garages, store-rooms, woodsheds, hobby shops, laundry rooms, playhouses or similar and related uses; provided that there shall be not 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 property.

5. Group dwellings, townhouses, and court apartments in accordance with Chapter 20, Site Plan Review.

6. Boarding and lodging houses in accordance with Chapter 20, Site Plan Review.

7. Fraternities and sororities in accordance with Chapter 20, Site Plan Review.

8. Home occupation, subject to Chapter 20.

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10. Subdivisions.

11. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

In the "R-4" Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Schools (kindergarten, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

2. Hospitals, sanitariums, nursing homes, home group care, home nursing (except those for contagious, mental or liquor or drug addict cases and animal clinics), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

3. Day nurseries.

4. Educational and philanthropic institutions (except those correctional purposes or mental cases), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

5. Private schools.

6. Public parks, recreation areas and community or neighborhood centers.

7. Public and semi-public buildings and uses not otherwise specified in this section.

8. Golf courses.

9. Mobile home parks subject to the density of the "R-4" zone and the provisions of Chapter 16.

10. Utility facilities necessary for public service.

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

D. Property Development Standards

1. Property Size - The minimum property size shall be 8,000 square feet with a seventy (70) foot minimum average lot width for a single-family dwelling and

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10,000 square feet with a ninety (90) foot minimum average lot width for a duplex.

The minimum area for a multiple-family dwelling unit shall be 10,000 square feet provided that the minimum area per dwelling unit shall be 2,000 square feet.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. [~~Revised 1-92~~)] **Height is measured from average grade.**

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

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NOTE: New text is in **Bold**; text to be deleted is in [~~strikeout~~

c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.350 "RMH-2" RESIDENTIAL AND MOBILE HOME ZONE

A. Purpose

The purpose of the "RMH-2" Residential and Mobile Home Zone is to provide for an area where residential mobile homes may be located on single-family lots, where mobile home parks may be established and where single-family residential uses plus related compatible uses such as schools and parks. This zone is designed for those areas adjacent or close to existing cities or areas of urban character but not necessarily served by a public water or public sewer system.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RMH-2" Residential and Mobile Home zone shall comply with the following regulations.

B. Permitted Uses

In the "RMH-2" Residential and Mobile Home zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. **One** [S]single-family dwelling[~~s~~] **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~except single-wides~~, provided [~~that the minimum average density is maintained and~~] proper sanitation approval is obtained. [~~(revised 2-89)~~]

2. Buildings accessory to single-family dwellings such as garages, store rooms, woodsheds, laundry rooms, playhouses, hobby shops or similar and related accessory uses.

3. Home occupation, subject to Chapter 20.

4. Planned Unit Development.

5. Subdivisions.

6. **Guest house subject to standards in Section 4.170.**

C. Uses Permitted Conditionally

In the "RMH-2" Residential and Mobile Home zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving
Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

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1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

2. Public parks, recreation areas and community or neighborhood centers.

3. Public and semi-public buildings and uses not otherwise specified in this section.

4. Golf courses.

5. Mobile home parks subject to the density of the "RMH-2" zone and the provisions of Chapter 16.

6. Utility facilities necessary for public service.

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

D. Property Development Standards

1. Property Size - The minimum property size is 8,000 square feet with a seventy (70) foot average minimum lot width.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

   c. Rear Yard - No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. [~~Revised 1-92~~)] **Height is measured from average grade.**

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)

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5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.355 "RMH-t" RESIDENTIAL AND MOBILE HOME ZONE

A. Purpose

The purpose of the "RMH-t" Residential and Mobile Home Zone is to provide an area with a variety of housing types including residential mobile homes, mobil ehome parks, recreational vehicle parks and high density residential development. This zone is designed for use in urban areas and Rural Service Centers not necessarily served by a public water and sewer system.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RMH-t" Residential and Mobile Home zone shall comply with the following regulations.

B. Permitted Uses

In the "RMH-t" Residential and Mobile Home zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. **One** [S]**s**ingle-family dwelling[~~s~~] **on any legally created parcel**, including mobile homes **at least eighteen (18) feet wide** ~~except single wides~~, provided [~~that the minimum average density is maintained and~~] proper sanitation approval is obtained. [~~(revised 2-89)~~]

2. Duplexes provided that the minimum average density of 20,000 square feet is maintained and proper sanitation approvals are obtained. (revised 6-86)

3. Multiple-family dwellings in accordance with Chapter 20, Site Plan Review.

4. Accessory buildings used as garages, storerooms, woodsheds, hobby shops, laundry rooms, playhouses, or similar and related uses; provided that there shall be not 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 property.

5. Group dwellings, townhouses, and court apartments in accordance with Chapter 20, Site Plan Review.

6. Boarding and lodging houses, including bed and breakfast establishments, in accordance with Chapter 20, Site Plan Review. (added 6-86)

7. Home occupation, subject to Chapter 20.

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8. Planned Unit Development.

9. Subdivisions.

10. Guest house subject to standards in Section 4.170.

C. Uses Permitted Conditionally

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

1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least fifty (50) feet.

2. Public parks, recreation areas and community or neighborhood centers.

3. Public and semi-public buildings and uses not otherwise specified in this section.

4. Golf courses.

5. Mobile home parks subject to the density of the "RMH-t" zone and the provisions of Chapter 16.

6. Recreational vehicle parks in accordance with Chapter 17.

7. Utility facilities necessary for public service.

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

D. Property Development Standards

1. Property Size - The minimum property size shall be 15,000 square feet with a seventy (70) foot minimum average lot width for a single-family dwelling and 20,000 square feet with a ninety (90) foot minimum average lot width for a duplex. (revised 6-86)

The minimum area for a multiple-family dwelling unit shall be 20,000 square feet provided that the minimum area per dwelling unit shall be 2,000 square feet. (revised 6-86)

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2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.

   c. Rear Yards - No structure other than a fence shall be located closer than fifteen (15) feet from the rear yard property line.

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

4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. [~~Revised 1-92~~)] **Height is measured from average grade.**

   Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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

   b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.

   c. Signs advertising the sale or rental of the premise and temporary in nature are permitted no closer than ten (10) feet from the right-of-way of public road.

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c. Signs advertising the sale or rental of the premise and temporary in nature are permitted no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

9. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.360 "R-C" RESIDENTIAL-COMMERCIAL ZONE

A. Purpose

The purpose of the "R-C" Residential-Commercial Zone is to provide an area with a variety of compatible commercial uses and high density residential uses in urban areas and Rural Service Centers. The business shall be in character with the surrounding residential pattern of development and shall not create either architectural or traffic conflicts.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "R-C" Residential-Commercial zone shall **make application for a site plan review, and** comply with the following regulations.

B. Permitted Uses

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

1. Any uses permitted **outright** in the "R-4" Residential Zone.
2. Theater (enclosed within a building).
3. Food markets.
4. Hotels and motels.
5. Restaurant or cafeteria (excluding dancing, entertainment and drive-in restaurants).
6. Personal services including but not limited to: barber or beauty shops, tailors and dressmaking shops.
7. Retail uses, including but not limited to: apparel, furniture, appliance and other household articles, variety goods, sporting goods, stationery, toys, art goods, flowers and other plants and boutiques.
8. Banks and savings and loans.
9. Professional and administrative offices.
10. Medical and dental clinics and laboratories.

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{Property Development Standards}

b. Side Yard - Where the side of a lot or parcel in an "R-C" zone abuts the side of an "A" or "R" zone, there shall be a side yard of not less than seven (7) feet.

In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property line for corner building sites.

In other cases, a side yard for commercial buildings shall not be required. The side yard setbacks for residential development shall be the same as required in the "R-4" zone.

c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all structures shall be thirty-five (35) feet. [~~Revised 1-92~~)] **Height is measured from average grade.**

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the building. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on the property of an automobile service station or public parking area but must not project beyond the property line of such establishments.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Site Plan Review - The provisions of Chapter 20 shall apply except for single-family dwellings and two-family dwellings.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

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10. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.410 "C-1" COMMERCIAL ZONE

A. Purpose

The purpose of the "C-1" Commercial Zone is to provide for a wide variety of commercial housing and related activities in areas with some public or private sewer or water systems.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "C-1" Commercial Zone shall **make application for a site plan review, and** comply with the following regulations.

B. Permitted Uses

In the "C-1" Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Automobile trailer courts in accordance with Chapter 20, Site Plan Review.
2. Mobile home and recreational vehicle parks in accordance with Chapters 16 or 17, respectively, and Chapter 20, Site Plan Review.
3. Motels in accordance with Chapter 20, Site Plan Review.
4. Tourist courts in accordance with Chapter 20, Site Plan Review.

C. Uses Permitted Conditionally

In the "C-1" Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Retail commercial uses provided the following conditions are met:
   a. the use is in conjunction with the development of a mobile home park, recreational vehicle park, motels or tourist courts;
   b. the use is designed to serve the residents and their guests of the development; and
   c. the Approving Authority may require that the applicant submit a market analysis demonstrating what the proposed commercial development is needed for.
2. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
3. Wind energy conversion system subject to the provisions of Chapter 19.

