UMATILLA COUNTY

DEVELOPMENT CODE

1983, Amended

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Umatilla County Development Code

Umatilla County Development Code
Chapters 150, 151, 152 & 153

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Editor's note: *The following list of ordinances contain amendments to this Development Code and have been incorporated into this chapter. The ordinance numbers listed below are linked to the text of the actual ordinance found on the County's website:* 83-4, 84-3, 85-7, 87-1, 87-12, 87-13, 89-02, 90-2, 91-06, 93-01, 93-03, 94-01, 94-19, 99-06, 99-10, 2000-04, 2000-10, 2002-01, 2002-02, 2002-08, 2003-02, 2003-10, 2003-14, 2004-13, 2005-02, 2005-09, 2005-13, 2005-17, 2006-04, 2007-01, 2008-09, 2009-09, 2010-01, 2010-05, 2011-02, 2011-03, 2011-08, 2012-02, 2012-04, 2012-05, 2012-07, 2012-13, 2013-02, 2014-04, 2014-06, 2015-03, 2015-07, 2016-02, 2016-05, 2018-04, 2018-06, 2019-03, 2019-09, 2020-01, 2020-05

Key to formatting this document:

(1) Numbering, Spacing - The following is an example of the numbering style used throughout the Development Code.

Section # The section number is flush left.

(A) The 1st division, first-line indented .25" and all other lines in the paragraph are flush left.

(1) The 2nd division - .5".

(a) The 3rd division - .75".

(i) The 4th division - 1".

1. The 5th division - 1.25".

(2) Font –Times New Roman.

(3) Bookmarks and Hyperlinks – All internal references to other sections in the Code are bookmarked and hyperlinked to provide ease of navigating this document. External references such as to the Oregon Revised Statutes (ORS) are hyperlinked to the State's website. Citations to the ordinances that adopted or updated the various sections are also hyperlinked to the County's website where the full ordinance is available.

Chapter 150: Resource Use Protection

RESOURCE USE PROTECTION

Section

150.01	Title
150.02	Purpose and intent
150.03	Definitions
150.04	Protecting resource uses outside UGB
150.05	Protecting resource uses within UGB
150.06	Change in UGB
150.07	Land use decisions
150.08	Complaints by non-resource users

§ 150.01 TITLE.

This chapter may be cited as the "County Resource Use Protection Ordinance."
(Ord. 93-01, passed 4-7-93)

§ 150.02 PURPOSE AND INTENT.

(A) It is the purpose of this chapter to protect resource-based economically productive activities of the county in order to assure the continued health, safety and prosperity of its residents. Resource uses sometimes offend, annoy, interfere with or otherwise affect others located on or near resource lands. The county has concluded that persons located on or near resource lands must accept the conditions commonly associated with accepted resource uses.

(B) This chapter is intended to limit the availability of remedies based on nuisance or trespass, complaint procedures, rights of action and claims for relief over which the county has jurisdiction, when they otherwise would either have an adverse impact on resource uses which the county seeks to protect, or would impair full use of the resource base within the county.
(Ord. 93-01, passed 4-7-93)

§ 150.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FACILITY. Any real or personal property, including appurtenances thereto and fixtures thereon, associated with a given use.

FARMING PRACTICES. The cultivation, growing, harvesting, processing or selling of plants or animals of any kind, which lawfully may be grown, possessed and sold, including, but not limited to, livestock, sheep, nursery stock, potatoes, cereal grains, green peas, alfalfa, fruit, grapes, melons, canola, and vegetables.

FOREST PRACTICE. This term has the meaning given by ORS 527.620.

GENERALLY ACCEPTED. This term means either a practice or facility which is conducted or used in compliance with applicable federal and state laws; or, if there is no applicable federal or state law, a practice or facility which an average person in the county who is a grower or producer regularly involved in the same type of resource use would reasonably expect to occur or exist in a truly rural setting. The County Board of Commissioner may, as it deems necessary, establish resource user peer review boards consisting of five persons who regularly are involved in the same type of resource use in question, to advise the Commission as to generally

accepted practices or facilities with respect to that resource use.

NON-RESOURCE USE. Any facility, activity or other use of land which does not constitute a resource use, including, but not limited to, residential use, and, also including any aggregate mining use which is not conducted in accordance with a program complying with Goal 5, adopted by the Oregon Land Conservation and Development Commission.

RESOURCE USE. Any current or future generally accepted aggregate mining, farming, ranching or forest practice or facility conducted in compliance with applicable county land use ordinances. ***RESOURCE USE*** does not include the willful growing or unlawful, infested, infected or diseased plants or animals; or trespass which involves actual physical intrusion onto the property of another by a person or by a person's animals.
(Ord. 93-01, passed 4-7-93)

§ 150.04 PROTECTING RESOURCE USES OUTSIDE UGB.

(A) No resource use occurring outside an urban growth boundary (UGB) shall be declared to be a public or private nuisance or trespass, or support any complaint procedure, or give rise to a claim for relief in favor of, or to protect the interests of, non-resource uses or any persons or property associated therewith, to the extent that such right, proceeding or claim would arise under an ordinance or the inherent authority of the county.

(B) This section applies regardless of:

(1) The location of the purportedly affected non-resource use.

(2) Whether the non-resource use purportedly affected existed before or after the occurrence of the resource use.

(3) Whether the resource use or non-resource use has undergone any change or interruption.

(4) Whether the resource use or non-resource use is located inside or outside an area designated as secondary resource lands.
(Ord. 93-01, passed 4-7-93)

§ 150.05 PROTECTING RESOURCE USES WITHIN UGB.

(A) No resource use occurring within an urban growth boundary (UGB) shall be declared to be a public or private nuisance or trespass, or support any complaint procedure, or give rise to a claim for relief in favor of, or to protect the interests of, non-resource uses or any persons or property associated therewith, to the extent that such right, proceeding or claim would arise under an ordinance or the inherent authority of the county.

(B) This section applies:

(1) Regardless of the location of the purportedly affected non-resource use.

(2) Only if the resource use predated the purportedly affected non-resource use.

(3) Only if the resource use has not significantly increased in size or intensity after the effective date of this chapter, or the date on which the applicable urban growth boundary is changed to include the subject resource use within its limits, whichever date is later. However, if the change is

mandated by law, this section shall apply.

(C) In any action or claim for relief alleging nuisance or trespass and arising from a practice that is alleged by either party to be farming or forest practice, the prevailing party shall be entitled to judgment for reasonable attorney fees and costs incurred at trial and on appeal.
(Ord. 93-01, passed 4-7-93)

§ 150.06 CHANGE IN UGB.

To the extent permissible under state law, if an urban growth boundary (UGB) is changed in such a way as to place a resource use either inside or outside such boundary, § 150.04 of this chapter applies with respect to any conflict between a resource use and non-resource use.
(Ord. 93-01, passed 4-7-93)

§ 150.07 LAND USE DECISIONS.

The fact that the County's Comprehensive Plan, development ordinances and land use decisions may allow the siting, development or support of land use decisions may not negate the provisions of this chapter intended to protect a resource use.
(Ord. 93-01, passed 4-7-93)

§ 150.08 COMPLAINTS BY NON-RESOURCE USERS.

Any persons engaged in a non-resource use are deemed on notice that the county will not act on complaints involving a resource use protected under this chapter, wherever located, so long as such resource use complies with applicable provisions of federal and state laws and this chapter.
(Ord. 93-01, passed 4-7-93)

Chapter 151: Planning

PLANNING

Section

151.01	Comprehensive Plan Technical Report adopted by reference
151.02	Comprehensive Plan adopted by reference

§ 151.01 COMPREHENSIVE PLAN TECHNICAL REPORT ADOPTED BY REFERENCE.

The 1980 Comprehensive Plan Technical Report of the county is hereby adopted by reference and incorporated herein as fully as if set out at length in this code of ordinances.
(Ord. passed 5- -80; Ord. passed 9- -82; Ord. 84-3 passed 6-28-84; Ord. 84-6 passed 9-6-84)

§ 151.02 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

The 1983 Comprehensive Plan of the county, with amendments, is hereby adopted by reference and incorporated herein as fully as if set out at length in this code of ordinances.
(Ord. 83-4, passed 5-9-83; Ord. 83-5, passed 8-29-83; Ord. 84-3, passed 6-28-84; Ord. 84-6, passed 9-6-84; Ord. 85-9, passed 6-12-85; Ord. 85-10, passed 11-6-85; Ord. 87-13, passed 12-2-87; Ord. 2002-03, passed 4-3-02; Ord. 2002-08, passed 8-14-02; Ord. 2003-01, passed 1-9-03; Ord. 2003-03, passed 3-11-03; Ord. 2003-08, passed 6-13-03; Ord. 2003-09, passed 1-12-04; Ord. 2003-12, passed 12-8-03; Ord. 2004-01, passed 9-22-04; Ord. 2004-02, passed 9-22-04; Ord. 2004-03, passed 1-28-04; Ord. 2004-04, passed 2-23-04; Ord. 2004-05, passed 2-23-04; Ord. 2004-08, passed 4-30-04; Ord. 2004-09, passed 4-21-04; Ord. 2004-11, passed 6-30-04; Ord. 2004-19, passed 1-25-05; Ord. 2005-05, passed 5-31-05; Ord. 2005-06, passed 5-31-05; Ord. 2005-07, passed 5-31-05; Ord. 2005-08, passed 5-31-05; Ord. 2005-10, passed 4-21-05; Ord. 2005-11, passed 5-17-05; Ord. 2006-01, passed 1-10-06; Ord. 2006-03, passed 1-10-06; Ord. 2006-08, passed 4-5-06; Ord. 2006-09, passed 4-11-06; Ord. 2006-10, passed 4-11-06; Ord. 2006-14, passed 6-13-06; Ord. 2006-16, passed 8-30-06; Ord. 2006-19, passed 12-14-06; Ord. 2007-01, passed 2-7-07; Ord. 2007-07, passed 6-6-07; Ord. 2007-08, passed 6-6-07; Ord. 2007-10, passed 10-9-07; Ord. 2007-12, passed 11-27-07; Ord. 2008-02, passed 1-8-08; Ord. 2008-09, passed 6-16-08; Ord. 2009-02, passed 5-6-09; Ord. 2010-03, passed 6-7-10; Ord. 2010-07, passed 10-6-10; Ord. 2014-09, passed 9-17-14; Ord. 2014-10 passed 9-17-14; Ord. 2018-01 passed 5-16-18; Ord. 2019-02, 3-20-19;)

Chapter 152: Development Code

GENERAL PROVISIONS

Sub-Sections:

152.001	Title
152.002	Purpose
152.003	Definitions
152.004	Amended, repealed or modified statutory provisions
152.005	Abrogation; greater restrictions to prevail
152.006	Compliance
152.007	Consistency with plan and laws
152.008	Land ownership
152.009	Authorization of similar uses
152.010	Access to buildings; private driveways and easements
152.011	Vision clearance
152.012	Outdoor storage in residential zones
152.013	Mobile homes
152.014	Seasonal farm worker housing
152.015	Fences
152.016	Riparian vegetation; wetland drainage
152.017	Conditions for development proposals
152.018	Access management and street connectivity
152.019	Traffic impact study
152.020	Storage containers
152.021	Pedestrian Access & Circulation
152.022	Rules for Rounding Numbers

§ 152.001 TITLE.

This chapter shall be known as the "Umatilla County Development Code" (UCDC).
(Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-2019)

§ 152.002 PURPOSE.

The intent of purpose of this chapter is to promote the public health, safety and general welfare and to carry out the County Comprehensive Plan, the provisions of ORS Chapters 92 and 215 and the Statewide Planning Goals adopted pursuant to ORS Chapter 197. This chapter is to establish use zones and regulations governing the development and use of land within portions of the county; to provide regulations governing non-conforming uses and structures; to establish and provide for the collection of fees; to provide to the administration of this chapter and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of this chapter; to provide for conflicts with other ordinances or regulations; and provide classifications and uniform standards for the division of land and the installation of related improvements in portions of the unincorporated area of the county.
(Ord. 83-4, passed 5-9-83)

§ 152.003 DEFINITIONS.

