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CHAPTER 4 SUPPLEMENTAL PROVISIONS

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CHAPTER 4 SUPPLEMENTAL PROVISIONS

SECTION 4.010 Authorization of Similar Uses

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

SECTION 4.020 Exceptions

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

- A. The proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Land Use and Development Ordinance; and,
- B. The proposed use would serve an immediate public need; and,
- C. There is inadequate time available for a review of the use through normal procedures, and delays would impair project implementation or pose hazards to property or public health, safety or welfare.

SECTION 4.030 Impact Review

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

SECTION 4.040 Exemptions

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

SECTION 4.050 Maintenance of Open Space

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots.

Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this Ordinance.

SECTION 4.060 General Exceptions to Yard Requirements

The following exception to yard requirements is authorized for a lot in any zone:

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

SECTION 4.070 General Exceptions to Building Height Requirements (Amended 4-12)

Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand alone power generating facilities) , communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

SECTION 4.080 Projections Into Yards

Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

- A. Accessory buildings where permitted.
- B. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than eighteen (18) inches or into front and rear yards not more than twenty-four (24) inches.
- C. Chimneys may project into any required yard not more than eighteen (18) inches.
- D. Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.
- E. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

SECTION 4.090 Vision Clearance

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

- A. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the appropriate zone, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- B. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area removed to a height of eight (8) feet above the grade.
- C. The following measurements shall establish vision areas:
 - 1. In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.
 - 2. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

SECTION 4.100 Fences

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

SECTION 4.110 Through Lots

- A. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.
- B. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the greater height shall not extend more than one hundred fifty (150) feet from that street.
- C. Through lots having a frontage on two streets shall provide the required front yard on each street.

SECTION 4.120 Exterior Finishing of Mobile Homes

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

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

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

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

- A. Only one (1) guest house shall be allowed on a lot-of-record.
- B. The maximum floor area of a guest house, including all levels and basement floor areas shall not exceed six-hundred (600) square feet. Garage area shall not count toward the total floor area.
- C. A guest house shall be located within one-hundred (100) feet of the primary dwelling on the subject lot-of-record. This distance shall be measured from the closest portion of each structure.
- D. Occupants of a guest house and the primary dwelling shall live together as one house keeping unit, sharing one kitchen and one laundry facility, to be located in the primary dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.
- E. All public water, electricity, natural gas and sewer services for the guest house shall be extended from the primary dwelling service. No separate meters for the guest house shall be allowed. A separate telephone line for the guest house may be provided.
- F. A guest house shall use the same septic system as the primary dwelling. Approval from the County Sanitarian shall be required.

SECTION 4.140 Traffic Impact Analysis (TIA)

- A. Purpose - The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips - The latest edition of the Trip Generation Report, published by the Institute of Transportation Engineers (ITE), or a source deemed acceptable to the City Engineer through the pre-application process (Section 4.140(D).(3)) shall be used to gauge the trip generation potential of future development.

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

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

- a. A change in zoning or a plan amendment designation; or
- b. Any proposed development or land use action that ODOT states may result in operational or safety concerns along a state highway; and
- c. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

- (1) An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or
- (2) An increase in intersection traffic volume by 50 Average Daily Trips (ADT) or more (or as required by the Wasco County Roadmaster); or
- (3) An increase in use of adjacent roads by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
- (4) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the adjacent roadway, creating a safety hazard; or
- (5) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- (6) A change in internal traffic patterns that may cause safety problems, such as back up onto the roadway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements

- 1. Preparation - A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
- 2. Transportation Planning Rule Compliance - See Section 9.059 Transportation Planning Rule Compliance.
- 3. Pre-application Conference - The applicant will meet with the County Roadmaster prior to submitting an application that requires a Traffic Impact Analysis. ODOT will be invited to participate in the pre-application conference if a proposal is expected to have impacts to a state transportation facility. The objective of this meeting is to

prepare a scope of the TIA, including the required elements of the TIA and the level of analysis expected.

E. Approval Criteria

1. Criteria - When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a registered professional engineer in the State or Oregon; and
 - b. If the proposed development shall cause one or more of the effects in Section C(1)(c), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet County's volume-to-capacity ratio of 0.85 and satisfactory to the County Road Master, and ODOT when applicable; and
 - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - (1) Have the least negative impact on all applicable transportation facilities; and
 - (2) Accommodate and encourage non-motorized vehicular modes of transportation to the extent practicable; and
 - (3) Make the most efficient use of land and public facilities as practicable; and
 - (4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - (5) Otherwise comply with applicable requirements of the Wasco County Land Development Ordinance.

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

1. Dedication of land for streets/roadways, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
2. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets/roadways that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.