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4. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

5. Utility facilities necessary for public service.

D. Property Development Standards

1. Property Size - The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - Where the side of a lot or parcel in a "C-1" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

      In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all structures shall be thirty-five (35) feet. **Height is measured from average grade.**

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall only pertain to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of store frontage to each linear foot of store frontage and shall be placed flat against the walls of the building. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

7. Parking - Off-street parking shall be provided in accordance with Chapter 4.

8. Site Plan Review - Provisions of Chapter 20 shall apply.

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9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

10. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.420 "C-2" COMMERCIAL ZONE

A. Purpose

The purpose of the "C-2" Commercial Zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "C-2" Commercial Zone shall **make application for a site plan review** comply with the following regulations.

B. Permitted Uses

In the "C-2" Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Any commercial use permitted in the "R-C" zone. (revised 2-89)
2. Amusement establishments, including billiard hall, dance hall, and bowling alley when enclosed within a building, but excluding skating rink, shooting gallery, penny arcade, roller coaster or similar noisy amusements.
3. Auditoriums.
4. Automobile, truck and trailer sales establishments **(subject to Section 4.120)**.
5. Baths, public.
6. Battery sales and service.
7. Blueprinting and photostating.
8. Business college.
9. Cabinet shop, enclosed within the building as a retail business only and in which not more than 3,000 board feet of lumber may be stored.
10. Cleaning and pressing establishment.
11. Dairy products store, retail only.
12. Department store.
13. Express or telegraph office.

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{Permitted Uses...}

37. Undertaking establishment.

38. Upholstering shop or interior decorating store.

39. Welfare organizations including mission.

40. Retail outlet for alcoholic liquor.

41. **Other commercial uses which the Approving Authority determines to be similar in character.**

C. Uses Permitted Conditionally

In the "C-2" Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Any residential use or conditional use permitted in "R-C" zone. (added 2-89)

2. Automobile service stations.

3. Wind energy conversion system subject to the provisions of Chapter 19.

4. Utility facilities necessary for public service.

D. Property Development Standards

1. Property Size - The minimum property size for commercial development shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

   b. Side Yard - Where the side of a lot or parcel in a "C-2" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet.

      In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner

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building sites. In other cases, a side yard for commercial buildings shall not be required.

c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property lines.

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

4. Height - Maximum height for all structures shall be thirty-five (35) feet. **Height is measured from average grade.**

5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

6. Signs - Signs shall pertain only to goods and services sold on the premises. No sign shall project above or beyond the building. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Site Plan Review - Provisions of Chapter 20 shall apply.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

10. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.510 "M-1" LIGHT INDUSTRIAL ZONE

A. Purpose

The Light Industrial classification is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. These uses are typically appropriate to locations near major thoroughfares and non-manufacturing areas.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "M-1" Light Industrial Zone shall **make application for a site plan review and** comply with the following regulations.

B. Permitted Uses

In the "M-1" Light Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Any use permitted in the "C-2" Commercial Zone.
2. Art glass works and ceramics manufacturing using only electric kilns and excluding the grinding of clay.
3. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
4. Wholesale business, storage warehousing, transfer company and trucking companies.
5. Public utility buildings and service yards.
6. Contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
7. Cold storage plants, including storage and office.
8. Feed, seed and fuel stores conducted wholly within a completely enclosed building except that packaged materials may be stored in an enclosed outside yard.
9. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, metal,

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{Property Development Standards}

2. Setbacks

   a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.

   b. Side Yards - Where the side of a lot or parcel in an "M-1" zone abuts the side of an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard shall not be required.

   c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all structures shall be forty-five (45) feet. **Height is measured from average grade.**

5. Stream Setback - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.

6. Signs - No standard established except no sign shall be placed on walls or surfaces abutting an "A" or an "R" zone.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Site Plan Review - Provisions of Chapter 20 shall apply.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

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10. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.520 "M-2" MEDIUM INDUSTRIAL ZONE

A. Purpose

The purpose of the "M-2" Medium Industrial Zone is to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "M-2" Medium Industrial Zone shall **make application for a site plan review and** comply with the following regulations.

B. Permitted Uses

In the "M-2" Medium Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Any use permitted in the "M-1" Light Industrial zone except commercial uses, either within or outside a building.

2. Any manufacturing, processing, repair, research, assembly, wholesale or storage uses, excepting the manufacture of explosives, the slaughter of animals, and the rendering of fats.

3. Storage and maintenance yards.

4. Railroad yard, shipyard and barge docking facilities.

5. Concrete batching plants and the manufacture and sale of concrete products.

6. Uses similar to those permitted in Section 3.520(B) that are not specifically listed under the "M-3" Heavy Industrial zone.

   a. The use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.

   b. Items manufactured, processed or produced in this zone shall be primarily for wholesale.

C. Uses Permitted Conditionally

In the "M-2" Medium Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving

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Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

Any use, except residential, permitted conditionally in the "M-1" zone. (revised 2-89)

D. Property Development Standards

1. The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off street parking and loading, maintenance of setbacks and compatibility with adjacent areas.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the rights-of-way of a public road.

b. Side Yard - Where the side of a lot in the "M-2" Medium Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all structures shall be seventy-five (75) feet. **Height is measured from average grade.**

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5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.

6. Signs - No standard established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Site Plan Review - Provisions of Chapter 20 shall apply.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

10. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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SECTION 3.530 "M-3" HEAVY INDUSTRIAL ZONE

A. Purpose

The purpose of the "M-3" Heavy Industrial Zone is to provide, protect and recognize areas well suited for medium and heavy industrial development and uses free from conflicts with commercial, residential and other incompatible uses. The "M-3" zone is intended to be applied generally only to those areas which have available excellent highway, rail or other transportation access.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "M-3" Heavy Industrial Zone shall **make application for a site plan review and** comply with the following regulations.

B. Permitted Uses

In the "M-3" Heavy Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Any use permitted in the "M-2" zone.

2. Manufacturing, repairing, fabricating, processing or storage use not listed in any other section of this Ordinance or under conditional uses below.

C. Uses Permitted Conditionally

In the "M-3" Heavy Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Any uses, except residential, permitted conditionally in the "M-1" Light Industrial zone.

2. Disposal or reduction of waste materials, garbage, offal, or dead animals (not to be visible from an arterial roadway).

3. Manufacturing and storage of chemicals and explosives.

4. Slaughterhouse.

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D. Property Development Standards

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off street parking and loading, maintenance of setbacks and compatibility with adjacent uses.

2. Setbacks

a. Front Yard - No structure other than a fence or sign shall be located closer than twenty (20) feet from the right-of-way of a public road.

b. Side Yard - Where the side of a lot in the "M-3" Heavy Industrial Zone abuts the side of a lot in an "A" or an "R" zone, there shall be a side yard of not less than seven (7) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet in width for every story or portion thereof that such buildings' height exceeds two and one-half stories.

On corner lots, there shall be a side yard on the street side of such lots of not less than ten (10) feet in width for buildings not exceeding two and one-half (2 & 1/2) stories in height; for buildings exceeding two and one-half stories in height, such side yard shall be increased three (3) feet for each story or portion thereof that such buildings exceed two and one-half stories in height, but such side yard need not exceed twenty (20) feet in width.

Accessory buildings on a corner lot shall not project into the required side yard on the street side of such lot beyond the side of the main building on such lot. In other cases, a side yard for industrial or commercial buildings shall not be required.

c. Rear Yard - No structure shall be located closer than twenty (20) feet from the rear yard property line.

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

4. Height - Maximum height for all structures shall be seventy-five (75) feet. **Height is measured from average grade.**

5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured

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horizontally at a right angle. Exception may be granted upon a demonstration that the proposal will not have an adverse effect on streams or lakes.

6. Signs - No standards established except no sign shall be placed upon walls or surfaces abutting an "A" or an "R" zone.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.

8. Site Plan Review - Provisions of Chapter 20 shall apply.

9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways [~~the Columbia River. (Added 5-93)~~] **waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.**

10. **New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.**

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L. To protect aggregate mineral sites from conflicting uses.

SECTION 3.710 Divisions

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

A. Division 1 - Flood hazard overlay

B. Division 2 - Geologic hazards overlay

C. Division 3 - Airport impact overlay

D. Division 4 - Cultural, Historic and Archaeological overlay

E. Division 5 - Mineral and Aggregate overlay

[~~F. Division 6 - Columbia River Gorge overlay~~]

F. [~~G.~~] Division 7 - Natural areas overlay

G. [~~H.~~] Division 8 - Sensitive wildlife habitat overlay

SECTION 3.720 Definitions

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

SECTION 3.730 Non-Liability Clause

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

SECTION 3.740 DIVISION 1 - FLOOD HAZARD OVERLAY

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conditions may be imposed at the time of approval to ensure site and area stability:

a. Maintain vegetation and eliminate widespread destruction of vegetation.

b. Carefully design new roads and buildings with respect to:

1. placement of roads and structures on the surface topography.