Alphabetical Definition Categories:

A | **B**| **C** | **D** | **E** | **F** | **G** | **H** | **I** | **J** | **K** | **L** | **M**

N | O | P | Q | R | S | T | U | V | W | X | Y | Z

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A

A-FRAME SIGN. A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

ABUT. Adjoining with a common boundary line or property line.

ACCESS. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

ACCESS CLASSIFICATION. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control**.**

ACCESS CONNECTION. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

ACCESS MANAGEMENT. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

ACCESSORY USE or ***STRUCTURE OR DWELLING.*** A use, structure, or dwelling which is subordinate to and serves a principal building or principal use and is subordinate in area, extent, or purpose to the principal building or principal use served, and contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and is located on the same lot as the principal building or principal use.

ACCESSWAY. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

ADULT BOOKSTORE or ***ADULT MOVIE THEATER.*** A retail establishment selling publications and other materials of a sexual nature, or showing films or using other moving picture medium that present material distinguished or characterized by an emphasis on depicting, describing or relating to specified sexual activities, including, but not limited to, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual inter-course or sodomy; fondling or other erotic touching of human genitals, pubic region or female breasts.

AIRCRAFT. Includes airplanes and helicopters, but not hot air balloons or ultralights.

AIRPORT. The strip of land used for taking off and landing aircraft, together with all adjacent land used in 1994 in connection with the aircraft landing and taking off from the strip of land, including but not limited to land used for existing commercial and recreational airport uses and activities as of December 31, 1994.

AIRPORT APPROACH SAFETY

ZONE. The land that underlies the approach surface, excluding the Runway Approach Zone.

AIRPORT ELEVATION. The highest point of an airport's usable runway, measured in feet above mean sea level.

AIRPORT HAZARD. Any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off.

AIRPORT IMAGINARY SURFACES. Those imaginary areas in space which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

AIRPORT SPONSOR. The owner, manager, person or entity designated to represent the interests of an airport. [OAR 660-013-0020]

ALLEY. A street which affords only a secondary means of access to property.

ALTER. Any change, addition or modification in construction or occupancy of a building or structure.

ALTERATION OF A WATERCOURSE. Includes, but is not limited to, any dam, culvert, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area or capacity, which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

AMUSEMENT ESTABLISHMENT (COMMERCIAL). An establishment engaged in providing amusement or entertainment for a fee or admission which may include structures and buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

AMENDMENT. A change in the wording, context, or substance of this chapter, or a change in the zone of district boundaries or sub-district boundaries or sub-district boundaries upon the zoning map.

APPLICANT. A person submitting an application for development.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for utility runway having only visual approaches; 1,500 feet for a runway other than a utility runway having only visual approaches; 2,000 feet for a utility runway having a nonprecision instrument approach; 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a nonprecision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:10) for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of

10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

AQUATIC SPECIES. Plant or animal species which grow or live in or on the water.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zone designations on FIRMs include the letters A or V. Also known as the Special Flood Hazard Area (SFHA).

ASSESSOR'S ROLL. A list of all the tax accounts or tax lots assigned for assessment purposes in the county.

AUTOMOBILE SERVICE STATION. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tire, batteries and similar accessories.

AUTOMOBILE WRECKING YARD. A premise used for the storage or sale of used automobile or truck parts or for storage, dismantling, or abandonment of obsolete automobiles, trailers, trucks, machinery, or parts thereof.

B

BALLOON SIGN. A sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

BANNER SIGN. A sign made of fabric or other nonrigid material with no enclosing framework.

BASE FLOOD ELEVATION (BFE). The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

BASEMENT. The portion of a structure with its floor sub grade (below ground level) on all sides.

BELOW-GRADE CRAWLSPACE. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

BICYCLE. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

BICYCLE FACILITIES. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

BIKEWAY. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

(1) ***Multi-use Path***. A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.

(2) ***Bike Lane.*** A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

(3) ***Shoulder Bikeway***. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.

(4) ***Shared Roadway***. A travel lane that is shared by bicyclists and motor vehicles.

(5) ***Multi-use Trail***. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians

BILLBOARD. An outdoor advertising sign, being any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and occupation products primarily sold or manufactured thereon.

BIOFUEL means liquid, gaseous or solid fuels derived from biomass.

BIOMASS means organic matter that is available on a renewable or recurring basis and that is derived from:

(1) Forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and reduce uncharacteristic stand replacing wildfire risk;

(2) Wood material from hardwood timber described in ORS 321.267 (3);

(3) Agricultural residues;

(4) Offal and tallow from animal rendering;

(5) Food wastes collected as provided under ORS 459 or 459A;

(6) Yard or wood debris collected as provided under ORS 459 or 459A;

(7) Wastewater solids; or

(8) Crops grown solely to be used for energy.

Biomass does not mean wood that has been treated with creosote, pentachlorophenol, inorganic arsenic or other inorganic chemical compounds.

BLOCK. A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street. A ***BLOCK*** is usually further divided into lots for building purposes.

BOARD. The Board of County Commissioners of Umatilla County, Oregon.

BOARDING, LODGING OR ROOMING HOUSE. A dwelling or part thereof in which lodging is provided by the

owner or operator to more than two boarders.

BOARDING STABLE. A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premise.

BOND. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the County Commission. All bonds shall be approved by the County Commission wherever a bond is required by this chapter.

BOUNDARY LINE ADJUSTMENT. ***(***See ***PROPERTY LINE ADJUSTMENT)***

BULK GOODS AND MATERIALS. Goods and materials that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; and landscaping materials (except for plant nurseries), including sod, wood chips, sand, gravel, mulch, and topsoil.

BUFFER. A horizontal distance between certain uses, intended to preserve vegetation, reduce noise and glare, or maintain privacy.

BUILDABLE AREA. The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

BUILDING. A structure built for the support, shelter or enclosure of person, animals, chattels, or property of any kind. For the purposes of this chapter, a canopy is not a building.

BUILDING CODES. The combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and ORS 479.210 to 479.220.

BUILDING COVERAGE. The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

BUILDING HEIGHT. The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

BUILDING LINE. A line of a plat indicating the limit beyond which buildings or other structures may not be erected.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is located.

BUMPER. A permanent device used in parking lots which blocks the front wheels of a vehicle.

C

CAMPGROUND. An area where facilities are provided to accommodate two or more of the following temporary uses: tents, campers, recreational trailers or motor homes. For the purposes of this identification, ***TEMPORARY*** means that each visitation within a campground shall

not exceed 15 days in a 30-day period.

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

CANOPY. A stationary structure, either free-standing or partially supported on one side only by a building wall, designed and built for the protection of pedestrians at the entrance to a commercial or industrial building, or for the protection of motor vehicles while being serviced.

CHANGE OF USE. Any use which substantially differs from the previous use of a building or land. As used in this definition, ***SUBSTANTIALLY DIFFERS*** shall be defined as set forth in the Standard Industrial Classification Manual (SIC).

CHURCH. A building or structure, or groups of buildings or structures, which be design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

CLINIC. A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

CLUSTER DEVELOPMENT. A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under conventional land division procedures, and the resultant land area is devoted to open space.

COMMERCIAL. An activity carried out for monetary gain.

COMMERCIAL DAIRY FARM. A Commercial Dairy Farm is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by the income test in § 152.059 (K) (1) or (K) (2) (b), whichever is applicable, from the sale of fluid milk.

COMMERCIAL RESIDENTIAL USE. A building, portion of a building, or group of buildings designed or used for human occupancy or lodging for which a fee is charged, such as a hotel, motel, tourist court or labor camp, but excluding quarters intended for permanent occupancy such as a duplex or apartment. A trailer park is not included in this definition.

COMMERCIAL TREE SPECIES. Trees recognized under rules adopted under ORS 527.715 for commercial production.

COMMERCIAL WIND POWER GENERATION. An activity carried out for monetary gain using one or more wind turbine generators operated as a single Wind Power Generation Facility that has a combined generating capacity greater than 1 MW.

COMMON OPEN SPACE. An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

COMPLETE APPLICATION. An application form completed as specified by this chapter and the rules and regulations adopted by the Planning Director, Planning Commission or County Commission.

COMPREHENSIVE PLAN. A plan adopted by the Board of County Commissioners as a guide to the growth and

improvement of the county, including modifications or refinements which may be made from time to time.

CONDITIONAL USE. Activities that are similar to other activities permitted within a zone, but are not entirely compatible with the permitted uses or purpose and intent of the zone, or compatible with surrounding land uses on adjacent lands in another zoning district.

CONICAL SURFACE. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above and airport elevation) and upward extending to a height of 350 feet above the airport elevation.

CONTIGUOUS. Next to, abutting or touching and having boundary or portion thereof larger than a single point, which is coterminous (see also ***ABUT***).

CORNER CLEARANCE. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

COUNTY. The County of Umatilla, Oregon.

COUNTY ENGINEER. A registered professional civil engineer licensed by the State of Oregon, who may be either a full-time county employee or retained on a part-time basis to accomplish specific work or projects.

COUNTY ROAD. A Public Road under the jurisdiction of a county that has been designated as a county road by the Board of Commissioners.

CRITICAL FACILITY. A facility that is critical for the health and welfare of the population and is especially important following hazard events. Critical facilities include essential and occupancy structures, special occupancy structures, essential facilities, transportation systems, lifeline utility systems, high potential loss facilities and hazardous material storage facilities.

CROSS ACCESS. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

CROSS-SECTION. A profile of the ground surface perpendicular to the center line of a stream or valley bottom.

CUBIC FOOT PER ACRE means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

CUBIC FOOT PER TRACT PER YEAR means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey.

CUL-DE-SAC. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

D

DATUM. The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

DAY CARE or ***NURSERY.*** An establishment enrolling four or more children between the ages of two and five years and where tuition, fees, or other forms of compensation for the care of children is charged, and which may or may not be licensed or approved to operate as a day care, child care, or nursery.

DECOMMISSIONING FUND. An adequate financial vehicle dedicated and maintained with appropriate adjustments to assure the money to dismantle the Wind Power Generation Facility and to restore the site to a useful, non-hazardous condition.

DEDICATION. Under these regulations, the transfer of property from private to public ownership.

DEDICATION, FEE IN LIEU OF. Payments of cash which are authorized in these regulations when requirements for mandatory dedication of land cannot be met because of physical conditions of the site or other reasons.

DENSITY PROVISIONS. Requirements for each land use district to encourage, protect, and preserve the health, safety and general welfare of the area, through standards which include yards, height, bulk, lot area, lot coverage and occupancy limitation.

DEPARTMENT OF AVIATION. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

DEVELOPER. The owner of land proposed to be developed or his representative. Consent shall be required from the legal owner of the premises.

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, land division, establishment or termination or a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing.

DEVELOPMENT PERMIT. Zoning permit required by this or other county ordinances as a prerequisite to the use or improvement of any land including buildings and structures, land use, occupancy, sewer connection or other similar permits.

DEVELOPMENT WITHIN THE SPECIAL FLOOD HAZARD ZONE. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Development does not include:

(1) Signs, markers, aids, etc. placed by a public agency to serve the public

(2) Driveways, parking lots, or other open space use areas where no alteration of topography occurs;

(3) Minor repairs or improvements to existing structures provided that the alterations do no increase the size or intensity of use, and do not constitute repair of substantial damage, or substantial improvement as defined in this section;

(4) Customary dredging associated with routine channel maintenance consistent with State or Federal laws and permits;

(5) Replacement of utility facilities necessary to serve established and permitted uses;

(6) Accessory residential or noncommercial structures less than 120 square feet in area;

(7) Storage of equipment and material associated with residential uses.

DIGITAL FIRM (DFIRM). Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

DIVIDING LAND. The process of separating a parcel of land or a lot in a subdivision into a number of lots by subdivision or parcels by partitioning. The dividing has occurred when an approved plat or plan has been filed, or, if approval is not required, when less than the entire contiguous land holdings in a single ownership on the effective date of this chapter is transferred to a new owner. (See also ***PARTITION LAND***)

DISTRICT or ***ZONE.*** A section of district of the county within which the standards governing the use of buildings and premises are uniform.

DRUG PARAPHERNALIA SHOP. An establishment which has as a substantial or significant portion of its stock in trade, pipes, water pipes, hookahs, wooden pipes, carburetor pipes, electric pipes, air-driven pipes, corncob pipes, meerschaum pipes and ceramic pipes, with or without screens, permanent screens, hashish head or punctured metal bowls, carburation tubes and devices including carburation masks, bongs, ice pipes or chillers, cigarette rolling papers and rolling machines, and cocaine free-basing kits.

