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THE DALLES OR.

IN THE COUNTY COURT OF THE STATE OF OREGON

AUG 18 2 41 PM '99

IN AND FOR THE COUNTY OF WASCO

KAREN R. LEBRETON
COUNTY CLERK

IN THE MATTER OF THE DECISION ON THE POST-ACKNOWLEDGEMENT LEGISLATIVE AMENDMENTS TO THE WASCO COUNTY COMPREHENSIVE PLAN TEXT AND LAND USE AND DEVELOPMENT ORDINANCE TEXT AND MAP FOR THE TYGH VALLEY COMMUNITY (FILE #PR-99-101-ZO-L AND #PR-99-102-CP-L).	)	ORDINANCE NO. 99-104

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

IT APPEARING TO THE COURT: That beginning March 24, 1998, and ending March 3, 1999, a planning process consisting of one technical meeting, two community-wide meetings, and five sub-committee meetings resulted in a proposal to amend the Wasco County Comprehensive Plan and Land Use and Development Ordinance to rezone the Rural Service Center of Tygh Valley. The amendments are proposed in order to meet the Rural Communities Rule and reflect the vision of the community, based upon the recommendations of the Advisory Group of Tygh Valley; and

IT FURTHER APPEARING TO THE COURT: That on Tuesday, June 1, 1999, in the Old Tygh Valley Grade School, 57594 Tygh Valley Road, Tygh Valley, Oregon, the Wasco County Planning Commission met to conduct a legally notified legislative public hearing on the

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above matter. Those members of the Planning Commission present were determined to be qualified to hear the matter. Chairman 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 5-1 to recommend to the County Court the approval of the proposed Comprehensive Plan and Land Use and Development Ordinance amendments via Resolution 99-103; and

IT FURTHER APPEARING TO THE COURT: That at 10:15 p.m. on July 14, 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 testimony and evidence from the parties, then continued the hearing to Wednesday, August 4, 1999, at 10:10 a.m. to allow staff to address issues raised at the hearing; and

IT FURTHER APPEARING TO THE COURT: That at 10:10 a.m. on August 4, 1999, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, in The Dalles, Oregon, this Court met to continue the 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 additional information, and received all testimony and evidence from the parties, then closed the hearing for further input. The Court then deliberated, resulting in a 2-0 vote to adopt the proposed legislative amendments to amend the Wasco County Comprehensive Plan and Land Use and Development Ordinance to rezone the Rural Service Center of Tygh Valley to meet the Rural Communities Rule and reflect the vision of the community. 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. Two (2) 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 July 14, 1999.

CONCLUSIONS OF LAW

1. The Court adopts the Conclusions of Law as set forth in the Staff Report dated July 14, 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, and the requirements of the Wasco County Comprehensive Plan and Land Use and Development Ordinance.

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Comprehensive Plan and Wasco County Land Use and Development Ordinance are hereby amended to rezone the Rural Service Center of Tygh Valley in accordance with the Rural Communities Administrative Rules of the State of Oregon. The revised Wasco County Land Use and Development Ordinance wording adopted by these ordinance amendments is attached as Exhibit A, and the revised Zoning Map is attached as Exhibit B.

SIGNED this 18th day of August, 1999.

WASCO COUNTY COURT

John Mabrey, Judge

Absent

Scott McKay, Commissioner

Dan Ericksen, Commissioner

Approved as to Form:

Eric J. Nisley
Wasco County District Attorney

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SECTION ----- "RC-TV-R" TYGH VALLEY RESIDENTIAL ZONE

A. Purpose

The purpose of the "RC-TV-R" zone is to provide for single family residential use where single family dwellings, including manufactured homes, may be located on single-family lots/parcels, where manufactured home parks may be established conditionally if designed in accordance with zoning density standards and where single-family residential uses plus related compatible uses can be sited. This zone is designed for parcels 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 "RC-TV-R" zone shall comply with the following regulations.