2. surface drainage on and around the site.

3. drainage from buildings and road surfaces.

4. placement of septic tank disposal fields.

c. Careful construction of roads and buildings.

1. avoid cutting toeslopes of slump blocks.

2. careful grading around the site, especially avoiding over-steepened cut banks.

3. re-vegetating disturbed areas as soon as possible.

d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.

SECTION 3.760 DIVISION 3 - AIRPORT IMPACT OVERLAY

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

A. Permitted Uses

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

B. Limitations

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SECTION 3.850 Designation of Overlay Zone

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

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

SECTION 3.855 Termination of Mineral and Aggregate Overlay Zone

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

A. The owner of the Mineral and Aggregate resource site submits evidence showing a significant resource no longer exists on the site; and

B. The mineral and aggregate resource site has been reclaimed in accordance with the approved reclamation plan; and

C. The operator has caused to be released any operation easements, restrictions or waivers of remonstrance and indemnity relating to the application of this Ordinance.

~~[SECTION 3.900 DIVISION 6 — COLUMBIA RIVER GORGE OVERLAY (Section # Amended 6-93)~~

~~A. Purpose~~

~~The purpose of this overlay district is to preserve, protect and enhance the scenic, historic and cultural value of the Gorge as it is defined in Section 3.790 (G) and to assure that development occurs in a manner which is compatible with its unique quality.~~

~~B. Site Plan Requirements~~

~~Prior to approval of any development permit or other land use action, the applicant shall request a site plan review pursuant to Section 2.060 of this Ordinance. The Director shall be provided with information sufficient to establish full compliance with the standards of this Ordinance.~~

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~~C. Additional Information~~

~~In addition to the information required in Chapter 20, Site Plan Review, the site plan shall clearly indicate the following:~~

~~1. The location of bluff or cliff lines on, or within three hundred (300) feet of the site;~~

~~2. The type, approximate location and height of all existing trees six inches (6") dbh (diameter breast height) within one hundred (100) feet of all proposed structures on the site;~~

~~3. The boundary and depth of all grading or excavation to be done for road construction, building site preparation, or landscaping purposes;~~

~~4. The location of water courses and bodies of water, including the identification of drainage patterns prior to construction and any alteration to such drainage patterns which will result from construction.~~

~~5. Any other information the Approving Authority deems necessary to act on the application.~~

~~D. Determination of Visual Impact~~

~~Prior to approval of any building permit or other land use action the Planning Director shall determine the level of impact the proposed development will have on the visual quality of the Gorge. The level of impact shall be based upon the following factors:~~

~~1. The level of development proposed by the applicant.~~

~~2. Visibility of proposed development from Interstate 84, Highway 30 West, and Washington Highway 14.~~

~~3. Visibility of proposed development from Columbia River, Scenic Viewpoints and Vistas.~~

~~E. Standards and Criteria for Development~~

~~Approval of uses permitted in the underlying zone shall be based on findings which show that the proposed use complies with the following applicable standards and criteria:~~

~~1. The site is not visible from any of the major transportation routes.~~

~~2. The site is not visible from the Columbia River or any scenic viewpoint or vista.~~

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~~3. The site is not within fifty (50) feet of any bluff lines or cliffs.~~

~~4. The site will not obstruct any portion of any scenic view from Interstate 84, Highway 30 West, or any scenic viewpoint or vista.~~

~~5. The site is not unsuitable for the proposed development or could otherwise result in a negative impact on the scenic quality of the Gorge.~~

~~F. Design Requirements~~

~~If a determination has been made that the proposed development does not comply with the standards and criteria of subsection (E) above, the Approving Authority may impose reasonable conditions to meet the purpose of this district and to mitigate the visual impact. Guarantees and evidence may be required to assure compliance with such conditions. Such conditions may include, but are not limited to:~~

~~1. Preservation of Natural Features and Vegetation~~

~~a. In the course of construction or development, land not used should be left as such or restored to its natural state.~~

~~b. Living trees greater than ten inches (10") dbh (in diameter at breast height) shall be inventoried and preserved from damage during construction, within one hundred (100) feet of proposed structures.~~

~~c. Intensive clearing of natural vegetation on potentially unstable slopes shall be minimized. Re-vegetation where erosion susceptible soils have been disturbed shall be completed within two months or the soil shall be protected until timely re-vegetation can occur.~~

~~d. Clearings should be minimal in size and irregular in shape, conform to topography, and shall give the impression of or provide a natural appearance.~~

~~2. Limitations on Cut and Fill Slopes~~

~~a. Building sites shall not be geometrically terraced unless consistent with natural land forms.~~

~~b. Casting or land fills over cliffs or bluffs shall not be permitted.~~

~~c. Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing~~

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~~land forms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and re-seeded with natural vegetation.~~

~~3. Architectural Design~~

~~a. The design and exterior finish of all buildings should be subordinate to the natural surroundings.~~

~~b. Except for windows and solar collectors, highly reflective materials shall be avoided on all exterior surfaces. Colors: dull or earth-tones that blend with surrounding vegetation or landscape of the building site shall be used on all exterior surfaces.~~

~~c. Parking lots should be sited, buffered or landscaped so that the lot and parked vehicles are obscured from all impacted view points.~~

~~d. Mobile homes on individual lots or in mobile home parks shall meet the requirements applying to mobile homes in each of the primary zones according to Wasco County ordinances. The following additional restrictions are applicable:~~

~~1. The roofs shall be pitched (3/12) and shall be of composition or shake cover except for solar collectors.~~

~~2. Earth tone colors that will harmonize with the surrounding terrain shall be used for mobile homes.~~

~~3. A permanent foundation is required. This will either be as a solid stone or cement foundation or covered with a non-metallic colored skirt of the same composition as the siding of the mobile home.~~

~~4. Landscaping and Maintenance~~

~~a. Existing vegetation around facilities shall normally be retained and employed for landscaping and screening. Likewise, existing land forms will be preserved and utilized for screening where applicable.~~

~~b. Native vegetation shall be planted and maintained where necessary to screen a portion of all structures and parking areas from all impacted view points. Such vegetation shall be planted within one year after issuance of a building permit.~~

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~~c. All unsightly areas shall be screened from all impacted view points by native planting, berms, walls or fences.~~

~~5. Additional Setback Requirements~~

~~In addition to the setback requirements of the underlying zone, the following standards shall apply:~~

~~a. All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs unless satisfactorily screened or buffered from all impacted view points.~~

~~b. All buildings and structures shall be set back at least one hundred thirty (130) feet from the centerline of Highway 30 West unless satisfactorily screened or buffered from all impacted view points.~~

~~c. All buildings and structures shall be set back at least fifty (50) feet from the right-of-way of Interstate 84 unless satisfactorily screened or buffered from all impacted view points.~~

~~6. Additional Height Limitations~~

~~In addition to the height limitations of the underlying zone the following standards shall apply:~~

~~In woodland areas the height of buildings including solar collectors shall be limited to the forest canopy and will not exceed that of the forest.~~

~~On open slopes building heights including solar collectors shall be limited to twenty-six (26) feet above the ground level at the building site.~~

~~Church spires, wind energy conversion systems, flag poles, transmission facilities or comparable structures shall be limited in height so as not to be silhouetted above the skyline when viewed from locations described in Section 3.790(D).~~

~~7. Additional Sign Restrictions~~

~~In addition to sign restrictions of the underlying zone, the following standards shall apply:~~

~~a. No neon or illuminated plastic signs;~~

~~b. No fluorescent colors;~~

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c. Shall not be illuminated directly or indirectly;

d. No billboards or off-premise advertising signs;

e. No sign shall obstruct any scenic view from any impacted view point;

f. No sign shall be capable of movement;

g. No sign shall be constructed higher than twelve (12) feet from ground level.

8. Other Limitations

a. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

b. Utility structures, clearings, rights-of-way, poles and wires shall be designed subordinate to the setting in regard to site, height and bulk.

c. Television satellite receiver dishes, solar collectors and comparable structures shall be sited or screened so that they are obscured from all impacted view points.

d. Fences are to be constructed of non-reflective materials and/or painted with dull earth colors. Placement and alignment shall be done to minimize the view from all impacted view points.