DWELLING, MULTI-FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding units provided.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a recreational vehicle designed for and occupied by one family only. A dwelling must have the following:

(1) Intact exterior walls and roof structure;

(2) Indoor plumbing, consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Interior wiring for interior lights; and

(4) A heating system.

DWELLING, TEMPORARY. A dwelling without any foundation or footings

and which can be removed when the designated time period, activity, or use for which the temporary dwelling was erected or placed has ceased.

DWELLING, TWO-FAMILY. A detached residential building containing two dwelling units for occupancy by not more than two families; a duplex.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities, and also having plumbing facilities either within the dwelling unit or within the same structure as the dwelling unit and shared with other dwelling units.

E

EASEMENT. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

EATING OR DRINKING ESTABLISHMENT. A retail establishment selling food or drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

EAVE. The projecting lower edges of a roof overhanging the wall of the building.

EGRESS. An exit.

ENCROACHMENT. The advancement or infringement of uses, fill, excavation, buildings, permanent structures or other development into a floodway that may impede or alter the flow capacity of a floodplain.

ELEVATED BUILDING. A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

ESSENTIAL FACILITY.

(1) Hospitals and other medical facilities having surgery and emergency treatment areas;

(2) Fire and police stations;

(3) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(4) Emergency vehicle shelters and garages;

(5) Structures and equipment in emergency-preparedness centers;

(6) Standby power generating equipment for essential facilities; and

(7) Structures and equipment in government communication centers and other facilities required for emergency response.

EXISTING BUILDING OR STRUCTURE WITHIN THE SPECIAL FLOOD HAZARD AREA. A structure for which the "start of construction" commenced before September 3, 2010.

EXISTING USE. The use of a lot or

structure at the time of the enactment of this chapter.

F

FAMILY. Two or more persons related by blood, marriage, legal adoption or guardianship, living together as one housekeeping unit, using one kitchen, and providing meals or lodging to no more than two additional unrelated persons, excluding servants; however, up to five additional unrelated persons may be allowed in the case of a foster care home, licensed by an appropriate state or county agency, or a group of not more than five unrelated persons living together as one housekeeping unit, using one kitchen.

FARM OR RANCH OPERATION. A Farm or Ranch Operation means all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in § 152.003.

FARM USE. (as defined in ORS 215.203)

(1) The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management, and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any agriculture or horticulture use; animal husbandry or any combination thereof. FARM USE includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use.

FARM USE also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows. FARM USE also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subdivision (3) of this definition or land as defined in ORS 321.267 (3) or 321.824 (3). FARM USE also includes growing a marijuana crop.

(2) ***CURRENT EMPLOYMENT OF LAND FOR FARM USE*** means:

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

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

(c) Land planted in orchards or other perennials, other than land specified in subdivision (2) (d) of this definition, prior to maturity;

(d) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees, or vineyards for at least three years;

(e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable or grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic

farm use;

(f) Except for land under a single family dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed by ORS 215.283 (1)(u) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under ORS 215.283 (2)(a);

(g) Water impoundments lying in or adjacent to and in common ownership with farm use land;

(h) Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of the land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use.

(i) Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For purposes of the paragraph, illness includes injury or infirmity whether or not such illness results in death;

(j) Any land described under ORS 321.267 (3) or 321.824 (3);

(k) Land used for the processing of farm crops into biofuel, as defined in § 152.003 as BIO-FUEL, if:

(i) Only the crops of the landowner are being processed;

(ii) The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowner; or,

(iii) The landowner is custom processing crops into biofuels from other landowners in the area for their use or sale.

(3) ***CULTURED CHRISTMAS TREES*** means trees are:

(a) Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

(b) Of a marketable species;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and

(d) Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

(4) ***ACCEPTED FARMING PRACTICE*** means a mode of operation that is common to farm of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

FILL. The placement of any material on the land for the purpose of increasing its elevation in relation to that which exists and/or the placement of any material in or

along waterways. Fill material includes, but is not limited to the following: soil, rock, concrete, stumps, wood, glass, garbage, plastics, metal, etc.

FINAL APPROVAL. The last official action of the Planning Director, Hearings Officer, Planning Commission or Board of Commissioners taken on a land use action which has been given preliminary approval, after all conditions and requirements have been met and the required improvements have been installed, or guarantees have been properly secured for their installation.

FINAL PLAT. The map or plan or record of a subdivision or cluster development and any accompanying material as described in the regulations.

FLAG LOT. A parcel which includes a private driveway as a part thereof.

FLOOD. A general or temporary condition or partial or complete inundation of normally dry land areas from:

(1) Overflow of inland or tidal water; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA. The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse or lake or reservoir, which has been or may be covered by a base flood of intermediate regional flood. Excludes any area within the Floodway.

FLOOD HAZARD OVERLAY ZONE. The area containing the Flood Hazard Area and the Floodway.

FLOOD INSURANCE RATE MAP. The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the county.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary and floodway maps, and the water surface elevation of the base flood.

FLOODPROOFING. A combination of structural provisions, changes, or adjustment to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOODWAY. (Regulatory Floodway). The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood.

FLOOR AREA. The total interior dimensions of a building.

FOREST USE. The use of land for the growing management, or harvesting of wood fiber or lands used for watershed protection, wildlife and fisheries habitat or outdoor recreation.

FRONTAGE ROAD. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)

FUNCTIONAL AREA (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

FUNCTIONAL CLASSIFICATION. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

G

GLARE. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE. An area of land with highly-maintained turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A ***GOLF COURSE*** for the purposes of ORS 215.283(2)(e) means a nine or 18-hole regulation golf course or a combination nine and 18-hole regulation golf course consistent with the following:

(1) A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

(2) A regulation nine-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes. (See also ***NON-REGULATION GOLF COURSE***).

GOVERNING BODY. The Umatilla County Board of Commissioners.

GRADE. The slope of a road, street, or other public way, specified in percentage (%) terms.

GRADE (GROUND LEVEL). The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level should be measured at the sidewalk.

GRAVEL PIT. An open land area where sand, gravel and rock fragments are mined or excavated for sale of off-site use.

GRAZING. The use of land for the purpose of feeding animals or livestock from vegetation that is common to and growing on the land.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants for subsequent sale or for personal enjoyment.

H

HEIGHT. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

HEIGHT OF A BUILDING. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of mansard roof or to the average height of the highest gable of a pitched or hip roof.

HELIPAD or ***HELIPORT.*** An area, either at ground level or elevated on a structure, licensed and approved for the

loadings and take-off of helicopters and including any axillary facilities such as parking, waiting roof, fueling, and maintenance equipment.

HEMP OR INDUSTRIAL HEMP. Hemp or industrial hemp shall have the same meaning as defined in ORS 571.305. Growing of Hemp requires a permit from the Oregon Department of Agriculture. Hemp is prohibited in residential zones.

HIGH-VALUE FARMLAND. Land in a tract composed predominantly of soils that are:

(1) Irrigated and classified prime, unique, Class I, or Class II; or

(2) Not irrigated and classified prime, unique, Class I, or Class II.

(3) Includes parcels or tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this definition, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture, or alfalfa. (ORS 215.710)

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG for more information.

HOG FARM. Any premises where 25 or more weaned hogs are maintained.

HOME OCCUPATION. A lawful occupation carried on by a resident of a dwelling as an accessory use with the same dwelling or associated accessory buildings.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging runways 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurant, meeting rooms and recreation facilities.

I

IMPACT AREA. An area that has been identified as needing land or water management to protect against adverse impact such as erosion, slippage, loss of unique plant or wildlife habitat or another feature identified in the Comprehensive Plan as needing special protection where such management is to be implemented through a site investigation program.

INGRESS. Access or entry.

INTERMEDIATE REGIONAL FLOOD. The flood that has a one percent chance of being equaled or exceeded in any single year as designated by the "flood plain information" reports prepared by the U.S. Army Corps of Engineers (see also ***BASE FLOOD***).

IRRIGATED. Irrigated means watered by an artificial or controlled means, such as

sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

J

JOINT ACCESS (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.

JUNK. Any scrap, waste, reclaimable material or debris, including, but not limited to, vehicles, tires, vehicle parts, equipment, paper, metal, rags, glass building materials, household appliance, brush, wood or lumber.

JUNKYARD. Any property used for breaking up, dismantling, storing, distributing, buying or selling of waste materials, scrap, junk, machinery, or two or more unregistered, inoperable motor vehicles, or other types of junk if such activity is not incidental to the main use of the same property.

K

KENNEL. Commercial Dog Boarding Kennel means a lot or premises on which four or more adult dogs are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six months. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not considered to be a kennel.)

L

LAND DIVISION. To divide a tract of land into two or more tracts, parcels or lots when such area or tract of land exists as a unit or contiguous units of land under single ownership.

LANDSCAPING. Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping requirements are included in this chapter for a number of reasons. They preserve natural features of a site for ecological and environmental reasons. They make land more attractive for residential and other uses. They can screen from view unattractive for residential and other uses. They can screen from view unattractive uses such as junkyards, parking lots, or gravel pits. And they can act as buffers, visually separating different types of uses.

LAND USE. A description of how land is occupied or utilized.

LAND USE ACTION. A conditional use, variance, zoning map amendment, land division, or development permit.

LAND USE DECISION. Includes a final decision by a local government concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision, a land use regulation or a new land use regulation. A

Land Use Decision does not include: (1) a decision of a local government which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment; (2) a decision of a local government which approved or denies a building permit issued under clear and objective land use standards. (Pursuant to ORS 197.015 (10))

LATERAL ADDITION. An addition that requires a foundation to be built outside of the foundation footprint of the existing building.

LAWFULLY CREATED LOT OR PARCEL. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. (ORS 92.017).

LAWFULLY ESTABLIHED UNIT OF LAND. A Lawfully established unit of land means:

(1) A lot or parcel created pursuant to ORS 92.010 to 92.192; or

(2) Another unit of land;

(a) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(b) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

(3) A unit of land recorded in the County Records Office or County Assessor's Office prior to the adoption of the county zoning ordinance of 1972 on July 19, 1972.

(4) "Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account.

Units of land that do not meet the minimum zoning requirements are then considered non-conforming (see the definition for ***NON-CONFORMING LOT***).

LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

LETTER OF MAP AMENDMENT (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area;

LETTER OF MAP REVISION (LOMR). A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area;

CONDITIONAL LETTER OF MAP REVISION (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

LIVESTOCK. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

LIVESTOCK FEED YARD or ***LOT.*** An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing and that exceeds the number of animals for the specific zoning district.

LIVESTOCK SALES YARD or ***LOT.*** An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

LIVING HISTORY MUSEUM. A facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation or required off-street parking space.

LOT. A unit of land that is created by a subdivision of land. For purposes of administering the zoning provisions of this Development Code, the word ***LOT*** also refers to units of land created in accordance with this chapter by the partitioning process, or to a unit of land recorded in the County Records Office or County Assessor's Office prior to the adoption of the county zoning ordinance of 1972 on July 19, 1972.

LOT, CORNER. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135º.

LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.

LOT, INTERIOR. A lot, other than a corner lot, with only one frontage on a street.

LOT, THROUGH (also called a double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

LOT AREA. The total area of a lot measured in a horizontal plane within the lot boundary lines, including the land with a county or public road (but not a state highway) that was originally part of the lot prior to the dedication of the right-of-way.

LOT COVERAGE. That portion of a lot that is occupied by the principal building and its accessory buildings, expressed as a percentage of the total lot area. It shall include all projections except eaves.

LOT DEPTH. The average distance measured from the front lot line to the rear lot line.

LOT FRONTAGE. That portion of a lot extending along a street right-of-way line.

LOT LINE. The property line bounding a lot. When determining setback, ***LOT LINE*** includes a line defining an access easement or road right-of-way.

LOT LINE, FRONT. In the case of an interior lot the lot line separating the lot from a street other than an alley, and in the case of a corner lot the shortest lot line along a street other than an alley.

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line of 10 feet in length within the lot parallel to and at a maximum distance from the front line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the state building code.