B. Permitted Uses

In the "RC-TV-R" 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 dwelling/manufactured home on each legal lot/parcel subject to Section 4.160. Pre-existing sub standard lots/parcels must provide proof of adequate sewer and water subject to DEQ standards. New lots/parcels which have tested to a higher density (see property development standards) shall adhere to the well and/or sub-surface septic system location requirements approved in conjunction with a partition and concurrent binding site plan.

2. Home occupation that:

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

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

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

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

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

trade.

3. Subdivisions subject to section 21.

C. Uses Permitted Conditionally

In the "RC-TV-R" 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 (Conditional Use Review) and this Chapter:

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

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

3. Golf courses.

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

5. Utility facilities necessary for public service except landfill.

6. Bed and breakfast inns.

7. Multi-family dwelling complex.

8. Home occupation, subject to Chapter 20.

9. Planned Unit Developments subject to section 18.

10. Retirement Center or nursing home.

11. Church.

D. Property Development Standards

1. Property Size- The purpose of this section is to ensure compliance with state rules and statutes requiring that unincorporated communities be zoned in a manner ensuring that when fully built out development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, and will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

a. New lots or parcels served by an approved community, municipal or public water system shall have a minimum average width of 250 feet and a minimum area of 2 acres.

Lot/parcel owners can elect to test to a higher density, up to .5 acres, with a minimum average lot width of 100', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of Section 21. This site plan shall indicate an approved location for sub-surface septic system(s) which shall not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic facilities from adjoining properties to ensure the full well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Watermaster prior to acceptance by the Planning Department.

b. New lots or parcels not served by an approved community, municipal or public water system, evaluated in accordance with state laws governing review of public facilities plans in rural communities, shall a have a minimum average width of 250 feet and a minimum area of 4 acres.

Lot or parcel owners can elect to test to a higher density, up to 1.5 acres with a minimum average lot width of 150', by providing the Wasco County Planning Department with a concurrent binding site plan in addition to meeting the requirements of Section 21. This site plan shall indicate an approved location for well(s) and sub-surface septic system(s) which will not adversely impact neighboring properties and prevent them from testing to a higher density. The primary determinant of impacts to adjacent properties will be based on adequate setback of septic and well facilities from adjoining properties to ensure the full septic and well setback is not required to be provided by adjacent property owners. See Diagram 1 below. The site plan shall be reviewed by both the Wasco County Sanitarian and Watermaster prior to acceptance by the Planning Department.

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.

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

e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common 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 with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

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

5. Signs – Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

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

   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 with the exception of athletic field scoreboards which shall be the minimum size for the intended purpose.

   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.

   d. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

e. Signs capable of movement shall be prohibited.

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

7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

8. Building Orientation – New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.

9. Garage/Carport Placement – Garages and carports are encouraged to be located on the side of the single family dwelling.

10. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division, manufactured dwellings shall:

    a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.

    b. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. If the home is placed on a basement, the 12 inch limitation shall not apply.

    c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.

    d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

    e. Be encouraged to have an attached or detached garage or a carport.