G. Description of Gorge Overlay Zone

All land lying north of the line beginning at a point where the east boundary of Wasco County in township 2 north, range 16 East, Willamette Meridian and Base Line, intersects the east-west center line of section 26; thence west to the center, section 27; thence north to the north quarter corner, section 27; thence west to the northwest corner, section 22; thence west to the center of section 21; thence north to the north quarter corner, section 21; thence west to the northwest corner, section 21; thence south to the west quarter corner section 21; thence west to the center of section 21, township 2 north, range 14 east; thence south to the south quarter corner, section 21; thence west to the southwest corner, section 21; thence south to the east quarter corner, section 29; thence west to the center of section 29; thence south to the south

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~~quarter corner, section 29; thence west to the southwest corner, section 29; thence south to the southeast corner, section 31; thence west to the south quarter corner, section 31; thence south to the south quarter corner, section 6, township 1 north, range 14 east; thence west to the north sixteenth corner of the northwest quarter, section 7; thence south to the center sixteenth of the northwest quarter, section 7; thence west to the east sixteenth corner of the northwest quarter, section 12, township 1 north, range 13 east; thence south to the east sixteenth corner of the southwest quarter, section 12; thence west to the east sixteenth corner of the southeast quarter, section 9; thence north to the east quarter corner, section 9; thence west to the center of section 9; thence north to the north quarter corner, section 9; thence west to where it intersects donation land claim 42; thence north to the northeast corner, donation land claim 42; thence west to the point of intersection with the north-south center line, section 5; thence north to the center of section 5; thence west to the west quarter corner, section 5; thence north to the northwest corner, section 5; thence west to the southeast corner, section 31, township 2 north, range 13 east; thence north to the northeast corner, section 31; thence west ot the north quarter corner, section 31; thence north to the north quarter corner, sectin 30; thence west to the southwest corner, section 19; thence north to the west quarter corner, section 19; thence west to the center of section 24, township 2 north, range 12 east; thence north to the center of section 13; thence west to the west quarter corner of section 13; thence north to the northwest corner, section 13, thence west to the south quarter corner, section 9; thence north to the center of section 9; thence west to the center of section 8; thence north to the north quarter corner, section 8; thence west to the north quarter corner, section 12, township 2 north, range 11 east; thence south to the center section 12; thence west to the west Wasco County boundary.]~~

SECTION 3.910 DIVISION 7 - NATURAL AREAS OVERLAY

~~[(Section # Amended 5-93)]~~

A. Purpose

This overlay district is intended to pre-empt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. This overlay applies to all natural areas identified in the Wasco Countu Comprehensive Plan and to the Wasco County portions of the Deschutes and John Day Rivers Scenic Areas as defined in ORS 390.805 and 390.82[~~5~~] 6.

B. Permitted Uses

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

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C. Approval Standards

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

SECTION 3.920 DIVISION 8 - SENSITIVE WILDLIFE HABITAT OVERLAY
(Section # Amended 5-93)

A. Purpose

The purpose of this overlay district is to protect and preserve all sensitive wildlife habitat areas by providing supplementary development standards which promote an area wide dwelling density and minimum setback standards along riparian vegetation corridors consistent with such habitat management. This overlay district shall be applied to the sensitive Big Game Winter Range Area and the sensitive riparian and fisheries habitat as identified in the Wasco County Comprehensive Plan.

B. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted in an area regulated by this district. However, structural development shall be subject to the provisions of subsection (C) of this Section.

C. Approval Standards

1. All requests for dwellings or land divisions that will result in eventual placement of a dwelling which results in a density greater than the minimum property size of the underlying zone shall be referred to the Oregon Department of Fish & Wildlife (ODFW), for review and recommendation. If ODFW cannot recommend approval or suggest acceptable mitigation measures, a variance, pursuant to Chapter 6, shall be required.

2. All stream setbacks of the underlying zone shall be strictly maintained unless the County ministerially finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife. If agreement cannot be reached, a variance pursuant to Chapter 6, shall be required to reduce the setback, and reduction of setback will not jeopardize soil stability, water quality and so forth.

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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 [~~by the Planning Commission~~] 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.

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

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**

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animals shall be included in the definition of fence (protective), however, they are exempt from the height limit.

SECTION 4.110 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

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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 4.170 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 [~~lot-of-record~~] **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 dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.

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

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

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{Section 6.030, Dividing Feature Provision...}

The use of the proposed parcel is precluded as a practical matter by virtue of one or more of the following controlling factors:

Physical separation of the parcel from the rest of the over-all ownership by a significant water course; by a topographic or similar natural feature; or, by a railroad, or similar controlling man-made feature, the location over which the owner had no control. For the purpose of this section a controlling factor is a condition which effectively prevents the use of a portion of the land as a practical matter. Controlling factors do not **include** public highways, streets and alleys, seasonal drainage channels or minor creek beds, or topographic features with slopes of under sixty percent (60%). In addition to the requirements of Section 6.020, the following criterion shall be met:

2. The proposed parcel shall have a sufficient area and otherwise be capable of being served by a domestic water supply ad sewage disposal system approved by the appropriate sanitary authority. Written notification of such approval shall be filed with the Director as part of the application.

3. The parcel requiring the variance is consistent with the Conditional Use approval standards in the applicable zone; and

4. Complies with the circumstances listed in Section 6.020.

5. The Director shall determine whether or not the controlling factor described above warrants approval of the application.

6. The parent parcel shall otherwise have sufficient acreage, as required by the zone, to be divided.

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CHAPTER 7 ADMINISTRATIVE VARIANCES [~~(Revised 1-92)~~]

SECTION 7.010 Administrative Variance from [~~Building Setback Requirements~~] **Dimensional Standards, excluding Minimum Lot Size**

A. An administrative variance from regulations covering any building setback**, building height, or building size** requirement may be authorized pursuant to the Administrative Action process of Section 2.060(A) up to a maximum of fifty percent (50%) of the requirement, by the Director **or designee** upon findings that:

1. Approval of the variance will not negatively impact adjacent properties;

2. The variance does not result in a setback of less than five (5) feet; and

3. Complies with circumstances listed in Section 6.020.

B. An administrative variance from regulations covering any size limit for an accessory building may be authorized pursuant to the Administrative Action process of Section 2.060(A), by the Director upon compliance with A.1. and 3. above.

C. [~~B.~~] An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.

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{Section 8.040 Conditions Relative to the Issuance of Temporary Permits...}

7. Control of noise, odors, or other nuisances;

8. Limitation of time for certain activities.

B. Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant, but may be renewable through the Administrative Action process.

C. All structures for which a temporary permit is issued:

1. shall meet all other requirements of the zoning district in which they are located;

2. shall meet all applicable County health and sanitation requirements;

3. shall meet all applicable County building code requirements;

4. shall be removed upon expiration of the temporary permit unless renewed by the Director, or used in conjunction with a permitted use; **and**

5. **Shall be hooked up to the same septic system as the primary dwelling.**

SECTION 8.050 Issuance of Permits

A. Temporary permits shall be issued for the time period specified by the Approving Authority but may be renewable upon expiration as an Administrative Action if all applicable conditions can again be met. [~~In no case shall a temporary permit be issued for a period exceeding one (1) year, unless the temporary permit is renewed.~~]

B. Renewal of a temporary permit shall follow the same procedure as the initial application.

SECTION 8.060 Exemptions

The temporary placement of a mobile home as provided for in Section 8.070 shall not be subject to the provisions of Sections 8.020 through 8.050.

SECTION 8.070 Temporary Use of a Mobile Home (Family Hardship)

A. During a family hardship condition where the condition relates to the aged, infirm or to persons otherwise incapable of maintaining a separate residence, the Director may authorize the placement of a mobile home on a lot if the following criteria are met:

1. The request for the mobile home is submitted in writing. Such request shall state the nature of the hardship, the names of the persons who will occupy such dwelling, the relationship of the occupants of such dwelling to the residents, and the estimated period of time the dwelling will remain on the property.

2. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling and that said sewage disposal system is adequate to accommodate the additional dwelling. If the additional dwelling is to utilize a public sanitary sewer system, such condition will not be required.

3. The additional dwelling is a mobile home or recreational vehicle as defined in Section 1.090 of this Ordinance.

4. The additional dwelling shall be located within 100' of the primary dwelling.

5. ~~[4.]~~ The location and use of the additional dwelling otherwise conforms to the provisions established for the zone district.

B. Temporary placement of an additional dwelling shall be granted for the time period specified by the Director but may be renewable upon expiration if all applicable conditions can be met. In no case shall a temporary placement be authorized for a period exceeding two (2) years, unless the temporary placement is renewed.

C. The Director shall determine whether or not the conditions described in this section warrant approval of the request to place an additional dwelling on the property. The Director may require a doctor's statement showing that the person is incapable of maintaining a separate residence and needs to be near a family member for care and supervision. The Director may also require the applicant to provide any other evidence as he deems necessary to make that determination.

D. Upon expiration of the time period for which the temporary placement was authorized, the property owner shall have ~~thirty (30)~~ **sixty (60)** days in which to remove the additional dwelling from the property, unless an extension is granted as prescribed above.

