

Wasco County Planning Department

Frequently Asked Questions

Disclaimer: The following list is not comprehensive and is intended to provide only basic answers to some of the Planning Department's most commonly asked questions. Please contact us at 541.506.2560 or wcplanning@co.wasco.or.us if you have questions or need further explanation. A planner will be happy to assist you!

What is a lawfully created parcel and why is this distinction important?

Determining whether a parcel was lawfully created is the first and most important question the Planning Department researches when we receive a land use application. Per Section 1.090 of the Wasco County Land Use and Development Ordinance (LUDO), a parcel is determined to be legal if it was created through one of three ways:

1. A lot in an existing, duly recorded subdivision
2. A parcel in an existing, duly recorded land partition
3. A deed or sales contract recorded with the County Clerk prior to September 4, 1974

September 4, 1974 is the date on which partition and subdivision laws are recognized to have come into effect throughout Wasco County. Any parcels created by deed or sales contract recorded with the County Clerk before this date are considered grandfathered in the current land use system. In order to build, renovate, or replace any structures, a parcel must be lawfully created.

What is a lawfully established dwelling and why is this distinction important?

In order to alter, restore, relocate, or replace a dwelling on resource lands it must first be determined to be lawfully established. 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

Dwellings that can be proved to exist prior to September 4, 1974 are grandfathered as lawfully placed. Planning approvals, building permits and septic permits can help establish if and when a dwelling was lawfully established.

What is an accessory structure and how do I get a permit for one?

Commonly thought of as shops, detached garages, and storage sheds, the Wasco County Land Use and Development Ordinance (LUDO) defines accessory structure as: *"A detached structure, its footprint being less than ¾ of the primary structure's footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land, and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings"*.

Outside the National Scenic Area:

- A. No review is necessary for accessory structures **200 square feet or less**, and less than **10'** in height (unless located in a riparian buffer or EPD.) In forest zones you cannot get approval for any permanent structure that is accessory to a forest or farm use.
- B. Structures **larger than 200 square feet or over 10' in height**, require planning department approval prior to applying for required building permits
- C. However, regardless of size, **all structures** must meet required setbacks and other land use standards

In the National Scenic Area:

- A. Size is limited by the acreage of the property (Not $\frac{3}{4}$ of the dwelling footprint)
- B. Structures **60 square feet and less than 10'** in height require no review (unless located in a riparian buffer or EPD.)
- C. Most zones allow an expedited review for one accessory structure that is **60-200 square feet** and **10'** or less in height; otherwise accessory structures require a full review and cannot exceed **24'** in height.

What are setbacks and why do I have to meet them?

Setbacks are the distances between a structure and the road, river, property line or other feature. Each zone in the county has different setback requirements. Setbacks are meant to help protect environmentally sensitive areas and the rights of adjacent property owners, and provide buffers between potentially conflicting uses (i.e. working farms and non-farm dwellings).

Once you know the zoning for a parcel, you can determine setback requirements. On the Planning Department homepage select "Wasco County Zoning" or "National Scenic Area Zoning" under Quick Links on the left side of the screen. This will open a list of each zone in the county or scenic area. Open the appropriate zoning chapter, and find setback requirements under the "Property Development Standards" section.

What is a fire fuel break?

Fire safety standards and creating fire fuel breaks are important to protect the health, safety and welfare of county residents. A fire fuel break is an area of **reduced and/or managed vegetation** surrounding development designed to slow and minimize fire intensity. A 50-foot fuel break is required around all new structures in any resource zone, while a 30-foot fuel break is required around structures inside residential zones. Maintenance standards for fire fuel break areas are described in detail in the Fire Safety Standards. Fire Safety Standards are detailed in Chapter 10 of the Wasco County LUDO and Chapter 11 of the National Scenic Area LUDO.

What uses are allowed in the zone where my property is located?

Zoning chapters in the Wasco County and National Scenic Area Land Use and Development Ordinances organize allowed uses in four categories:

- Uses Permitted without Review

- Uses Permitted Subject to Type I Review
- Uses Permitted Subject to Standards/Type II Review
- Uses Permitted Subject to Conditional Use Review/Type II/III.

These sections and their allowed uses are located at the beginning of each zoning chapter. After doing some preliminary research, we advise you to call the Wasco County Planning Department to talk with a planner about more specific questions and next steps.

How can I find the zoning of my property?

You can find the zoning for your property by using the [Wasco County Web Map](#). A [step-by-step tutorial](#) that explains how to use the web map tool is located on the Wasco County Planning Department homepage. Locate properties on the Web Map by zooming in or searching by property tax account number, map and taxlot, owner name or address. Once you have identified a property, open the “Map Contents” icon tool and expand the Zoning tab and select either Wasco County or National Scenic Area zoning. If you do this step and nothing happens, deselect that zone and choose another. This may happen if a property is located in the National Scenic Area and you select Wasco County Zoning, or vice versa.

Can I replace my home?

Legal dwellings can be replaced subject to current land use and development criteria. The most important issue in answering this question is determining whether the dwelling was lawfully established (see “**What is a lawfully created parcel and why this distinction is important?**”). In order to replace any dwelling, the existing structure must meet the following criteria in order to be considered legal:

- a. Has intact interior walls and roof structure;
- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
- c. Has interior wiring or interior lights;
- d. Has a heating system

If an existing structure meets all of the legal dwelling criteria, the process to replace it is dependent on the zoning of the parcel, applicable siting requirements, and conditions to removal of the existing dwelling.

Is my property in a floodplain or other special environmental overlay zone?