M

MAJOR PARTITION. A partition which includes the creation of a road or street.

MANUFACTURE. The converting of raw unfinished materials or products into a different character or to use for a different purpose. Such finished goods may be sold to other manufacturers for the production of other, more complex products, or sold to wholesalers who in turn sell them to retailers, who then sell them to end users and consumers.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a recreational vehicle.

MAP. A final diagram, drawing or other writing concerning a minor or major partition.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which Base Flood Elevations shown on a community's FIRM are referenced.

MEDICAL MARIJUANA DISPENSARY (MMJ) OR LABORATORY. A Medical Marijuana Dispensary shall be the same as defined in OAR 333-008-1050 and licensed by the Oregon Health Authority and registered as a business with the Office of the Secretary of State.

MEDICAL MARIJUANA (MMJ) GROW FACILITY OR OPERATION PROPERTY. A Medical Marijuana (MMJ) Grow Site or Grow operation shall be the same as defined in OAR 333 Division 8 where a single parcel of land is used as a grow operation for more than four MMJ cardholders (or patients). A medical marijuana grow facility may also be defined as an operation (single parcel of land) where marijuana is grown for four or more medical marijuana cardholders or persons who consume marijuana for medical purposes.

MEDICAL MARIJUANA PROCESSING FACILITY. A Medical Marijuana Processing Facility is a place

where marijuana is processed for human consumption.

MINING. Includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. ***MINING*** does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site roads construction or other on-site construction or nonsurface impacts of underground mines. A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.

MINI-WAREHOUSE. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

MINOR PARTITION. A partition which does not include the creation of a road or street.

MOBILE HOME. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, dependent on external utility connections, and designed without a permanent foundation for year-round residential use. A unit may contain parts that fold, collapse or telescope for towing and be expanded later to provide additional cubic capacity, as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. For the purposes of this definition, it shall be immaterial whether said unit or component is placed upon property for a temporary, semi-permanent or permanent residence, or that the wheels are removed and the unit or component is supported upon posts, footings or a foundation. This definition does not include travel trailers, motorized homes and campers, pick-up coaches, and camping trailers.

MOBILE HOME PARK. Any place where four or more mobile homes are parked within 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. This definition shall not include the placing of four or more mobile homes on a lot as allowed by § 152.571 which shall take precedence.

MOBILE HOME SUBDIVISION. A sub-division intended to be occupied primarily or exclusively for mobile homes.

MODEL HOME. A dwelling unit located on a parcel of land primarily for the purpose of displaying the type of home available for development in an area.

MODULAR HOME. See ***PREFABRICATED HOMES***.

MOTEL. An establishment providing transient accommodations containing sleeping rooms with at least 25% of the rooms having direct access to the outside

without the necessity of passing through the main lobby of the building.

N

NATURAL ELEVATION WITHIN THE SPECIAL FLOOD HAZARD AREA. The elevation of natural grade, or the grade in existence before September 3, 2010.

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 the sale of such land

NEIGHBORHOOD ACTIVITY CENTER. An attraction or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, employment areas.

NEW CONSTRUCTION WITHIN THE SPECIAL FLOOD HAZARD AREA. A structure for which the "start of construction" commenced after September 3, 2010, and includes subsequent substantial improvements to the structure.

NOISE SENSITIVE AREA. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 DNL.

NON-CONFORMING ACCESS FEATURES. Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.

NON-CONFORMING DEVELOPMENT OR USE. A development or use lawfully existing at the time this chapter became applicable to the development by being in compliance with the standards applicable to it at the time it came into existence, but that would not be lawful except for its pre-existence.

NON-CONFORMING LOT. A plot of land which is smaller than the minimum area required in a particular zone and which either was a tax lot as shown on the Assessor's Roll or was a lot in a recorded subdivision on the date of this chapter. ***NON-CONFORMING LOTS*** may or may not be buildable depending upon the requirements listed in each specific one.

NON-CONFORMING STRUCTURE OR USE. A lawful existing structure or use at the time this chapter or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

NON-REGULATION GOLF COURSE. A golf course or golf course-like development that does not meet the definition of "golf course" in this section, including but not limited to executive golf courses, par three golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges.

NURSERY. Land or greenhouse used to raise flowers, shrubs, and plants for sale.

O

OBSTRUCTION. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

OFF-STREET PARKING. A temporary storage area for motor vehicles that is directly accessible to an off-street road and which is not located on a dedicated right-of-way.

OPEN SPACE, COMMON. Land within or related to a development, not individually owned or dedicated for public use, which is designated and intended for the common use of enjoyment of the residents of the development, and may include such complimentary structures and improvements as are necessary and appropriate.

ORDINARY HIGHWATER MARK. On all lakes and streams that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil and character distinct from that of the abutting upland, in respect to vegetation as that condition exists on July 1, 1984, or as it may naturally change thereafter. If not, ***ORDINARY HIGHWATER MARK*** shall be the line of mean high water.

OUTDOOR STORAGE. The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

OWNER. Where used in relationship to real property, ***OWNER*** means the legal owner of record or, where there is a recorded land sales contract in force, the purchaser thereunder. Where used in relationship to a lot of record dwelling, ***OWNER*** means or includes: the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, step-parent, step-child, grandparent or grandchild of the owner of a business entity owned by any one or a combination of these family members.

P

PAIN MANAGEMENT CLINIC. A pain management clinic is a business or clinic where professional treatment is provided to persons who have chronic pain or addictions.

PARCEL. A unit of land that is created by a partitioning of land.

PARK. A tract of land designated and used by the public, regardless if a fee is charged or not, for active and passive recreation.

PARKING LOT. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PARTITION LAND. To divide an area or tract of land into two or three parcels within a calendar year. ***PARTITION LAND*** does not include: (1) Division of land resulting from lien foreclosure; (2) Division of land resulting from the creation of cemetery lots; (3) Divisions of land resulting from foreclosure of recorded contracts; (4) Adjustment of a property line by the relocation of a common boundary 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 applicable zoning ordinance; (5) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable Comprehensive Plan and ORS 215.213(2)(p) to (r) and ORS 215.283(2)(q) to (s); (6) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highway, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.

PARTITION PLAT. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

PARK MODEL HOME. Park Model Home is a recreational vehicle that is: (A) built on a single chassis; (B) equal to or greater than eight and a half feet in width, exclusive of slide outs or other exterior modifications; (C) not self-propelled; (D) designed primarily for use as a permanent or semi-permanent residence.

PEDESTRIAN FACILITIES. A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

PEDESTRIAN WAY. A right-of-way for pedestrian traffic.

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

PERSONAL-USE AIRPORT (for airplanes and helicopter pads, including associated hangar, maintenance and service facilities). An airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

PERMITTED USE, PRINCIPAL USES PERMITTED OUTRIGHT. A use by right which is specifically authorized in a particular zoning district.

PETROLEUM PRODUCTS SALES AND STORAGE. Self-service card lock fuel stations and associated fuel storage.

PLACE OF PUBLIC ASSEMBLY. Structure of place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

PLANNING COMMISSION. The Umatilla County Planning Commission.

PLANNING DIRECTOR. The person designated by the Board of County

Commissioners who is charged with the responsibility of administering this chapter in terms of the Comprehensive Plan and in accordance with the decisions of the Planning Commission, the Hearings Officer, and Board of County Commissioners.

PLAT. Includes a final subdivision plat, replat or partition plat.

PLAYGROUND. An area designed and designated for public recreational use, usually for children, and may include swings, slides, merry-go-rounds, teeter-totters, and other play equipment.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MILS), Global Positioning Satellite (GPS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is not indicated by an FAA approved airport layout plan; any other FAA or state planning document, or military service airport planning document.

PREFABRICATED HOUSE. A sectional of factory-built house to which wheels may or may not be attached for the purpose of moving it to a home site where it is affixed to the real property on a permanent foundation. A ***PREFABRICATED HOUSE*** must comply with the requirements of Group 1 occupancies in the current *Oregon Uniform Building Code* prepared by the International Conference of Building Officials and with the requirements for dwellings in the current *National Electrical Code* as prepared by the National Fire Protection Association, and Oregon Plumbing and Electrical Codes (see also ***MOBILE HOME***).

PRELIMINARY PLAT. The preliminary drawing or drawings, described in this chapter, indicating the proposed manner or layout of a subdivision to be submitted to the county for approval.

PRIMARY PROCESSING OF FOREST PORDUCTS. Primary processing of forest products means the initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market including, but not limited to debarking, peeling, drying, clearing, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the primary Surface is 250 feet for utility runways having only visual approaches, 5,000 feet for utility runways having nonprecision instrument approaches, 5,000 feet for other than utility runways having only visual approaches or nonprecision instrument approaches with visibility minimums greater than three-fourths of a mile and 1,000 feet for nonprecision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.

PRINCIPAL DWELLING UNIT. A single dwelling unit owned and lived in by the owner or lessee of a parcel of land and the immediate family, not including incidental farm employee living quarters.

PRINCIPAL USE. The primary or predominant use which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE ROAD. Any roadway for vehicular travel that is not a Public Road.

PROCESSING. Processing relating to aggregate operations, includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and Portland cement concrete located within the operating permit areas.

PROPERTY LINE. The division line between two units of land.

PROPERTY LINE ADJUSTMENT. "Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

PUBLIC ROAD. A road over which the public has a right of use that is a matter of public record.

PUBLIC or ***SEMI-PUBLIC USE.*** A use owned or operated by a public, governmental or non-profit organization for the benefit of the public generally. This does not include landfill sites, garbage dumps or utility facilities.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE. An advertisement of a public hearing in a newspaper of general circulation in the county indicating the time, place, and nature of the public hearing. ***PUBLIC NOTICE*** may also be advertised, in addition to a newspaper of general circulation, in other media forms such as radio or television.

PUBLIC WORKS DIRECTOR. A person designated by the Board of Commissioners who is charged with the responsibility of administering the program(s) for the county road system, weed control and other county facilities and services.

R

REASONABLE ACCESS. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the county.

REASONABLY DIRECT. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

RECREATIONAL MARIJUANA. Recreational marijuana is marijuana consumed for non-medical purposes. The definition shall be the same as defined in (Measure 91, Oregon Revised Statutes) and as subsequently amended in Oregon Revised Statute. The growing, harvesting or processing of marijuana for recreational purposes is considered a for-profit business.

RECREATIONAL MARIJUANA BUSINESS. A recreational marijuana facility or business is a place where marijuana is sold or traded for profit and intended for non-medical purposes.

RECREATIONAL VEHICLE. A

vehicle that is: (A) Built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projection; (C) Designed to be self-propelled or permanently towed by a light duty truck, and; (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE (OR TRAVEL TRAILER) PARK. A lot which is operated on a fee or other basis as a place for the parking of occupied recreational vehicles in which residency is of temporary nature.

RECREATIONAL CAMPS OR RESORTS. An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

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.

REPLATTING. The reconfiguration of lots or parcels and easements, or the adjustment of common boundaries between lots or parcels within a recorded subdivision or partition. This action, upon the recording of the "replat" map, serves to vacate the original lots or parcels and easements (this is a county definition based on ORS 92.185).

RESIDENTIAL. Any dwelling unit or group of units built or used for human occupancy.

RESIDENTIAL HOME. A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

RESOURCE ACTIVITIES. Forest use activities as defined in Goal 4, adopted by the Oregon Land Conservation and Development Commission, or farm, grazing or other activities as defined in ORS 215.203.

RESOURCE LANDS. Lands that are used for either forest use, farm use, grazing or are covered by water.

RETAIL COMMERCIAL. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services that are incidental to the sale of the goods or merchandise. The goods or merchandise have either been bought or produced by the retailer.

RIGHT-OF-WAY. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

ROAD or ***STREET.*** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or

agricultural purposes.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY APPROACH ZONE (RAZ). An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RAZ is trapezoidal in shape and centered about the extended runway centerline. It begins 200 feet (60 m) beyond the end of the arcs usable for takeoff or landing. The RAZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.

S

SAFE AND CONVENIENT. Bicycle and pedestrian routes that are:

(1) Reasonably free from hazards, and

(2) Provides a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.

SALE *or* ***SELL.*** Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

SANITARY LANDFILL. A site for solid waste disposal.