[~~CHAPTER 10 - DIVISION OF NON-RESOURCE LANDS IN DESIGNATED RESOURCE AREAS~~

~~SECTION 10.010 Purpose~~

~~The purpose of this chapter is to allow the division of non-resource lands in agricultural or forest areas, and to segregate existing dwellings not involved in resource management; and to create new dwelling sites not in conjunction with resource use or to allow permitted or conditionally permitted uses on a separate unit of land from parcels devoted to such management and to provide reasonable guidelines and criteria to be applied which will protect these resource lands from an unwarranted influx of incompatible development.~~

~~SECTION 10.020 Criteria for Decision~~

~~Land divisions proposed under this chapter for property zoned "F-2", "A-1", and "FF" shall conform to the following criteria, and shall be processed pursuant to Section 2.060(C):~~

~~A. That the use is compatible with commercial farm use described in O.R.S. 215.203(2) and will not seriously interfere with the usual and normal farm practices, as defined in O.R.S. 215.203(2)(c); including hazardous pesticide or herbicide applications, noise, dust, smoke or offensive odors which may occur on adjacent agricultural lands.~~

~~B. That the use will not materially alter the stability of the land pattern in the area.~~

~~C. That the land is not generally suitable for the production of timber, farm crops or livestock, as conducted in that particular area considering the soil, slope, vegetation, size, shape, or other physical characteristics.~~

~~D. That the site has appropriate physical characteristics, such as adequate drainage, proper sanitation and water facilities to accommodate a residence.~~

~~E. The size of a new parcel created pursuant to this chapter shall be as small as practicable, while ensuring that the criteria listed in this chapter are met.~~

~~F. A non-exclusive resource management easement shall be filed by the property owner with the County Clerk. Such easement will specify that owners of adjacent land will be allowed to conduct normal resource management practices on their properties and the owners (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.]~~

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[CHAPTER 11 APPROVAL OF A NON-FARM/NON-FOREST DWELLING ON SUBSTANDARD LOT OF RECORD IN THE "A-1" EXCLUSIVE FARM USE ZONE OR THE "FF" FOREST-FARM ZONE

SECTION 11.010 Purpose

An application for a building permit for a non-farm or non-forest dwelling on a substandard lot of record in a resource area shall be made to the Director pursuant to Section 2.060 of this Ordinance. This procedure applies to building permits for a parcel not meeting the minimum lot area required by the applicable zone classification and qualifying as a lot of record. (Definition Section 1.090).

SECTION 11.020 Building Permits

A. Building permits proposed under this chapter for lands zoned "A-1" Exclusive Farm Use shall conform to the following criteria and shall be processed pursuant to Section 2.060(A).

1. Any permitted non-farm dwelling shall not interfere with the continuation of the existing commercial agricultural enterprise within the area, considering the following factors:

a. The proposed non-farm dwelling is not incompatible with the horticultural or the ranching farm use in the area and does not interfere either in itself or in the location of improvements, with "current accepted farming practices"; as that term is defined in O.R.S. 215.203 which characterizes such use;

b. The proposed non-farm dwelling is not inconsistent with the agricultural land use policy for the State of Oregon expressed in O.R.S. 215.243;

c. The substandard lot of record shall have sufficient area and otherwise be capable of being served by a domestic water supply and sewage disposal system approved by the appropriate sanitary authority.

B. Building permits proposed under this chapter for lands zoned "FF" Forest-Farm shall conform to the following criteria, and shall be processed pursuant to Section 2.060(A):

1. The proposed non-farm or non-forest dwelling is not incompatible with farm and forest uses in the area, and does not interfere with the farm or forest practices.

~~2. The proposed non-farm or non-forest dwelling is not inconsistent with the farm and forest use policies as provided for in the Comprehensive Plan.~~

~~3. The proposed non-farm or non-forest dwelling does not materially alter the stability of the over-all land use pattern in the area nor substantially add to the demand for increased use of road or other public facilities and services;~~

~~4. The substandard lot of record shall have a sufficient area and otherwise be capable of being served by a domestic water supply and sewage disposal system approved by the appropriate sanitary authority.]~~

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CHAPTER 13 NONCONFORMING USES, BUILDINGS AND LOTS

SECTION 13.010 Purpose

It is necessary and consistent with the establishment of this Ordinance that all uses and structures incompatible with permitted uses or structures in each zone be strictly regulated and permitted to exist only under rigid controls. The purpose of such regulation and control is to change a nonconforming use or structure to a conforming status or to discontinue the use or structure.

SECTION 13.020 Nonconforming Uses

Except as is hereinafter provided in this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued, although such use does not conform with the provisions of this Ordinance.

SECTION 13.030 Vested Right

Nothing contained in this Ordinance shall required any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this Ordinance, provided the building, if nonconforming or intended for a conforming use, is completed and in use within one (1) year from the time the building permit is issued.

SECTION 13.040 Discontinuance of Nonconforming Use

A. If a nonconforming use involving a structure is discontinued for a period of **[~~six (6)~~]** **twelve (12)** months, further use of the property shall conform to this Ordinance.

B. If a nonconforming use not involving a structure is discontinued for a period of ~~six (6)~~ **twelve (12)** months, further use of the property shall conform to this Ordinance.

SECTION 13.050 Unlawful Use, Not a Nonconforming Use

No unlawful use of property existing at the time of passage of this Ordinance shall be deemed a nonconforming use. Evidence used to identify a use as lawful **(building permit, septic permit, verification from County Assessor that the structure existed prior to building permit regulations)** shall be submitted by the property owner prior to any land use action on a nonconforming use. (Revised 1-92)

SECTION 13.060 Continuation of Nonconforming Use, Structure or Land

Subject to the provisions of Oregon Revised Statutes 215.130, the lawful use of any building, structure or land at the time of the enactment or amendment of this Ordinance may be continued. Alteration of any such use may be permitted when necessary to comply with any lawful requirements for alteration in the use.

SECTION 13.070 Restoration of Nonconforming Building or Structure

If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire, other casualty or natural disaster, restoration or replacement shall be permitted, provided restoration or replacement is commenced within [~~six (6)~~] **twelve (12)** months from the occurrence of the fire, casualty or natural disaster. The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance that existed at the time of damage or destruction. **In order to qualify for restoration of a nonconforming building or structure, verification must be provided that the building was placed legally (building permit, septic permit, verification from County Assessor that the structure existed prior to building permit regulations).**

SECTION 13.080 Nonconforming Use by Reason of Change in this Ordinance

Whenever the use of a building becomes nonconforming by reason of a subsequent change in this Ordinance, such use may be continued if no structural alterations are made except those alteration necessary to comply with any lawful requirements of the use.

SECTION 13.090 Change of Nonconforming Use

A. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this Ordinance.

B. If a nonconforming use involving a structure is replaced by another use or structure, the new use or structure shall conform to this Ordinance.

SECTION 13.100 Conveyance of Nonconforming Use

Nothing in this Ordinance shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

SECTION 13.110 Restoration of Conforming Use on Nonconforming Lot

Nothing in this Ordinance shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this Ordinance.

SECTION 13.120 General Exceptions to Lot Size Requirements

If a lot of record or series of contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to other requirements of this Ordinance. Nothing in this Ordinance shall be interpreted to limit the sale, transfer or other conveyance of such nonconforming lots and contiguous units of land[~~, provided that such holdings are sold as a single ownership.~~] **(see Legally Created Lot or Parcel)**.

SECTION 13.130 General Exception for Approved Subdivision

Nothing in this Ordinance shall be deemed to prohibit construction of conforming uses on nonconforming lots or the sale of said lots within subdivisions or land partitionings approved prior to the adoption of this Ordinance, subject to other requirements of this Ordinance.

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 15.070 Penalties

Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance shall be guilty of a violation and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100.00) for each day of violation where the offense is a continuing offense, but such fine may not exceed one thousand dollars ($1,000.00) **for each occurrence of the continuing offense** or a fine of five hundred dollars ($500.00) where the offense is not a continuing offense. (amended 2-89)

SECTION 15.080 Jurisdiction

The Circuit [~~and District~~] Court[s] for the State of Oregon for the County of Wasco [~~have concurrent~~] **has** jurisdiction over any and all violations of this Ordinance.

SECTION 15.090 Issuance of Warning Notice

No citation shall be issued pursuant to this Ordinance unless, at least fifteen (15) days prior to service of such citation, a warning notice **delivered by certified mail** giving a brief description of the violation alleged to exist is first served upon the person accused of the offense or posted on the property where the violation is alleged to exist. The warning notice shall further contain the name of the County department to contact regarding the violation, the name of the person issuing the warning notice, the date the warning was issued and a statement that failure to correct the alleged violation or to contact the appropriate County department may result in issuance of a formal citation to the Wasco County [~~District~~] **Circuit** Court.

SECTION 15.100 Requirements of Citation; Form and Content

A. A citation conforming to the requirements of this Ordinance may be used for all Land Use Development and Solid Waste Ordinance violations committed in the presence of the complainant and which occur in the unincorporated areas of Wasco County, Oregon.