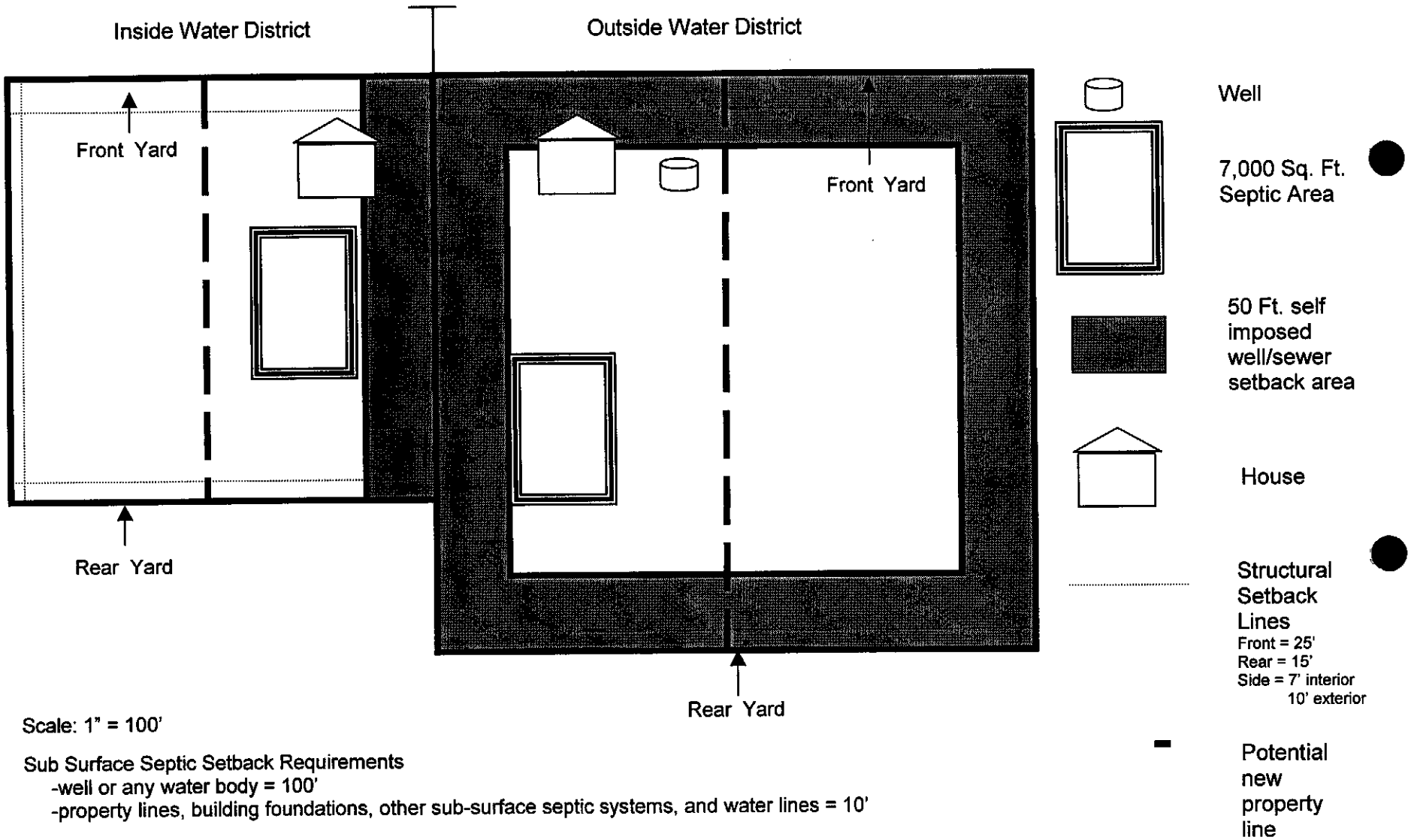
11. Access –

    a. No access will be allowed off of US Highway 197.

b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.

c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

Diagram 1. Density Test Model



Scale: 1" = 100'

Sub Surface Septic Setback Requirements
-well or any water body = 100'
-property lines, building foundations, other sub-surface septic systems, and water lines = 10'

"RC-TV-R" TYGH VALLEY RESIDENTIAL ZONE

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SECTION ---- "RC-TV-C" TYGH VALLEY COMMERCIAL ZONE

A. Purpose

The purpose of the "RC-TV-C" zone is to provide areas for localized shopping facilities. It is intended to preserve and enhance a wide range of retail sales and service establishments serving both the long and short term needs ofTygh Valley and its surrounding area.

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

B. Permitted Uses

In the "RC-TV-C" zone, the following uses and activities and their accessory uses are permitted subject to the applicable provisions and exceptions set forth by this Ordinance:

Any new commercial service, or retail use, listed in Section C of this zone, that will be located entirely within an existing, lawfully erected building or structure.

C. Uses Permitted Subject Site Plan Review

In the "RC-TV-C" zone The following small scale low impact commercial uses and their accessory uses are permitted in a building or buildings not exceeding 4,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review)and this Chapter:

1. Any combination of the following uses:

   a. Retail or service business

   b. Eating or drinking establishment

   c. Offices

   d. Veterinary clinic and kennel entirely within an enclosed building

   e. Studio

   f. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except

where such building walls abut streets or alleys.

g. Residential use in the same building as an allowed use.