If a property is within a floodplain or designated environmentally sensitive overlay zone significant restrictions could affect future property development. There are multiple ways to determine if a property is located in a floodplain or other sensitive environmental overlay zone. **Federal Emergency Management Agency (FEMA) maps** and **Environmental Protection District (EPD) maps** available at the Wasco County Planning office or on the Wasco County Web Map provide the best option to preliminarily determine if a property is in a floodplain or EPD.

In some areas of the county FEMA maps do not accurately depict certain flood areas. In these cases other options for floodplain determination exist, including hiring a certified engineer to make a determination on the base flood elevation or requesting a letter of map amendment from FEMA. In some circumstances, the Wasco County Planning Director can make a floodplain determination. Floodplain determination can become a complex process; we recommend you contact the Planning Department if there is any question regarding the floodplain status of a property.

What steps are required to divide my property?

The first step is to **determine the zone** of the property you want to divide. All zones have specific **minimum sizes** for new parcels. For instance, the Rural Residential (RR-5) zone requires that all new parcels be five acres in size, so an existing parcel must be at least 10 acres in order to be further divided. Land partitions and subdivision are two ways to divide a property. A **partition** divides an area or tract of land into **two or three parcels**, while a **subdivision** divides an area or tract of land into **four or more lots**, within a calendar year. A **property line adjustment** is the relocation of a common property line between two abutting properties where no new parcels are created and where any parcel reduced in size still complies with minimum parcel size for the zone.

All divisions of land, regardless of the number of lots or parcels, must comply with the requirements of the underlying zone, including uses of land, parcel size and dimensions, space for off-street parking, landscaping and other requirements. For a partition smaller than 10 acres, or any subdivision, a survey and final plat map must be completed by a professional land surveyor and recorded with the Wasco County Clerk. Partitions larger than 10 acres require a plat map to be submitted, but the property does not need to be resurveyed following the land division. For more information regarding land divisions contact the Planning Department.

How can I qualify for an Agricultural Exempt Building Permit?

In any zone which allows agricultural uses as a permitted use, you can get an agricultural exempt building permit if you submit a verified farm management plan and can prove the property is: 1) in Farm Deferral with the Wasco County Assessor; and 2) the proposed building meets the definition of an agricultural building per Oregon law (ORS 455.315).

Agricultural exempt buildings are structures **located on a farm** and **used in the operation of the farm** for the following:

1. Storage, maintenance or repair of farm machinery and equipment
2. The raising, harvesting and selling of crops
3. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees
4. Dairying and the sale of dairy products; or
5. Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

If your building meets this definition, you will also need to do the following: establish that the parcel was lawfully created, submit a site plan which meets property development standards, obtain a road approach permit and sanitation approval (if applicable), submit a signed floor plan of the Farm Agricultural Building which relates to the farm management plan, and file a Restrictive Covenant for the agricultural use of the structure at the Wasco County Clerk's Office.

How do I use the Wasco County Web Map?

The Wasco County Web Map is an interactive web-based tool to help people access important information about all property in Wasco County. In order to better understand how to use the Wasco County Web Map, open [the tutorial](#) located below the Web Map icon on the Wasco County Planning homepage. This document provides general directions and shows where various features are located within the mapping program. The Web Map tool is helpful to identify important information about a property, including: zoning, proximity to flood and geologic hazards, land division history, past surveys and more.

Using the Web Map tutorial as a guide, search for a specific property, open various layers, aerial photographs, and base maps until you have all the information you desire. Printing web maps can be done at any time by selecting the printer icon in the upper right corner.

What does the Planning Department do with my land use application and what are timelines to review it?

Once an application is submitted, the Planning Department has **30** days to determine that all required information has been submitted, usually in conjunction with a site visit. Per state law, once it is determined that an application is complete, the Planning Department has **150 days** to make a decision. This includes verification that the parcel was lawfully created, and ensuring that the request will meet all applicable County and State laws. Certain applications may require the Planning Department to notify other agencies and affected property owners and provide time for them to comment on the application.

Once a planner has gathered all the necessary information, he or she will write a staff report and include any "conditions" necessary to ensure that the requested development complies with applicable regulations. The Planner will then issue a Notice of Decision and notify surrounding property owners and affected agencies. Anyone receiving the Notice of Decision has **12 days** to appeal and request a hearing before the Planning Commission. The appeal period is **15 days** for property in the National Scenic Area. Planners are usually reviewing several applications at once, and applications are prioritized by the order they are submitted.

My request has been approved, now what do I do?

The land use decision becomes final if no appeals are filed within the appeal period. Once the decision becomes final, conditions need to be met within the time frame set forth in the approval. Conditions of approval are recorded by staff with the Wasco County Clerk prior to applying for any building permits. A land use approval will become invalid if development has not started within two (2) years of the date of

approval; and if the use approved is discontinued for any reason for one (1) continuous year or more. Contact the Planning Department for details relating to specific conditions of approval.

What other agencies/departments do I have to get permits from for my development? Who are they and when do I contact them?

Mid-Columbia Building Codes Services processes all structural permit applications. Following the approval of a land use application, the Wasco County Planning Department will sign a building permit for zoning and flood plain approval. Additional signatures will be needed from the North Central Public Health District for sanitation approval. While planning approval is required prior to getting any building permit, we advise you to talk with Building Codes (541-298-4461), North Central Public Health District (541-506-2600) and the Wasco County Planning Department (541-506-2560) as soon as possible concerning prospective projects. Each department will inform you about their requirements in the permitting process.