B. The citation shall consist of at least three (3) parts. Additional parts may be inserted for administrative use. The required parts are:

1. Complaint;

2. Planning Department's or Health Department's record of violation;

3. Summons.

C. Each of the parts shall contain the following information or blanks in which such information shall be entered:

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1. Name of the Court and the Court's docket or file number;

2. Name of the person cited;

3. Section of the Ordinance violated;

4. Brief description of the violation of which the person is charged in such manner as can be readily understood by a person making a reasonable effort to do so, the date and place at which the violation occurred, the date on which the citation was issued, and the name of the complainant;

5. The time and place where the person cited is to appear in Court;

6. The bail, if any, fixed for the violation;

7. The designation of the method of service and certification that such service has been made;

   a. ~~[When such service is by certified mail, return receipt requested as described in Section 15.120 (A) of this Chapter, such shall be stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after filing of the complaint. The complaint shall contain a form of certificate by the complainant to the effect that he certifies that he has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to the Land Use and Development or Solid Waste ordinance made and provided by Wasco County, Oregon.~~] The certification, if made by a Planning Department employee or Health Department employee, need not be made before a magistrate or any other person. A private person shall certify before a [~~District~~] **Circuit** Court Judge, Clerk or Deputy Clerk of the [~~District~~] **Circuit** Court of Wasco County, and this action will be entered in the Court record.

   b. **When such service is by certified mail, return receipt requested as described in Section 15.120 (A) of this Chapter, such shall be stated on the complaint and the required certification of service may be made upon receipt of the "return receipt" and after filing of the complaint. The complaint shall contain a form of certificate by the complainant to the effect that he certifies that he has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to the Land Use and Development or Solid Waste ordinance made and provided by Wasco County, Oregon.**

   The reverse side of the complaint shall contain the Court record and contain the substance of the matter appearing on the reverse side of all uniform complaints used in the [~~District~~] **Circuit** Court of Oregon in Wasco County or otherwise directed by the [~~District~~] **Circuit** Court.

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NOTE: New text is in **Bold**; text to be deleted is in [~~strikeout~~]

A certificate conforming to this section shall be deemed equivalent to a sworn statement. In addition, the summons shall contain a notice to the person that the complaint will be filed with the [~~District~~] **Circuit** Court of the State of Oregon in and for the County of Wasco. The reverse side of the summons shall contain the following in a form substantially as follows:

READ CAREFULLY

You have been charged with a violation of the Wasco County (Land Use Development, Solid Waste) Ordinance. You MUST do ONE of the following:

A. Appear in Court at the time mentioned in this summons and request a hearing. The Court will then set a time for a hearing; or,

B. Mail to the Court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the Court you request a hearing. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. If you do not want a hearing, but wish to explain your side, send your explanation with the summons and bail. The Court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the complainant tells the Court; or,

C. Sign the plea of guilty below and send this summons to the Court, together with check or money order in the amount of bail indicated on the other side of this summons. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of Court. I do, hereby PLEAD GUILTY to said violation as charged, WAIVE my right to a HEARING by the Court, and agree to pay the penalty prescribed for my violation.

(Defendant's Name)

(Defendant's Address)

MAIL YOUR REMITTANCE TO:

Wasco County [~~District Court~~/] Circuit Court

511 Washington Street
The Dalles, Oregon 97058

NOTICE

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST.

IF YOU FAIL TO DO ONE OF THE THREE FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR TRIAL AT THE TIME SET BY THE COURT YOU MAY BE CHARGED WITH THE ADDITIONAL AND SEPARATE VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

8. Any error in transcribing information into the blanks provided in the citation form when determined by the Court to be non-prejudicial to the Defendant's defense, may be corrected at the time of trial or prior to time of trial with notice being given to the Defendant.
9. Except as provided in Section 15.100(8) above, the complaint shall be set aside by the Court only upon the motion of the Defendant before plea, if it does not conform to the requirements of this Section.

SECTION 15.110 Commencement of Action for Ordinance Violations

A. The Planning Director, Sanitarian, or their designee, may issue a citation for violation of the Wasco County (Land Use Development, or Solid Waste) Ordinances committed in his presence and when committed at any location within the unincorporated area of Wasco County, Oregon, after consulting with the office of the District Attorney.

B. A private person may only commence an action for an Ordinance violation as provided in Section 15.100 of this Chapter and under the same conditions as provided in subsection (A) of this Section. The commencement of all actions by private persons for violations committed in their presence shall be upon the Ordinance citation form and shall be at the discretion and in the judgment of the office of the District Attorney, and conform to the procedures for certification and service as required in Sections 15.100 and 15.120 of this chapter, respectively.

SECTION 15.120 Service of Citation

A. If a citation is commenced as described in Section 15.110 (A), or (B), the Planning Director, Sanitarian, or their designee or peace officer, respectively, shall serve or cause to be served, the summons portion of such citation in one of the following manners:

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A. If a person cited fails to comply with the provisions of Section 15.130, or if he fails to appear at any time fixed by the Court, a warrant for his arrest may be issued by a judge of the Wasco County [~~District~~] **Circuit** Court pursuant to O.R.S. 133.060.

B. No warrant of arrest may be issued pursuant to this section after a period of sixty days from the date of entry of an order declaring a forfeiture of bail or other security given by the arrested person, unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

SECTION 15.190 Penalty for Failure to Appear

Upon conviction of any person under Section 15.160(C) of failure to appear without due and good cause, he shall be punished by a fine in addition to the fine and Court costs of the violation for which he failed to appear and such additional fine shall not be more than two hundred and fifty dollars ($250.00).

SECTION 15.200 Planning Commission Membership

The Commission shall consist of seven (7) County residents appointed by the County Court to serve as members for a term of four (4) years or for the unexpired portion of the term of a member whom the appointee succeeds, provided that members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses, and members of the Commission shall be residents of the various geographic areas of the County. No more than two (2) voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

~~[SECTION 15.210 Board of Adjustment Membership~~

~~The Board shall consist of five (5) County residents appointed by the County Court to serve as members for a term of four (4) years or for the unexpired portion of the term of a member whom the appointee succeeds.]~~

SECTION 15.220 Disqualification

Each appointed member shall serve until his successor is appointed and qualified except that no member of the [~~Board or the~~] Commission shall participate in any consideration of matter in which he is directly or indirectly interested in a personal or financial sense.

SECTION 15.230 Officers

[~~Both t~~] The Commission [~~and the Board~~] shall:

A. At the first meeting of each calendar year elect from among their appointed members, to serve for no longer than twelve (12) months, a Chairman for their body. He shall

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preside at all meetings, shall appoint and serve ex officio upon all committees, shall compel the attendance of members and witnesses, shall administer oaths, and sign the minutes of meetings after the same be approved by the body.

B. At said meeting, select from among their appointed members, to serve no longer than twelve (12) months, as Vice-Chairman for their body. He shall perform the duties of Chairman whenever that officer is absent, ill, disqualified or otherwise unable to act.

SECTION 15.240 Legal Advisor

The District Attorney or his deputy shall act as legal advisor to [~~the Board and to~~] the Commission and represent them in all litigation, provided that when he determines a conflict of interest prevents such service, he may authorize either body to retain other counsel.

SECTION 15.250 Meetings

The Commission [~~and the Board~~] shall meet upon call of the Chairman pursuant to such rules as they may from time to time adopt. Meetings of the Commission shall normally be held **monthly or as required** [~~on the first Monday of the month, unless such day is a legal County holiday~~], in which case the C[c]ommission shall decide upon the day to meet at its previous meeting. [~~Meetings of the Board shall normally be held on the second Wednesday of the month.~~] All meetings shall be public. All meetings of the Commission [~~and Board~~] shall be publicized by giving notice thereof in a newspaper of general circulation not less than fifteen (15) days before the meeting. [~~(amended 2-89)~~]

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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[~~C~~)] **(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[~~(C)~~] **(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 whose preservation requires planned unit development rather than conventional lot-by-lot development;

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G. 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.

SECTION 20.070 Appeal of the Approving Authority's Decision

A. All appeals to a decision concerning a site plan review shall be done in accordance with Chapter 2 of this Ordinance.

SECTION 20.080 Approved Site Plan

The approved site plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Planning Director. One copy of said site plan and conditions shall be mailed to the applicant.

~~[SECTION 20.090 Invalidation of Site Plan Approval (added 2-89)~~

~~A site plan approval will become invalid without special action if:~~

~~A. The approval is not exercised within one (1) year of the date of the approval; or~~

~~B. The use approved by the site plan approval is discontinued for any reason for one (1) continuous year or more.]~~

~~[SECTION 20.100 Granting of Extensions (added 2-89)~~

~~An applicant may request an extension of the validity of a site plan approval. Such request shall be considered an Administrative Action and shall be submitted to the Director, in writing, prior to the expiration of such approval, 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 site plan approval if it is determined conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.]~~

NOTE: New text is in **Bold**; text to be deleted is in [~~strikeout~~]

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 ~~major~~ 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.

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{Basic Provisions and Design Standards - Redevelopment Plan...}

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.