D. Uses Permitted Conditionally

In the "RC-TV-C" zone, the following uses and small scale low impact commercial 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 (Conditional Use Review) and this Chapter:

1. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

2. Automobile service stations.

3. Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).

4. Utility facilities necessary for public service, except landfill.

5. Recreational Vehicle Park.

6. Church.

7. Place of public assemble, stadium, auditorium, recreation building or natatorium.

8. Public or semi public buildings.

9. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).

10. Public or private school.

11. Child care center.

12. Parks, athletic fields, playgrounds or community centers owned by a governmental agency or non-profit community organization.

13. Medical center.

14. Water supply or treatment facility.

E. 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. If no use is proposed the minimum lot size shall be 2 acres.

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 "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 lines.

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

   e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common 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. with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

   a. Signs shall pertain only to goods and services sold on the premises.

b. No sign shall project above the building.

c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

e. 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.

f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

g. Signs capable of movement shall be prohibited

h. 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.

6. Parking - Off street parking shall be provided in accordance with Section 4.110 (Off-Street Parking).

7. Design standards -Ground floor windows. The following criteria for ground floor windows are encouraged for all new commercial buildings.

   a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.

   b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.

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 waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

9. Outdoor Storage - outdoor storage must be enclosed by a sight obscuring fence, wall or landscaping; all of which shall be maintained.

10. Access –

    a. No access will be allowed off of US Highway 197.

    b. Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.

    c. All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.

    d. Any commercial use generating in excess of 200 trips per day shall be required to prepare a traffic impact study demonstrating that traffic generated can be accommodated within Oregon Department of Transportation Standards or necessary improvements, identified by the traffic study, to the affected highway will be made prior to commencement of the commercial operation.

SECTION ---- "RC-TV-M1" TYGH VALLEY LIGHT INDUSTRIAL/COMMERCIAL ZONE

A. Purpose

The "RC-TV-M1" zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and commercial uses with limited external impact.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC-TV-M1" zone shall comply with the following regulations.

B. Permitted Uses

In the "RC-TV-M1" zone, the following uses and activities and their accessory uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new industrial use listed in C of this zone, that will be located entirely within an existing, lawfully erected building or structure.

C. Uses Permitted Subject to Site Plan Review

In the "RC-TV-M1" zone, the following small scale low impact industrial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process.

2. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.

3. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.

4. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

5. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

6. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.

7. Transfer company and trucking companies.

8. Laundry and cleaning service industries.

9. Circus, rodeo or like activity.

10. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

11. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard

12. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities)

13. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

D. Uses Permitted Conditionally

In the "RC-TV-M1" zone, the following small scale low impact industrial and commercial 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 (Conditional Use Review) and this Chapter:

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:

   a. Retail or service business

   b. Eating or drinking establishment.

   c. Offices

d. Veterinary clinic and kennel entirely within an enclosed building.

e. Studio

f. Public garage, including usual automobile repairs and servicing enclosed within the building that When within fifty (50) feet of an "A" or an "R" zone, there shall be no openings in the building walls facing the boundaries of an "A" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.

g. Residential use in the same building as an allowed use in a through f above.

2. Motel with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-101(2).

3. Automobile service stations.

4. Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).

5. Utility facilities necessary for public service, except landfill.

6. Recreational Vehicle Park.

7. Church.

8. Place of public assemble, stadium, auditorium, recreation building or natatorium.

9. Public or semi public buildings.

10. Commercial amusement establishments when enclosed in a building(stadium, theatre, bowling alley, theatre).

11. Public or private school.

12. Child care center.

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

14. Medical center.

15. Water supply or treatment facility.

16. Junk yard or automotive wrecking yard.

17. Recreation areas and facilities, including but not limited to: golf courses.

18. Bulk storage of petroleum or gas.

19. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.