SCHOOL. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge and licensed by the State of Oregon where necessary and required.

SCREEN/SCREENING. A vertical barrier in a limited space, including fences, berms, walls or densely planted vegetation, designed to block visual or noise impacts.

SEGREGATION. The act of creating a new tax account number by the County Assessor for the purpose of providing a separate tax statement to the landowner.

SERVICE COMMERCIAL. An establishment providing services or entertainment as opposed to products.

SERVICE STATIONS. See ***AUTOMOBILE SERVICE STATION***.

SETBACK. The open yard space on a lot or parcel between any building and a lot or parcel line or a line defining an access easement or road right-of-way.

SHORELINE. All of the water areas of the county and their associated wetlands, together with the lands underlying them, including:

(1) Significant wetlands as determined by the Comprehensive Plan and Comprehensive Plan Technical Report;

(2) Streams;

(3) Lakes and reservoirs;

(4) Other watercourses.

SIDEWALK. A pedestrian walkway with permanent surfacing.

SIGN. Any medium, including its structure and component parts, used or intended to be used to attract attention to the subject matter for advertising purposes.

SIGN, OFF-PREMISE. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premise on which the sign is located.

SIGN AREA. The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGNIFICANT CHANGE IN TRIP GENERATION. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) for gravel surfaced County roads, 30 vehicles of less than 10,000 pounds Gross Vehicle Weight (GVW) and/or 20 vehicles of greater than 10,000 pounds GVW; (2) for paved County roads, 75 vehicles of less than 10,000 GVW; and (3) for State paved Highways, 150 vehicles 0f 10,000 pounds GVW or less and/or 100 vehicles of greater than 10,000 pounds GVW.

SITE. A plot of land intended or suitable for development; also the ground or area on which a development occurs.

SITE PLAN. A plan, to scale, showing uses and structures proposed for a parcel of land as required by this chapter. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made) and proposed utility lines.

SOIL CLASS & SOIL RATINGS. Soil class, soil rating, or other soil designations used to describe farmland soils are those in the NRCS Web Soil Survey, the official source of certified soils data available online that identifies agricultural land capability classes.

SPECIAL OCCUPANCY STRUCTURE WITHIN THE *SPECIAL FLOOD HAZARD AREA*. (A) Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons; (B) Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers; (C) Buildings for colleges or adult education schools with a capacity greater than 500 persons; (D) Medical facilities with 50 or more resident, incapacitated patients not included in subparagraphs (A) to (C) of this paragraph; (E) Jails and detention facilities; and (F) All structures and occupancies with a capacity greater than 5,000 persons.

START OF CONSTRUCTION WITHIN THE SPECIAL FLOOD HAZARD AREA. Includes substantial improvement and is the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction

means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

STORAGE CONTAINER: A new or used prefabricated metal, wood, or composite type container, in excess of 120 square feet, manufactured and used for the storage of agricultural, commercial, industrial, or residential products and materials, accessory to the principal building or use. Examples include and are limited to piggyback containers that can be transported by mounting on a chassis or transported on a flatbed trailer (commonly referred to as freight, shipping or cargo containers), or truck trailers/van boxes that do not have a chassis or wheels. Such containers shall be totally enclosed.

STORY. That portion of a building included between the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. ***FIRST STORY*** means any floor not over four and one-half feet above the established grade, or is set back, above average ground level at frontline of building.

STREAM. A watercourse having a source and terminus, banks, and channel through which waters flows at least periodically.

STREET or ROAD. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

STRUCTURE. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, masts and towers, flagpoles, antennas, smokestacks, earth formations and utility poles for overhead transmission lines. Structures do not include paved areas.

STUB-OUT (Stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE LAND. To divide land into four or more lots within a calendar year.

SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided.

SUBDIVISION PLAT. Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of

the actual repair work performed. The market value of the structure should be:

(A) The appraised real market value of the structure prior to the start of the initial repair or improvement, or

(B) In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:

(1) A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

SUBSURFACE RESOURCES. A mineral, semi-precious or precious metal, gas, element or combination of elements found in the ground, including, but not limited to, oil, coal, natural gas, shale oil, gold, silver, uranium, sulphur, lime, nickel, lead, copper and mercury.

T

TAX LOT. A record kept by the County Assessor of the description of real property of the county.

TRACT. One or more contiguous lots or parcels in the same ownership.

TRAILER. Any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, and which does not fall within the definitions of vacation trailer, mobile home or prefabricated house. This definition includes boat trailers, bunk trailers, portable school-rooms, and industrial, commercial or public offices and accessory uses.

TRAILER PARK. A plot of ground on which two or more travel trailers occupied for dwelling or sleeping purposes is located, regardless of whether a charge is made for such accommodation (see also ***RECREATION VEHICLE PARK***).

TRAILER, TRAVEL. See the definitions for ***VACATION TRAILER*** and ***RECREATION VEHICLE***.

TRAILER, VACATION. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, having sleeping, cooking, and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence, or temporary farm-hand/ranch-hand residences.

TRANSITIONAL SURFACE. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

TRUCK STOP. Any building, premise or land in which or upon which maintenance, servicing, storage or repair of commercial licensed trucks or motor vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into the trucks or motor vehicles, the sale of accessories or equipment for trucks or similar motor

vehicles.

TRUCK TERMINAL. An area and/or building where cargo is stored and where trucks load and unload cargo on a regular basis, and trucks are parked when not in use.

U

UNIT OF LAND. (See LAWFULLY ESTABLISHED UNIT OF LAND.) An area of contiguous land at least sufficient of size to meet minimum zoning requirements for use, coverage and area. A unit of land may be:

(1) A single lot of record;

(2) A lot as defined in this section; or

(3) A parcel as defined in this section.

Units of land that do not meet the minimum zoning requirements are then considered non-conforming (see the definition for ***NON-CONFORMING LOT OF RECORD***).

USE. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Any major ***UTILITY FACILITY*** structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its productions or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoon, sanitary landfills and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

UTILITY FACILITY SERVICE LINES. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one of more of the following: a public right of way, land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility.

UTILITY POLE. A Utility Pole is a column or post used to support overhead power lines and other public utilities, such as electrical cables, fiber optic cables, and related equipment such as transformers and street lights. Utility poles are often referred to as transmission poles, telephone poles and power poles, depending on the application. Utility poles do not include masts and towers designed to support antennas and other telecommunications and broadcasting equipment used by cellular networks and other communication networks.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500-pounds maximum gross weight or less.

V

VARIANCE. A device which grants a property owner relief from certain provisions of this chapter when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to

make more money. A variance may be granted, for example, to reduce yard or setback requirements, or the number of parking or loading spaces, or to increase the permitted size of a sign.

VERTICAL ADDITION. The addition of a room or rooms on top of an existing building.

VETERINARY CLINIC. A business establishment in which veterinary services are rendered to domestic animals.

VICINITY. The area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke or similar influences.

VISION CLEARANCE AREA. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified corner of the lot joining the ends of the other two sides. Where the lot line at intersections have rounded corners the lot lines will be extended in a straight line to a point of intersection.

VISUAL RUNWAY. A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.

W

WALKWAY. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WATER COURSE. Any natural or artificial stream, river, creek, ditch, channel, canal, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

WATER DEPENDENT USE. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

WATER SURFACE ELEVATION. The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATER TABLE. The upper surface of ground-water, or that level below which the soil is seasonally saturated with water.

WETLANDS. Means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WHOLESALE BUSINESS. An establishment or place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or

professional business users, or to other wholesalers.

WIND POWER GENERATION FACILITY. An energy facility that consists of one or more wind turbines or other such devices and their related or supporting facilities that produce electric power from wind and are: (a) Connected to a common switching station, or (b) Constructed, maintained, or operated as a contiguous group of devices.

Y

YARD. An open space on a lot or parcel which is unobstructed from the ground upward except as otherwise provided in this chapter. When determining setback, ***YARD*** does not include an access easement or a road right-of-way.

YARD, FRONT. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

YARD, REAR. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

YARD, SIDE. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

YARD, STREET SIDE. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Z

ZONE. A specifically delineated area or district within the county within which regulations and requirements uniformly govern the use, placement, spacing, lot area and buildings.

ZONING PERMIT. An official decision that a planned use of a property, as indicated by an application, complies with the requirements of this chapter; a zoning permit also is used as final approval of a variance, land use decision and conditional use permit (see also ***DEVELOPMENT PERMIT***).
(Ord. 83-4, passed 5-9-83; Ord. 99-06, passed 9-9-99; Ord. 2002-01, passed 8-14-02; Ord. 2002-02, passed 5-20-03; Ord. 2002-08, passed 8-14-02; Ord. 2003-14, passed 9-22-03; Ord. 2005-02, passed 1-5-05; Ord. 2005-09, passed 10-13-05; Ord. 2008-09, passed 6-16-08; Ord. 2010-01, passed 3-11-10; Ord. 2010-05, passed 8-3-10; Ord. 2011-02, passed 3-17-11; Ord. 2011-03, passed 7-21-11; Ord. 2013-02, passed 1-29-13; Ord. 2015-07, passed 9-22-15; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19; Ord. 2019-09, passed 11-6-19;)

§ 152.004 AMENDED, REPEALED OR MODIFIED STATUTORY PROVISIONS.

When the state legislature amends, repeals, or modifies an Oregon Revised Statutes chapter quoted within this chapter, the section of the Oregon Revised Statutes chapter cited in this chapter shall be automatically amended, repealed or modified.
(Ord. 83-4, passed 5-9-83;, Ord. 2019-03, passed 4-3-2019)

§ 152.005 ABROGATION; GREATER RESTRICTIONS TO PREVAIL.

(A) This chapter does not repeal, abrogate or impair any existing easements, covenants, deed restrictions, or zoning permits or other agreements such as preliminary plat and partition approvals, conditional use permits, non-conforming uses subject to §§ 152.590 through 152.599, or special exceptions, except as modified in § 152.590 (non-conforming use). However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(B) Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other ordinance, the provisions which are more restrictive shall govern.
(Ord. 83-4, passed 5-9-83)

§ 152.006 COMPLIANCE.

Issues related to compliance with this chapter are outlined below. Enforcement of this chapter may be done through any means available at law, including, but not limited to, Chapter 38 of the Umatilla County Code of Ordinances.

(A) *Land use.*

(1) A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this chapter permits. No new structure shall be constructed on any lot of less area than the minimum for the zone in which it is located, except as provided by this chapter.

(2) No dimensional requirement of this chapter shall be violated after its terms become effective unless specifically provided for herein.

(3) No lot area, yard or other open space which is required by this chapter for one use shall be used as the required lot area, yard or open space for another use (i.e. required parking area cannot be included as required yard area).

(4) No lot area, yard, or other open space existing on or after the effective date of this chapter shall be reduced below the minimum required except as provided by this chapter.

(5) The requirements of this chapter apply to the person undertaking a development or the user of a development and to the person's successors in interest.

(6) No land may be divided in the unincorporated area of the county except in accordance with this chapter.

(7) No person shall create a street for the purpose of dividing land without the approval of a subdivision or major partition as provided by this chapter.

(8) No land for which a way of necessity is established shall be divided without approval of this chapter.

(9) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat, cluster development or partition map is a violation of this chapter.

(10) It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of these are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this chapter. The primary control or regulations is for the purpose of preventing a concentration of these uses in any one area.

(11) No development permit shall be issued for the improvement or use of any property in the unincorporated area of the County that has a land use violation or a solid waste violation, unless the remedy of the violation requires a development permit (i.e. build a structure to house cars, parts or other items).

(B) *Land division.*

(1) The requirements of this chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

(2) All development permits in a subdivision or cluster development shall be issued only on the basis of the approved final plat. Any changes in the approved plat shall be submitted to the Planning Commission for processing as a new final plat according to §§ 152.640 through 152.739 of this chapter except as follows: For platted lots within a platted subdivision in non-resource areas, zoning permits can be issued for a tax lot that is made up of several platted lots or portions of platted lots so long as the resulting tax lot is at least the same size or larger than the average size of the original platted lots. If the remaining portion of the original platted tax lot is smaller than the average size of the original platted lots, it shall be combined with an adjacent lot. Any lot lines that deviate from platted lot lines shall be reviewed as Type III Land Division under §§ 152.695 through 152.698 of this chapter. Whenever possible, newly created lot lines shall follow or parallel the platted lot lines.