G. Access:

A unit of land shall be considered to have access by way of a street, either private or public, if the following criteria are satisfied:

1. The unit of land abuts on the street.

2. There is a legal right appurtenant to the unit of land to use the street for ingress and egress. A legal right to use a private street 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 Court establishing a statutory way of necessity or gateway road; or, (d) an express easement set forth in a duly recorded subdivision.

3. The street provides actual physical access for the unit of land.

H. Access Requirements for Land Divisions:

1. Each unit of land shall be provided with access by a public road **meeting standards noted in Table 1 and Drawings A and B,** except as provided below:

   a. **Private Easement Road - A unit of land may have access by way of a private easement road upon a finding by the Approving Authority that such road provides access for not more than three (3) units of land, [and] serves not more than three (3) units of land, and that the easement is a minimum 30' in width.**

   b. **Private Road - In resource areas only (areas zoned F-1, F-2, A-1 and F-F), a unit of land may have access by way of a private road upon findings of the Approving Authority that:**

      1) Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;

      2) Private road approval is obtained pursuant to Section 21.300;

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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. Street 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 [~~Chapter 2~~] **Section 2.060.A.** of this Ordinance. [~~Applicants shall file with the Director five (5) copies of the Preliminary Plan.~~]

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;

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{Approval of Preliminary Partition Plans}

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 [~~twelve (12)~~] **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.

[~~6. Granting of extensions:~~

~~a. An applicant may request an extension of the validity of a preliminary partition plan approval. Such request shall be considered an Administrative Action and shall be submitted to the Director in writing prior to the expiration of such approval, stating the reason why an extension should be granted.~~

~~b. The Director may grant an extension of up to twelve (12) months in the validity of a preliminary partition plan approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plan approval within the original time limitation.~~]

B. Approval of Final Partition Map:

1. Within [~~twelve (12)~~] **twenty-four (24)** months from the date of preliminary partition approval, the applicant shall initiate a request for final partition map approval by filing with the Director a final map 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 map 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;

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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 shall be granted by deed, filed with the County Clerk. A copy of such recorded deed creating the easement shall be submitted prior to final approval of any partition. Such easements shall be shown on the face of the map along with a written legal description of the easement. If the access easement is pre-existing or if the access 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.

4. The granting of final map 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 plan.

5. After approval of the final partition map, the Director and the County Surveyor shall endorse their approval on the tracing. The tracing shall be filed with the County Clerk and a copy with the County Surveyor's Office.

6. All parcels in a partition that are ten (10) acres or greater in size need not be surveyed and shown on a map as provided for in (5) above. In such case, the preliminary partition plan submitted to the Director under subsection (1) of this Section shall be deemed sufficient. The final partition map shall be prepared on a standard format available from the Wasco County Planning Office. [~~Five~~] **One** cop[~~ies~~]**y** of the final map shall be submitted in addition to the original.

7. **Pursuant to Oregon Revised Statute (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).**

[~~7. All partitions of parcels 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 partition, the statement of water right and a copy of the partition 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 partition plan.~~]

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 Map Requirements:

1. Conformance to tentative plan. The map shall substantially conform to the tentative plan as approved.

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{Final Land Partition Requirements...}

a. The map shall contain the location, material and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments shall be set and referenced on the map before the map is offered for approval.

b. Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by O.R.S. 92.060.

c. For partitions involving land in a flood plain, the provisions of Section 21.210(5) shall apply.

8. General Information. The map shall comply with O.R.S. 209.250 and contain the following information:

a. Location of the parcel by one-fourth section and Donation Land Claim, Township and Range.

b. Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the map.

c. North point, scale and date submitted.

d. The names of any streets intersecting or within the parcels.

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.

g. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner or Donation Land Claim corner in Township and Range, or a lot corner of a platted subdivision.

h. A written legal description of all parcels contained in the land partition.

i. Space for date and signatures of the following officials for maps of partitions:

1) **Planning** Director **or designee**

2) County Surveyor

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3) **County Assessor**

4) **County Treasurer**

j. **Parcels located in an "A-1", "F-1", "F-2", or "F-F" zone, shall contain the following statement: "No investigation has been made of the suitability of any given parcel by an authorized representative of the Dept. 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 Office.**

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 Dept. of Environmental Quality or the Wasco County Public Health Department.

k. Narrative per O.R.S. 209.250.

l. **Planning Department file number.**

[~~l~~] **m.** Any additional information made a condition of approval of the tentative plan.

[~~m~~] **n.** When all parcels subject to the tentative approval are not required to be surveyed or made part of the final partition map, a schematic diagram shall be included on the face of the final survey map showing the exterior boundaries of all parcels, relationship with the parcel(s) requiring surveying and designations identifying the different parcels.

9. County Surveyor Fees:

In the cases where partitions are required to be surveyed, the partitioner shall pay a fee to the County Surveyor as provided in O.R.S. 92.100(2). If the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to fifty percent (50%) of that fee provided in O.R.S. 92.100(2), to cover the second field check as provided in post monumentation. 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.

SECTION 21.110 Amendments to Preliminary Plans and Final Plats or Maps

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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 map shall be subject to the provisions of Section 2.060 of this Ordinance.

SECTION 21.115 Property Line Adjustments/Replats (Added 1-92)

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. [~~acted on in the same manner as a request for a partition under Section 2.060 A.5. of this Ordinance. A completed application, as prescribed by the Director, shall be filed prior to any action on a Property Line Adjustment. A completed application shall contain;~~

~~A. An accurate scale drawing on 8 1/2" x 14" paper, showing the following;~~

~~1. Date, north arrow and legal description including tax lot number(s).~~

~~2. A readable scale which shows the necessary detail on a single sheet of legal size paper.~~

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NOTE: New text is in **Bold**; text to be deleted is in [~~strikeout~~]

~~3. Name and address of the owner(s) or contract purchasers of all property involved, as well as a signature of the aforementioned on the face of the map.~~

~~4. The location of the existing property lines, lines to be adjusted and distances to any existing structures including installed septic systems and public or private wells and easements, if any.~~

~~5. Acreage of all parcels or lots involved in the adjustment, including their resultant sizes following adjustment.]~~

A. **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.

[~~Approval Standards~~] **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 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~~] 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 and ten (10) additional copies, 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

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.

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 Court 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, in the order listed:

   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 [~~Sheriff~~] **Treasurer**;

   f. County Judge and 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.

{Public Streets and Roads}

2. The applicant's design shall conform to the "Standard Drawings".

D. General Considerations

1. The County Roadmaster may impose additional design requirements as are reasonably necessary to provide safe and adequate access.

2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.

3. Any road or street which does not connect directly to a County maintained road, city maintained street or state highway **shall not** be accepted for maintenance by the County.

E. Development Requirements

1. Engineering:

a. **Plans** - Construction plans may be required for improvements governed by these standards. Such construction plans shall be prepared under the direction of a consultant engineer registered in the State of Oregon, and shall be submitted for approval to the County Roadmaster and shall include the following information:

1) Widths of all proposed road right-of-way dedication.

~~[2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.]~~

2) ~~[3)]~~ Original ground line and grade line profile on the centerline of the proposed road.

~~[4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.]~~

3) ~~[5)]~~ Proposed drainage structures, showing both size and type of structure.

4) ~~[6)]~~ Toe of fill and top of cut lines.

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5) [~~7~~)] Typical structural section of roads to be constructed.

6) [~~8~~)] Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.

7) [~~9~~)] A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.

8) [~~10~~)] Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.

9) [~~11~~)] The plans shall contain a standard symbol sheet approved by the County Roadmaster.

10) [~~12~~)] The stamp and signature of a consultant engineer preparing the plans.

b. Cost Estimates - The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road-work and affected utility installation and/or relocation.

c. Monumentation - All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right-of-way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