E. 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, 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 Yards - Where the side of a lot or parcel in an "M-1" zone abuts the side of 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.

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

e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common 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.

5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

   a. Signs shall pertain only to goods and services sold on the premises.

   b. No sign shall project above the building.

   c. 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 with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

   d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

   e. 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.

   f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   g. Signs capable of movement shall be prohibited.

   h. 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.

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

7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

8. Outdoor Storage - outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

9. Design standards -Ground floor windows. The following criteria for ground floor

windows are encouraged for all new commercial buildings.

a. The window should equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior walls up to 9 feet above the finished grade. The window criteria apply to the ground level of exterior building walls that abut sidewalks or roads.

b. Windows should allow views into either working areas, lobbies, pedestrian entrances, or displays.

SECTION ------ "RC-TV-M2" TYGH VALLEY MEDIUM INDUSTRIAL ZONE

A. Purpose

The purpose of the "RC-TV-M2" zone is to provide for the location of needed industrial uses which are not dependent upon urban services. The "RC-TV-M2" zone encourages orderly and compatible development of industrial uses while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC-TV-M2" zone shall comply with the following regulations.

B. Permitted Uses

In the "RC-TV-M2" zone, the following uses and activities and their accessory uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new industrial use, listed in C of this zone, that will be located entirely within an existing, lawfully erected building or structure.

C. Uses Permitted Subject to (Site Plan Review)

In the "RC-TV-M2" zone, the following small scale low impact commercial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review)and this Chapter:

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

2. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, tobacco, wax, wire, wood yards, and paint not employing a boiling process.

3. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.

4. Wood products manufacture but excluding paper and pulp manufacture

and planing and lumber mill.

5. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

6. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.

7. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.

8. Transfer company and trucking companies.

9. Laundry and cleaning service industries.

10. Circus, rodeo or like activity.

11. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.

12. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard

13. Energy facilities and commercial energy facilities subject to the provisions of Chapter19 (Standards for Energy Facilities).

14. Utility facilities necessary for public service, except landfill.

15. Veterinary clinic or kennel.

D. Uses Permitted Conditionally

In the "RC-TV-M2" zone, the following small scale low impact uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 10,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review) and this Chapter:

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

2. One mobile home or watchman's quarters accessory to a permitted or conditional use.

3. Mobile homes or recreational vehicles, as defined in Section 1.090, accessory to a permitted industrial use for the purpose of providing housing for personnel subject to the following additional criteria:

   a. The request for the mobile home or recreational vehicle shall be submitted in writing. Such request shall state the roles of the persons who will occupy the mobile home or recreational vehicle and provide documentation of employment with the permitted industrial use by at least one member of the household.

   b. The request shall meet all applicable County health and sanitation requirements.

   c. The location and use of the mobile home or recreational vehicle shall meet all other requirements of the zoning district.

   d. No conditional use for a mobile home or recreational vehicle shall be transferable to any other owner or occupant.

   e. Upon termination of the permitted industrial use or conditional use holders termination of employment with the permitted industrial use the conditional use mobile home or recreational vehicle shall be removed within sixty (60) days.

4. Automobile Service Stations.

5. Junk yard or automotive wrecking yard enclosed with a view-obscuring fence or wall.

6. Recreation areas and facilities, including but not limited to: golf courses.

7. Bulk storage of petroleum or gas.

8. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.

9. A campground as defined by OAR 660-033-0130.

E. <u>Property Development Standards</u>

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 Medium Industrial Zone abuts the side of a lot in 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.

   d. Water 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.

   e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common 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.

5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

   a. Signs shall pertain only to goods and services sold on the premises.

b. No sign shall project above the building.

c. 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 with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

d. Signs shall not be placed upon walls or surfaces abutting an "A" or an "R" zone.

e. 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.

f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

g. Signs capable of movement shall be prohibited

h. 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.

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

7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

8. Outdoor Storage - All outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

SECTION ----- "RC-TV-RR" TYGH VALLEY RURAL RESERVE ZONE

A. Purpose

Provide a zone where sensitive areas can be protected and community open space and recreational needs can be accommodated.