(3) No instrument dedicating land to public use shall be accepted for recording in this county unless such instrument bears the approval of the Board of County Commissioners.

(4) A person may offer or negotiate to sell any parcel in a major or minor partition, but no person may dispose of, transfer, sell or agree to sell any parcel in a major or minor partition prior to such approval of the major or minor partition.

(5) No person shall dispose of, transfer or sell, or agree, offer or negotiate to sell, any lot in any subdivision or cluster development whether in fact or by reference to or exhibition or other use of a plat of such subdivision or cluster development, before the plat for such subdivision or cluster development has been approved as provided by this chapter and recorded with the recording officer of the county.

(6) Before a plat of any subdivision or cluster development may be made and recorded, the person proposing the subdivision or his authorized agent or representative shall make an application in writing to the Planning Commission for approval of the proposed subdivision or cluster development in accordance with procedures established by this chapter. Each such application shall be accompanied by a

tentative plan showing the general design of the proposed subdivision or cluster development. No plat for any proposed subdivision or cluster development may be considered for approval of the Planning Commission until the tentative plan for the proposed subdivision or cluster development has been approved by the Planning Commission. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or cluster development for recording; however, approval by the Planning Commission of such tentative plan shall be binding upon the Planning Commission for the purposes of the preparation of the plat and the Planning Commission may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or cluster development.
(Ord. 83-4, passed 5-9-83; Ord. 2009-09, passed 12-8-09; Ord. 2011-02, passed 3-17-11

§ 152.007 CONSISTENCY WITH PLAN AND LAWS.

Actions initiated under this chapter shall be consistent with the adopted County Comprehensive Plan and with applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.
(Ord. 83-4, passed 5-9-83)

§ 152.008 LAND OWNERSHIP.

The provisions of this chapter and the uses allowed in any use zone or on any parcel are not affected by the ownership of the land.
(Ord. 83-4, passed 5-9-83)

§ 152.009 AUTHORIZATION OF SIMILAR USES. [Section Deleted]
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.010 ACCESS TO BUILDINGS; PRIVATE DRIVEWAYS AND EASEMENTS.

(A) Every building hereafter erected or moved shall be on a lot that abuts a public street or a recorded easement. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. In commercial and industrial zones, access points shall be minimized. To accomplish this, access shall be limited to one every 200 feet and shall be reviewed during the design review stage or the conditional use hearing. If necessary to accomplish this, driveways may be shared between two lots.

(B) Private driveways and easements that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway to protect the edge of the road from rapid deterioration. The improvements shall extend at least 25 feet back from the edge of the existing travel lane surface.
(Ord. 83-4, passed 5-9-83)

§ 152.011 VISION CLEARANCE.

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

(A) In an Agricultural or Residential Zone, the minimum distance shall be 30 feet or, at intersections including an alley, 10

feet;

(B) In all other zones the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except when the angle of intersection between streets is less than 30º the distance shall be 25 feet;

(C) The vision clearance area shall not contain any planting, wall, structure, or obstruction of any kind exceeding two and one-half feet in height measured from the grade of the street centerline.
(Ord. 83-4, passed 5-9-83)

§ 152.012 OUTDOOR STORAGE IN RESIDENTIAL ZONES.

(A) Boats and trailers, travel trailers, pick-up campers or coaches, motorized dwellings, and similar recreation equipment may be stored on a lot but not used as an accessory use;

(B) Automotive vehicles or trailers of any kind or type without current license plates, where required, and which are not in mechanical working order, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings;

(C) One operating truck may be stored on the lot of a truck driver provided it is accessory to the main use of the property. Additional trucks shall not be allowed.
(Ord. 83-4, passed 5-9-83)

§ 152.013 MOBILE HOMES.

(A) *Siting*. Mobile homes may be maintained for residential purposes in the unincorporated portions of the county only as provided herein:

(1) Where permitted by a zoning district pursuant to a zoning permit;

(2) *Mobile homes in authorized mobile home park.* A zoning permit is not required for mobile homes located within authorized mobile home parks, unless the mobile home park is located in a Flood Hazard Overlay Zone;

(3) Temporary mobile home placement in conformance with § 152.576 or § 152.617 (I) (V) of this chapter.

(4) *Converting a mobile home to a non-residential structure.* A mobile home shall not be converted to a non-residential structure in any zone.

(B) *Application.* An application for a zoning permit for a mobile home shall be made to the Planning Department. Except as provided herein, the Planning Department shall issue zoning permits for mobile homes and accessories thereto as authorized by other sections of this chapter upon compliance with the following requirements:

(1) The site and location of a mobile home shall meet area, frontage, access, setback and other requirements of this chapter;

(2) The mobile home shall be served by an approved water supply;

(3) The mobile home shall be served by a sewage disposal system approved by the Department of Environmental Quality;

(4) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce;

(5) The mobile home unit shall be manufactured after January 1, 1972, and bear the Oregon Department of Commerce "Insignia of Compliance;"

(6) The mobile home shall be skirted on its lower perimeter by a fire resistant material.

(C) *Nonconforming use*. Mobile homes not conforming with this division on the date of adoption of this chapter shall be allowed to continue as a non-conforming use. If a mobile home site is discontinued for any reason for more than one year, it shall not be re-established.

(D) *Abatement*. An occupied, abandoned, or unoccupied mobile home may be abated if it constitutes a menace to the public health, safety and welfare, thereby rendering it a public nuisance.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2012-02 passed 1-26-12)

§ 152.014 SEASONAL FARM WORKER HOUSING. [Section Deleted]
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12)

§ 152.015 FENCES.

Fences are allowed in any zone and do not require a zoning permit for construction unless located in a Special Flood Hazard Area. Fences located in a Special Flood Hazard Area require an approved Floodplain Development Permit and Zoning Permit. Fences must meet vision clearance requirements and zoning height limitation for structures. Fences shall meet all Oregon Uniform Building Code requirements.
(Ord. 83-4, passed 5-9-83; Ord. 2010-05, passed 8-3-10; Ord. 2019-03, passed 4-3-2019)

§ 152.016 RIPARIAN VEGETATION; WETLAND DRAINAGE.

(A) The following standards shall apply for the maintenance, removal and replacement of riparian vegetation along streams, lakes and wetlands which are subject to the provisions of this chapter:

(1) No more of a parcel's existing vegetation shall be cleared from the setback and adjacent area than is necessary for uses permitted with a zoning permit, accessory buildings, and/or necessary access.

(2) Construction activities in and adjacent to the setback area shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that required for the facilities indicated in subdivision (A)(1) above. Where vegetation removal beyond that allowed in subdivision (A)(1) above cannot be avoided, the site shall be replanted during the next replanting season to avoid water sedimentation. The vegetation shall be of indigenous species in order to maintain the natural character of the area.

(3) A maximum of 25% of existing natural vegetation may be removed from the setback area.

(4) The following uses and activities are excepted from the above standards:

(a) Commercial forest practices regulated by the Oregon Forest Practices Act, being ORS 527.610 et seq.;

(b) Vegetation removal necessary to provide water access for a water dependent use;

(c) Removal of dead or diseased vegetation that poses a safety or health hazard;

(d) Removal of vegetation necessary for the maintenance or replacement of structural shoreline stabilization.

(5) In cases of zoning permits, conditional use permits, variances, and other land use actions which require site plan review or conditions for approval, and which are subject to provisions of this division, the review body shall prepare findings and address the maintenance, removal and replacement of riparian vegetation.

(B) Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands shall be coordinated with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District. Existing drainage ditches may be cleared to original specifications without review.
(Ord. 83-4, passed 5-9-83)

§152.017 CONDITIONS FOR DEVELOPMENT PROPOSALS.

(A) The proposed use shall not impose an undue burden on the public transportation system. Any increase meeting the definition of significant change in trip generation constitutes an undue burden.

(B) For developments likely to generate a significant increase in trip generation, applicant shall be required to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding system. The scope of the impact study shall be coordinated with the providers of the transportation facility. Proposals that meet the requirements in §152.019(B) are subject to §152.019(C), Traffic Impact Analysis Requirements.

(C) The applicant or developer may be required to mitigate impacts attributable to the project. Types of mitigation may include such improvements as paving, curbing, bridge improvements, drainage, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways or paths. The determination of impact or effect should be coordinated with the providers of affected transportation facilities.

(D) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
(Ord. 2002-08, passed 8-14-02; Ord. 2012-07, passed 3-13-12)

§ 152.018 ACCESS MANAGEMENT AND STREET CONNECTIVITY:

(A) The intent of this code is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including highways, arterials, and collectors serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary

transportation function. This code balances the right of reasonable access to private property with the right of the citizens of Umatilla County and the State of Oregon to safe and efficient travel. To achieve this policy intent, state and local roadways have been categorized in the Transportation System Plan by function and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

(B) This section shall apply to all arterials and collectors within the County and to all properties that abut these roadways.

(C) This section is adopted to implement the access management policies of the County as set forth in the Transportation System Plan.

(D) Proposed access within an Interchange Management Area Plan (IAMP) will be consistent with this section and the Access Management Plan of the applicable IAMP. Where conflicts between code requirements and the applicable IAMP Access Management Plan exist, the IAMP Access Management Plan will govern.

(E) *Corner Clearance.*

(1) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

(2) New connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.

(3) Where no other alternatives exist, the County may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

(F) *Joint Use Driveways and Cross Access.*

(1) Adjacent commercial, retail, or office properties identified as major traffic generators (if both properties generate more than 400 daily trips collectively, as defined by the Institute of Transportation Engineers Trip Generation Manual), shall provide a cross access drive and pedestrian access to allow circulation between sites.

(2) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

(a) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

(b) A design speed of 10 mph

and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles

(c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

(d) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

(3) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

(4) Pursuant to this section, property owners shall:

(a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(b) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to Umatilla County and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

(5) Umatilla County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(a) Joint access driveways and cross access easements are provided in accordance with this section.

(b) The site plan incorporates a unified access and circulation system in accordance with this section.

(c) The property owner enters into a written agreement with the county, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway

(6) Umatilla County may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.

(G) *Access Connection and Driveway Design.*

(1) Driveways shall meet the following standards:

(a) If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one-way connection.

(b) For two-way access, each lane shall have a minimum width of 10 feet.

(2) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

(3) The length of driveways shall be designed in accordance with the anticipated

storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

(H) *Nonconforming Access Features*.

(1) Legal access connections in place as of September 15, 2002 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions: When new access permits are requested; Change in use, enlargements, or improvements that will increase trip generation.

(I) *Requirements for Phased Development Plans.*

(1) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

(2) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

(J) *Street Connectivity*.

(1) Applicability. The following street connectivity standards apply to site developments proposed in the LI or RSC zone.

(2) Purpose. The purpose of these standards is to create an interconnected street network throughout the Highway 395 corridor in order to promote efficient and safe vehicular and pedestrian circulation.

(3) Block Length Standard. Developments in the RSC or LI zone must be designed to allow for a minimum block length of 100 feet and a maximum block length of 600 feet. Distances are measured from the edge of street rights-of-way.

(4) General Connectivity Standards

(a) Where the locations of planned streets are shown on a local street network plan, the development shall implement the street(s) shown on the plan.

(b) Where required local street connections are not shown on an adopted County street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.

(c) Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing

development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.

(d) Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions, a pedestrian access way connection shall be provided pursuant to § 152.648(12).

(e) Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or re-developable lands.
(Ord. 2002-08, passed 8-14-02; Ord. 2012-07, passed 3-13-12, Ord. 2014-09, passed 9-17-14, Ord. 2014-10, passed 9-17-14; Ord. 2019-09, passed 11-6-19;)

§ 152.019 TRAFFIC IMPACT STUDY.

(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 specified land use 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 an 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 analysis.