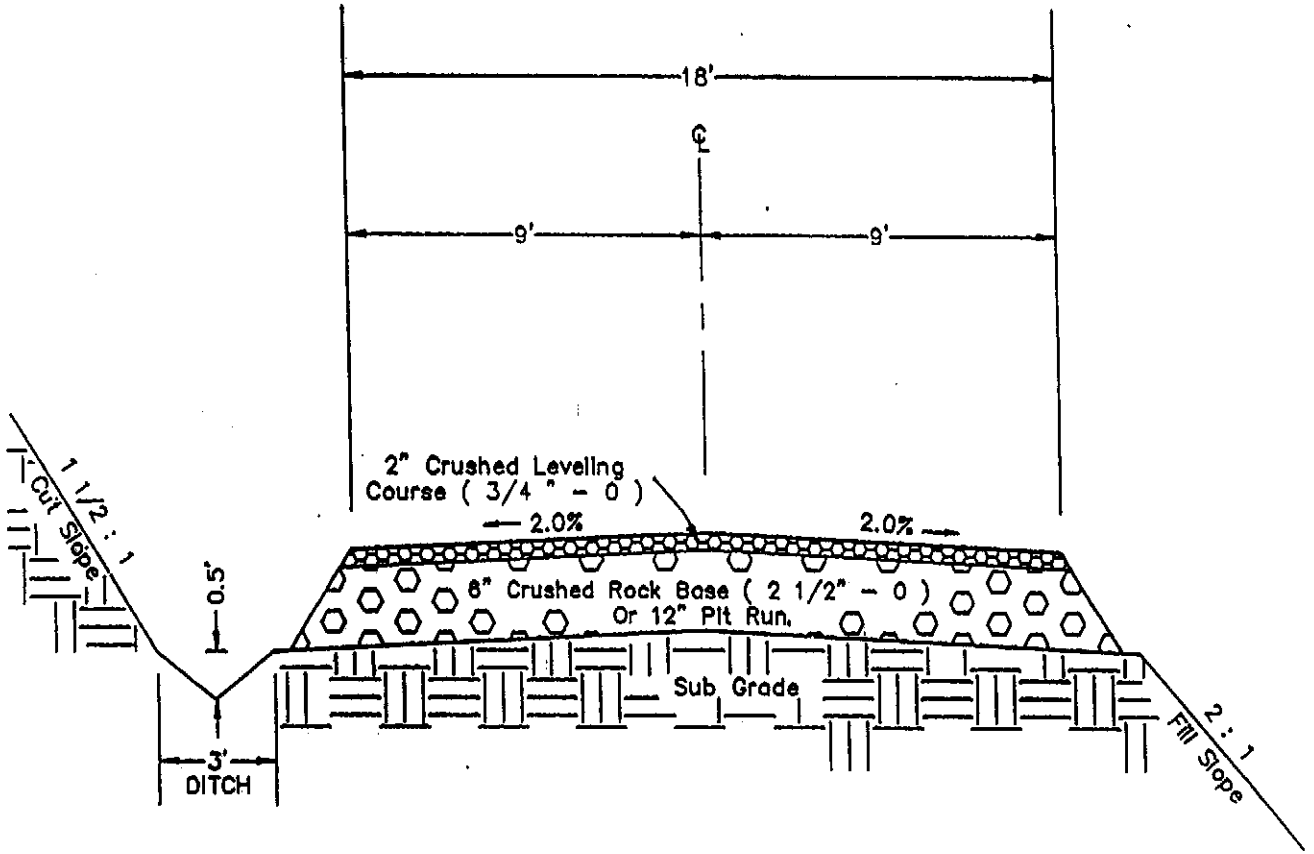
2. Construction:

a. Standard Specifications - The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by provisions contained herein):

1) "Standard Specifications for Highway Construction", 1974 edition, published by the Oregon Department of Transportation, Highway Division, except for the General Provisions contained in Sections 102 through 109.

2) "1980 Standard Specifications and Drawings", published by the Oregon Chapter of the American Public Works Association (APWA).

References to "State and Highway Commission" shall be construed to mean Wasco County and the Wasco County Court, respectively. "Engineer" and



PUBLIC ROAD SPECIFICATION (ADT < 25)

MAX. GRADIENT = 12%
MAX. DEGREE OF CURVE = 25°
STOPPING SIGHT DISTANCE = 200'

See L.U.D.O. Section 21.410

SCALES

Horizontal : 1" = 5'
Vertical : 1" = 2'

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DRAWING B

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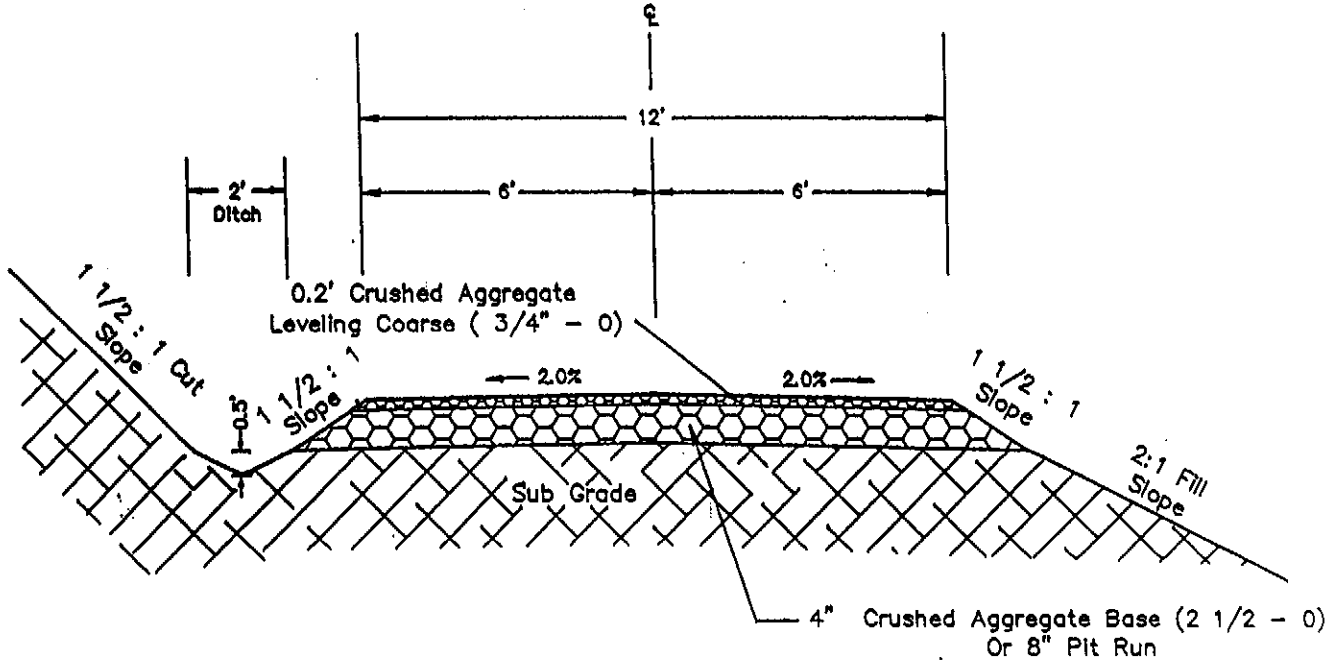

Scales
Hor = 1" = 4 feet
Vert = 1" = 4 feet

Typical Road X-Section

Private Road Specification (< 10 Units)

Max. Gradient = 15% (Without Pavement)
Max. Degree of Curve = 25°
Stopping Sight Distance = 200'

See L.U.D.O. Section 21.420

Wasco County
Road Department

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WASCO COUNTY COMPREHENSIVE PLAN AMENDMENT

Citizen Involvement

Citizen involvement is an integral part of the overall planning process. It encompasses not only the review and acceptance of the comprehensive plan, but requires citizens to be involved in each phase of plan development.

~~To insure citizen involvement and influence in the development of the various plans and ordinances, the County organized citizen advisory groups for each of the planning units. These groups, which consisted of concerned citizens from within the planning units, worked in connection with the staff and the general public through a series of public hearings and workshops. Together, the citizens of the area reviewed the data and inventories which were accumulated by the staff and from these formed goals and policies which provide the framework of the comprehensive plan. The planning area approach will be maintained in connection with the citizen involvement program. Each of the former planning areas will be represented by a citizen advisory group.~~

~~The following pages list the individuals in each of the area citizen advisory groups that participated in the development of the resource elements and the Goals and Policies portion of the Wasco County Comprehensive Plan.~~

To ensure continued meaningful citizen involvement and influence in the development of various plans and ordinances the County will organize, staff and work with a number of citizen advisory groups. The County's planning program (and state law) has continued to progress to a point where clear topic areas have developed. It is critical the Planning Department be able to seek the expertise and opinions of individuals with knowledge and interests in these various subjects. For this reason the pre existing regionally defined citizen advisory group format of citizen involvement is now being organized around specific planning topics and tasks. The advisory groups will be set up to represent issues including but not limited to the following subjects:

- Transitional Lands Study Area
- Goal 3 Lands
- Goal 4 Lands
- Rural Communities
- National Scenic Area

This arrangement provides input on specialized topic areas while also representing regional interests as they align themselves with the topics and their related planning tasks. Citizens serving on these committees will focus in depth on projects within their focus area. They will meet regularly on at least a bi-annual basis to review the workings of adopted ordinances and plan provisions affecting their immediate interests. In addition to these regular meetings, they will coordinate with staff, as needed, to provide input on suggested revisions and critical issues prior to bringing these issues before the Planning Commission.

Advisory group members shall also be charged with seeking and bringing to the planning process the broader input of the citizens with whom they live and work. Members represent or have affiliation with groups that have special knowledge (*or interest*) regarding the focus subject. In addition to bringing input to the planning process, advisory groups will also carry the knowledge they gain back to those same citizens. The County will continue to encourage input

from the broader public throughout its planning processes at the advisory group level, before the Planning Commission and before the County Court.

Citizen Advisory Group membership will be by appointment of the County Court. Group size will vary depending on interests to be represented. Terms of appointment will be determined by the advisory group members.