B. Permitted Uses

In the "RC-TV-RR" zone, the following uses and activities and their accessory uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

Repair, maintenance, operation and improvement of existing, legally implemented, serviceable structures, including roads.

C. Uses Permitted Conditionally

In the "RC-TV-RR" 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 (Conditional Use Review) and this Chapter:

Suitable community facilities to accommodate community gatherings and/or appropriate levels of recreational activities such as, community buildings, trails, waterfront access, cemeteries, athletic fields and parks.

D. Property Development Standards

1. Property Size - No new parcels.

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.

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.

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

e. Agricultural setbacks – Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common 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 twenty five (25) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.

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

5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

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

   b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   c. Signs capable of movement shall be prohibited.

   d. 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 with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

   e. 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.

6. Parking - Off street parking shall be provided in accordance with Section 4.110 (Off Street Parking)

7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent

properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

SECTION ------ "RC-TV-AG" TYGH VALLEY AGRICULTURAL ZONE

A. Purpose

The purpose of the "RC-TV-AG" zone is to preserve and maintain agricultural lands for farm use consistent with its location within the Rural Community Boundary.

B. Permitted Uses

In the "RC-TV-AG" 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 dwelling/manufactured home on each legal lot/parcel subject to Section 4.160 (Exterior Finishing of Mobile Homes).

2. Home occupation that:

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

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

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

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

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

3. Public parks, athletic fields, recreation areas, preserves and community or neighborhood centers in accordance with Chapter 20 (Site Plan Review).

4. Farm use as defined by ORS 215.203, Oregon Revised Statutes, and found in Section 1.080 (Definitions).

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

6. Creation, restoration and enhancement of wildlife habitat.

7. Dude ranches and hunting and fishing lodges in accordance with Chapter 20

(Site Plan Review).

C. Uses Permitted Conditionally

In the "RC-TV-AG" 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 (Conditional Use Review) and this Chapter:

1. Home Occupations, subject to Chapter 20 (Site Plan Review).

2. Bed and breakfast Inn in an existing residence, subject to Chapter 20 (Site Plan Review).

3. Commercial activities in conjunction with farm use.

4. Dog kennels, except that such uses are prohibited on high value farmland.

5. Propagation, cultivation, maintenance, and harvesting of aquatic or insect species.

6. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).

7. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources subject to ORS 215.298 and WCLUDO Section 3.800 (Mineral & Aggregate Overlay).

8. Utility facilities "necessary" for public service.

9. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).

10. Water supply and treatment facility.

11. Sewage disposal and treatment facility.

D. Property Development Standards

1. Property Size - New lots or parcels shall have a minimum average width of 500 feet and a minimum area of 20 acres.

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.

b. Side Yard - No structure other than a fence shall be located closer than seven (25) feet from side property.

c. Rear Yard - No structure other than a fence shall be located closer than fifteen (40) feet from the rear property line.

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

e. Agricultural setbacks – Any new structures requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common 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. with the exception of lights for athletic fields which shallbe the minimum height necessary for the intended purpose.

5. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:

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

   b. Illuminated, flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.

   c. Signs capable of movement shall be prohibited

   d. 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 with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.

   e. 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.

6. Parking - Off street parking shall be provided in accordance with Section 4.110 (Off-Street Parking)

7. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.

8. Manufactured dwelling provisions - In addition to the minimum set-up and stand requirements established by the Oregon State Department of Commerce, Building Codes Division manufactured dwellings shall:

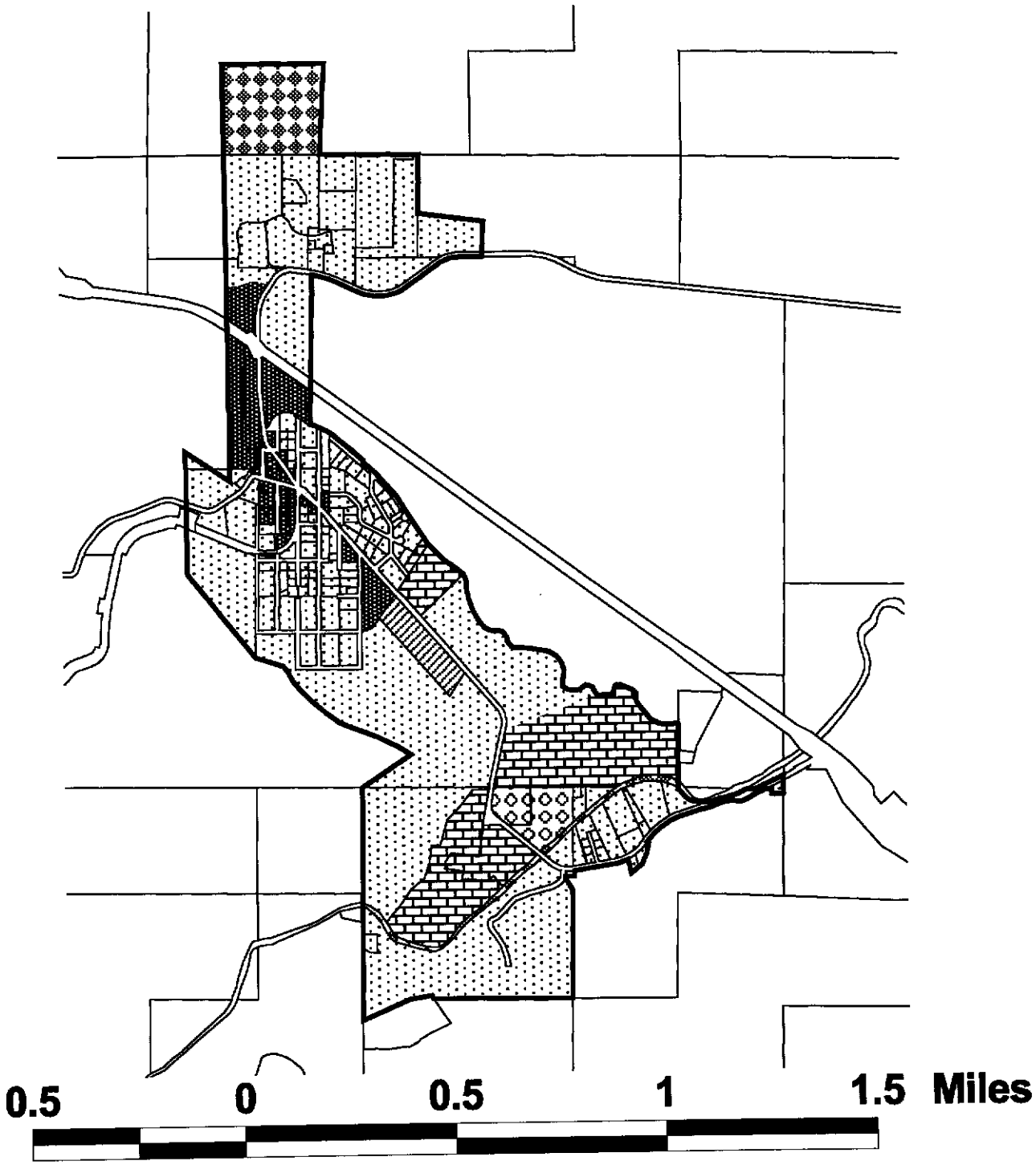
   a. Be at least 18 feet wide and enclose a space of not less than 1,000 square feet.

   b. Be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. If the home is placed on a basement, the 12 inch limitation shall not apply.

   c. Have a minimum roof pitch which is 3 feet in height for each 12 feet in width.

   d. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

Tygh Valley Rural Community
Final Zoning Map



Rural Service Center Boundary
Parcels
Zoning
Residential (R)
Rural Reserve (RR)
Commercial (C)
Commercial/Light Industrial (M1)
Medium Industrial (M2)
Agriculture

N
W
E
S

EXHIBIT B

Wasco County GIS
August 1999
T.C.

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