(B) *Applicability:* A Traffic Impact Analysis shall be required to be submitted to the County with a land use application, when one or more of the following actions apply:

(1) A change in plan amendment designation; or

(2) The proposal is projected to 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:

(a) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the County Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or

(b) An increase in use of adjacent gravel surfaced County roads by vehicles exceeding the 10,000-pound gross vehicle weights by 20 vehicles or more per day; or

(c) 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 vehicles queue or hesitate, creating a safety hazard; or

(d) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area; or

(e) Any development proposed within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I-84/Army Depot Access Road Interchange Area Management Area prior to the completion of near-term improvements projects (Projects A and B) identified in the I-82/Lamb Road IAMP; or

(f) For development within the I-82/US 730 Interchange Area Management Plan (IAMP) Management Area, the location of the access driveway is inconsistent with the Access Management Plan in Section 7 of the IAMP; or

(g) For development within the I-84/Barnhart Road Interchange Area Management Plan (IAMP) Management Area.

(C) *Traffic Impact Analysis Requirements*

(1) Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer. The Traffic Impact Analysis will be paid for by the applicant.

(2) Transportation Planning Rule Compliance as provided in § 152.751.

(3) Pre-filing Conference. The applicant will meet with the Umatilla County Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The County has the discretion to determine the required elements of the TIA and the level of analysis expected. The County shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

(4) For development proposed within the Umatilla Army Chemical Depot boundary of the I-82/Lamb Road or I-84/Army Depot Access Road Interchange Area Management Plan (IAMP) Management Area Prior to the construction and completion of near-term improvements projects (Projects A and B) identified in the I-82/Lamb Road IAMP, the following additional submittal requirements may be required:

(a) An analysis of typical average daily vehicle trips using the latest edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers (ITE) or other data source deemed acceptable by the County Engineer;

(b) A truck and passenger vehicle mode split analysis;

(c) An analysis that shows the traffic conditions of the project at full buildout and occupancy, assuming the background traffic conditions at the year of expected completion;

(d) Findings related to the impacts of the proposed development and the need for Projects A and B to mitigate those impacts.

Once Projects A and B have been completed, this Section 4 will no longer apply to new development.

(D) *Approval Criteria:* When a Traffic Impact Analysis is required; approval of the proposal requires satisfaction of the following criteria:

(1) Traffic Impact Analysis was prepared by an Oregon Registered Professional Engineer qualified to perform traffic engineering analysis;

(2) If the proposed action shall cause a significant effect pursuant to the Transportation Planning Rule, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the County's Level-of-Service and/or Volume/Capacity standards and are satisfactory to the County Engineer, and ODOT when applicable; and

(3) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(a) Have the least negative impact on all applicable transportation facilities;

(b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;

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

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

(e) Otherwise comply with applicable requirements of the Umatilla County Code.

(E) *Conditions of Approval:* The County may deny, approve, or approve a proposal with appropriate conditions.

(1) Where the existing transportation system is shown to be impacted by the proposed action, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed action.

(2) Where the existing transportation system is shown to be impacted by the proposed action, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed action may be required. (Ord. 2012-07, passed 3-13-12; Ord. 2014-04, passed 7-2-14; Ord. 2014-09, passed 9-17-14; Ord. 2014-10, passed 9-17-14; Ord. 2019-03, passed 4-3-19; Ord. 2019-09, passed 11-6-19;)

§ 152.020 STORAGE CONTAINERS.

A storage container as defined in § 152.003 is permitted only when accessory to the permitted use on the same lot or parcel. A zoning permit is required for the placement of a storage container per § 152.025 and is subject to the following standards:

(A) Accessory Use: A storage container is an allowed accessory use and must meet the regulations as specified by the underlying zoning district.

(B) General Standards:

(1) A storage container shall not be modified to be used for any other purpose than the storage of the property owner's items unless land use and building permits are obtained prior to the modification.

(2) Only one (1) storage container is allowed on a lot or parcel with a residential or multi-use forest comprehensive plan designation.

(3) A storage container shall meet

the setback requirements for structures and buildings of the underlying zone.

(4) A storage container to be placed within a special flood hazard area is required to obtain a floodplain development permit per § 152.353 and meet the standards of the Flood Hazard Overlay Zone.

(5) Storage containers shall not be stacked.

(6) A storage container shall be located on a level surface to prevent shifting, rolling, or other movement.

(7) A storage container placed on a property for less than 6 months does not require a zoning permit.
(Ord. 2011-03, passed 7-21-11)

§ 152.021 PEDESTRIAN ACCESS AND CIRCULATION

(A) *Purpose*. This section implements the pedestrian access and connectivity policies of the Umatilla County Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

(B) *Applicability*. The provisions of this Section apply to:

(1) Properties in the RSC zone.

(2) Properties in the LI zone that have frontage on Hwy 395 south of Bensel Road and north of E Punkin Center Road.

(C) *Standards.* Developments shall conform to all of the following standards for pedestrian access and circulation:

(1) Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent existing or planned sidewalks, if any, and to all future phases of the development, as applicable.

(2) Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, transit stops, and public rights-of-way conforming to the following standards:

(a) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.

(b) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The county road master may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

(c) The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.

(3) Vehicle/Walkway Separation. Except as required for crosswalks, per subsection (d), below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the County road master may approve a walkway abutting a driveway at the same grade as the

driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

(4) Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

(5) Walkway Width and Surface. Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the county road master, and not less than six feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to County transportation standards.
(Ord. 2019-09, passed 11-6-19)

§ 152.022 RULES FOR ROUNDING OF NUMBERS.

Whenever these regulations require consideration of aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction, the results will be rounded as prescribed below:

(1) Rounding to Whole Numbers. When quantities in these regulations are expressed as whole numbers, fractions of one-half (1/2) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (l/2) shall be rounded down to the nearest whole number.

(2) Linear Dimensions. Linear dimensions that do not require computation, such as heights, setbacks, and parking space dimensions, shall not be rounded.
(Ord. 2019-09, passed 11-6-19)

GENERAL ZONING REGULATIONS

Sub-Sections:

152.025	Zoning permit
152.026	Exemptions for farm/forest use
152.027	Zoning permit not required for farm use
152.028	Unzoned land
152.029	Zoning maps adopted by reference; amendment; location
152.030	Zone boundaries

§ 152.025 ZONING PERMIT.

(A) Prior to the construction, reconstruction, addition to or change of use of a structure, or the change of use of a lot, or the installation or replacement of a mobile home on a lot, a zoning permit shall be obtained from the County Planning Department. Within the flood hazard area, a zoning permit shall be required for all other developments including placement of fill, mining, paving, excavation or drilling. Structures of 120 square feet or less in area do not require a zoning permit except when located in a designated flood hazard area or when used for human habitation, or as an addition to an existing dwelling. A zoning permit shall be voided after one year unless construction has commenced. The Planning Commission or its authorized agent may extend the permit for an additional period not to exceed one year upon written request. An amended zoning permit must be obtained when changes to an approved zoning permit occur. Changes include, but are not limited to, the size of the proposed structure, relocation of a structure or changes in the model year of a proposed manufactured home, etc.

(B) Zoning permits shall be issued by the Director according to the provisions of this chapter. The Planning Director shall not issue a zoning permit for the improvement or use of land that has been previously divided in violation of this chapter or contains a land use or solid waste violation, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development.

(C) A zoning permit application must be signed by all legal property owners of the subject lot or parcel, or by a legally authorized representative.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2016-02, passed 3-16-16;)

§ 152.026 EXEMPTIONS FOR FARM/FOREST USE.

In the Agriculture and Grazing-Forest Plan Designations, agriculture, grazing, horticulture, the management, growing and harvesting of forest products, or other farm and forest uses allowed in these areas shall be exempt from the provisions of this chapter (i.e. shall be allowed outright). This exemption does not include farm-related dwellings, which are allowable only as provided in each zone. Likewise, all accessory structures for agricultural, forestry, and grazing activities must comply with the development standards of this chapter for the zone in which the site is located. A zoning permit is required for structures within the EFU and GF zones pursuant to § 152.025.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.027 ZONING PERMIT NOT REQUIRED FOR FARM USE. [Section Deleted]
(Ord. 83-4, passed 5-9-83; deleted Ord. 2008-09 passed 6-16-08)

§ 152.028 UNZONED LAND.

Any unzoned land in the County coming under the jurisdiction of the County shall be automatically zoned GF or EFU, whichever is the more appropriate. Within 30 days of deed recording of any unzoned land, the Planning Director shall initiate amendment proceedings listed in § 152.752 of this chapter to a more appropriate zone, if such amendment be deemed desirable by the Planning Director.
(Ord. 83-4, passed 5-9-83)

§ 152.029 ZONING MAPS ADOPTED BY REFERENCE; AMENDMENT; LOCATION.

(A) The boundaries for the zones listed in this chapter are indicated on the County Zoning Maps of 1984 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

(B) The zoning maps consist of several sheets, prints or pages, which pages shall be listed on a cover page together with the date and name of each page. The zoning maps shall be certified by the Board and County Records as being the official zoning maps adopted by reference in division (A) of this section. The certification of the official zoning maps shall appear on the cover page.

(C) A zoning map or zoning map amendment adopted by division (A) of this section or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the County Board of Commissioners. The map or map amendment shall be dated with the date of its approval by the Planning Commission or the effective date of the ordinance that adopts the map or map amendment. A certified print pursuant to division (B) of this section of the adopted map or map amendment shall be maintained in the Office of the County Records as long as this chapter remains in effect.

(D) There shall be two sets of official zoning maps. One shall be located in the office of the Planning Department as long as this chapter remains in effect. The second set shall be located in the Office of the County Records as long as this chapter remains in effect.
(Ord. 83-4, passed 5-9-83)

§ 152.030 ZONE BOUNDARIES.

(A) Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, centerlines on streets, highways, easements, or alleys, railroad right-of-way, water courses, public utility easements, boundary lines of city limits, 100-year flood plains, bluffs, ridges, or other readily recognizable or identifiable natural features or the extension of such lines.

(B) Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;

(2) Where a boundary line follows or

approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line;

(3) Boundaries indicated as approximately following city limits shall be construed to follow such city limits;

(4) Boundaries indicated as approximately following 100-year flood plain limits shall be construed as following such flood plain limits;

(5) Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easements, whichever is applicable.

(6) Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines;

(7) Boundaries indicated as parallel to or an extension of features indicated in subdivisions (1) through (5) of this division shall be so construed.

(8) Where physical features existing on the ground are at variance with those shown on the official zoning maps, or in other circumstances not covered by subdivisions (1) through (6) of this division, the Planning Director shall interpret the zone boundaries, and if necessary, may refer the matter to the Planning Commission for their interpretation, pursuant to § 152.771 of this chapter.

(9) Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply.

§ 152.031 FALSE PERMIT INFORMATION.

Land Use Permits may be revoked if permit information is found to be false or misrepresented**.**
(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16;)

ESTABLISHMENT OF ZONES

Sub-Sections

152.040	Establishment
152.041	Overlay zones
152.042	Specific plan policies
152.043	Statutory provisions concerning Farm Use Zones

§ 152.040 ESTABLISHMENT.

For the purpose of this chapter, the following use zones are hereby established:

Zones Designation	***Abbreviated***
Exclusive Farm Use	EFU
Grazing Farm	GF
Unincorporated Community	UC
Rural Residential 2	RR-2
Rural Residential 4	RR-4
Rural Residential 10	RR-10
Multiple Use Forest	MUF
Forest Residential	FR
Mountain Residential	MR
Retail/Service Commercial	RSC
Rural Retail/Service Commercial	RRSC
Commercial Rural Center	CRC
Tourist Commercial	TC
Rural Tourist Commercial	RTC
Agribusiness	AB
Light Industrial	LI
Rural Light Industrial	RLI
Limited Rural Light Industrial	LRLI
Heavy Industrial	HI
Rural Heavy Industrial	RHI
Limited Rural Heavy Industrial	LRHI
Future Urban 10	FU-10
Depot Industrial	DI
Umatilla Depot Refuge	UDR
Umatilla Depot Military	UDM

(Ord. 83-4, passed 5-9-83; Ord. 2004-13, passed 8-17-04; Ord. 2005-13, passed 5-31-05; Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12: Ord. 2014-04, passed 7-2-14)

§ 152.041 OVERLAY ZONES.

(A) Any portion of a use zone may be subject to additional consideration by the establishment of regulations that "overlay" the basic use. These "overlay zones" may be applied singularly, or in any combination thereof, and are designed to ensure that the various considerations contained in the text of such overlay zones are employed in using and developing land subject to an overlay zone.

(B) Development in any area subject to an overlay zone shall be undertaken only after administrative action procedures have been followed, and then only in accordance with conditions imposed under §§ 152.610 through 152.616 of this chapter and the regulations of both the overlay zone and the basic use zone.

(C) If a conflict in regulations or standards occurs between the basic use zone and an overlay zone, the provisions in the overlay zone shall govern (except that the larger minimum lot size shall always apply).

(D) Overlay sub districts established in this chapter shall include the following:

Overlay Zones Designation	***Abbreviated***
Private Use Safety Airport	PUA-S
Flood Hazard	FH
Cluster Development	CD
Hermiston Airport Hazard	AH-H
Pendleton Airport Hazard	AH-P
Landfill	LF
Historic, Archeological and Cultural	HAC
Critical Winter Range	CWR
Natural Areas	NA

Aggregate Resource	AR
Future Industrial	FI
Steep Slope	SS
Limited Use	LU

(Ord. 83-4, passed 5-9-83; Ord. 94-19, passed 8-18-94; Ord. 2002-08, passed 8-14-02)

§ 152.042 SPECIFIC PLAN POLICIES.

In some cases, policies of the County Comprehensive Plan apply to specific tax lots or portions thereof. These specific plan policies shall be referenced upon the appropriate official zoning map(s), as adopted by § 152.029(A), and provisions of these policies shall take precedence over any overlay zone or basic use zone.
(Ord. 83-4, passed 5-9-83)

§ 152.043 STATUTORY PROVISIONS CONCERNING FARM USE ZONES.

(A) Zoning ordinances may be adapted to zone designated areas of land within the County as Exclusive Farm Use Zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.284. Farm Use Zones shall be established only when such zoning is consistent with the Comprehensive Plan.

(B) For the purposes of this chapter, refer to the definition of ***FARM USE*** as stated in § 152.003.
(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2008-09, passed 6-16-08)

EFU, EXCLUSIVE FARM USE ZONE

Sub-Sections

152.055	Description and purpose
152.056	Uses permitted outright
152.057	Uses permitted with a farm use exempt permit
152.058	Uses permitted with a zoning permit
152.059	Land Use Decisions
152.060	Conditional uses permitted
152.061	Limitations on conditional uses
152.062	Parcel sizes
152.063	Development standards

§ 152.055 DESCRIPTION AND PURPOSE.

The purposes of the EFU, Exclusive Farm Use Zone, are to preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural products, forest and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm and non-farm uses and related and supportive uses which are deemed appropriate. It is also the purpose of this use zone to provide the automatic farm use valuation for farms, which qualify under the provisions of ORS Chapter 308.

The provisions in this use zone are subject to automatic legislative amendments as described in §152.004.
(Ord. 2005-02, passed 1-5-05; Ord. 2012-02 passed 1-26-12)

§ 152.056 USES PERMITTED OUTRIGHT.

In an EFU zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to § 152.007:

(A) Farm use, as defined in ORS 215.203 and set out in § 152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), which are permitted subject to approval of a zoning permit per § 152.026.

Notwithstanding (A) above, the following are not permitted uses in the EFU Zone:

(1) A new dwelling used in conjunction with a marijuana crop;

(2) A farmstand in conjunction with a marijuana crop; and

(3) A commercial activity carried on in conjunction with a marijuana crop.

(B) The propagation or harvesting of a forest product.

(C) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

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

(E) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation. (Projects not specifically identified in TSP shall follow procedures for the Comprehensive Plan Amendment process, and the applicable land use approval.)

(F) Landscaping as part of a transportation facility

(G) Emergency measures necessary for the safety and protection of property.

(H) Construction of a road as part of an approved land partition and consistent with the applicable land division regulations.

(I) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(1) A public right of way;

(2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(3) The property to be served by the utility.

(J) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.

(K) The transport of biosolids by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095. The transport and the land application are allowed outright.

(L) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

(M) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(N) Minor betterment of existing public road 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.
(Ord 2002-08, passed 8-14-02; Ord. 2005-02, passed 1-5-05; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12, Ord. 2015-07, passed 9-22-15)

§ 152.057 USES PERMITTED WITH A FARM USE EXEMPT PERMIT. [Section Deleted]
(Ord. 2005-02, passed 1-5-05; deleted Ord. 2008-09 passed 6-16-08)

§ 152.058 USES PERMITTED WITH A ZONING PERMIT.

In an EFU zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and the regulations in §§

152.010 through 152.017 and §§ 152.545 to 152.562:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

(C) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(D) A winery, as described in ORS 215.452.

(E) Farm stands if:

(1) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25% of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.

(F) Alteration, restoration or replacement of a lawfully established dwelling that:

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance. The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;

(6) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.

(7) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.

(8) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the EFU portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

(9) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(10) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.

(11) A replacement dwelling permit issued under this section does not expire.

(G) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(H) Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools);

(I) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

(J) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(K) Fire service facilities providing rural fire protection services.

(L) A gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015 (10) or subject to review under OAR 660 Division 33.

(M) Creation of, restoration of or enhancement of wetlands.

(N) Climbing and passing lanes for public roads and highways, within the right of way existing as of July 1, 1987.

(O) Buildings and structures accessory to a farm use (i.e. barns, shops, etc.)

(P) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit

expiration.

(Q) Home occupations as provided in § 152.573;

(R) Agri-Tourism or other commercial event or activity, Expedited. The County may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. An active conditional use permit for a single or multiple (6 events) agri-tourism or other commercial event or activity on the same tract precludes the issuance of an expedited single-event license. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of the County or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

(1) Must be related to and supportive of agriculture as well as incidental and subordinate to existing farm use on the tract;

(2) May not begin before 6 a.m. or end after 10 p.m.;

(3) May not involve more than 100 attendees or 50 vehicles;

(4) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

(5) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

(6) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

(7) Must comply with applicable health and fire and life safety requirements.

(S) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).

(T) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard within one year of the date of application, as provided in § 152.617 (II) (8).

(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2010-01, passed 3-11-10; Ord. 2011-02, passed 3-17-11; Ord. 2012-02 passed 1-26-12; Ord. 2013-02, passed 1-29-13; Ord. 2014-04, passed 7-2-14; Ord. 2016-02, passed 3-16-16; Ord. 2020-01, passed 2-19-20)

§ 152.059 LAND USE DECISIONS.

In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

(A) [Item Deleted]

(B) Churches and a cemetery in

conjunction with a church provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland as provided in § 152.617 (II) (2) and/or (3).

(C) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and in § 152.617 (II) (7).

(D) A facility for the primary processing of forest products as provided in § 152.617 (II) (4).

(E) Continuation, maintenance, enhancement, or expansion of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2) and as provided in § 152.617 (II) (5). (Ord. 2015-03, passed 4-28-15)

(F) A facility for the processing of farm crops, or the production of bio-fuel, located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility as provided in §152.617 (II) (1).

(G) The land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251.

(H) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard beyond one year of the date of application, as provided in § 152.617 (II) (8).

(I) [Item Deleted]

(J) [Item Deleted]

(K) DWELLINGS.

Quick Links to the dwelling types:

(1) Primary Farm Dwelling on High Value Farmland
(2) Primary Farm Dwelling on Non-High Value Farmland
(3) Lot of Record Dwelling on High Value Farmland
(4) Lot of Record Dwelling on Non-High Value Farmland
(5) Accessory Farm Dwelling
(6) Farm Relative Dwelling
(7) Forest Use Dwelling
(8) Non-Farm Dwelling
(9) Conversion of an existing farm related dwelling to a non-farm dwelling

(10) Impact Test
(11) Covenant Not to Sue

The following permanent, single family dwellings may be authorized in an EFU zone. The dwellings may be conventional "stick built," modular homes, manufactured homes or mobile homes meeting the definition of a dwelling and the standards in § 152.013(B) (5). All farm dwelling applications are subject to review and comment by the Department of Land Conservation and Development.

When a dwelling is approved through a land use decision in this section, the applicant or landowner must obtain a zoning permit pursuant to § 152.612 (D). The zoning permit will be a condition of the approval; all land use decision conditions of approval must be met within two years of the date of the signed final findings, pursuant to § 152.613 (A).

A zoning permit issued for a dwelling approved under this land use decision section is authorized for four years from the date of the signed final findings and may be extended, but not for more than a total of six years from the date of the signed final findings. The date the final findings are signed signifies the final decision unless appealed as provided in § 152.769 (12).

(1) *Primary Farm Dwelling on High Value Farmland.*

A Primary Farm Dwelling~~s~~ customarily provided in conjunction with farm use may be allowed on high value farmland as defined in § 152.003 if the following standards (income test) are met:

(a) The subject tract is currently employed for farm use that produced at least $80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p), there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-0057 owned by the farm or ranch operator or on the farm or ranch operation;

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the farm income required by this division;

(d) In determining the gross income required by this division;

(i) The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(ii) Only gross income from land owned, not leased or rented, shall be counted; and

(iii) Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(e) When calculating the income test for a primary farm dwelling on high value farmland, noncontiguous lots or parcels zoned for farm use in Umatilla County or contiguous counties may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify

a dwelling in the other part of the state.

(f) Prior to the final approval for a dwelling authorized by this division that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

(i) All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

(ii) The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

(g) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

(h) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

(i) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

(j) The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(k) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(2) *Primary Farm Dwelling on Non-High Value Farmland.*

A Primary Farm Dwellings customarily provided in conjunction with farm use may be allowed on non-high value farmland as defined in § 152.003 if the following standards are met:

(a) *Size Test*. The parcel on which the dwelling will be located is at least 160 acres. A dwelling may be considered customarily provided in conjunction with farm use if:

(i) The subject tract is currently employed for farm use as defined in § 152.003 of this chapter;

(ii) The dwelling will be occupied by a person or persons who will be

principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

(iii) There are no other dwellings on the subject tract.

(iv) The parcel on which the dwelling will be located is at least 160 acres.

(v) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(b) *Income Test*. A dwelling may be considered customarily provided in conjunction with farm use if:

(i) The subject tract is currently employed for farm use that produced at least $40,000 in gross income from the sale of farm products in each of the last two years in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years;

(ii) There is no other dwelling on lands designated exclusive farm use or mixed farm/forest use owned by the farm or ranch operator or the farm or ranch operation; and

(iii) The dwelling will be occupied by a person or persons, who produced the commodities which grossed the income;

(iv) In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the livestock shall be deducted from the total gross income attributed to the farm or ranch operation;

(v) Only gross income from land owned, not leased or rented, shall be counted; and

(vi) Gross farm income earned from a lot or parcel, which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

(vii) For a non-high value farmland income test, noncontiguous lots or parcels zoned for farm use in Umatilla County or contiguous counties may be used to meet the gross income requirements. When a farm or ranch operation has lots or parcels in both "Western" and "Eastern" Oregon, lots or parcels in Eastern or Western Oregon may not be used to qualify a dwelling in the other part of the state.

(viii) Prior to the final approval for a dwelling authorized by this division that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form has been recorded with the county clerk of Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:

1. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and

2. The use of any gross farm income earned on the lots or parcels to

qualify another lot or parcel for a primary farm dwelling.

(ix) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Umatilla County or counties, where the property subject to the covenants, conditions and restrictions is located.

(x) Enforcement of the covenants, conditions and restrictions may be undertaken by the Department of Land Conservation and Development or by the Umatilla County or counties where the property subject to the covenants, conditions and restrictions is located;

(xi) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property, which is subject to the covenants, conditions and restrictions required by this division;

(xii) The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting the lots and parcels subject to the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(xiii) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(3) *Lot of Record Dwelling on High Value Farmland.*

A Lot of Record Dwelling under this division may be allowed on high value farmland as defined in § 152.003, if the following standards are met:

(a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(i) Since prior to January 1, 1985; or

(ii) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(b) The tract on which the dwelling will be sited does not include a dwelling;

(c) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

(d) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law.

(e) When the dwelling will be sited in an area designated in the acknowledged Comprehensive Plan as

"critical winter range" the requirements of that zone also apply (see §§ 152.455 through 152.458);

(f) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(g) To site a Lot of Record Dwelling on high value farmland, the Planning Commission, or the designated Hearings Officer in the county, must determine that:

(i) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity;

(ii) The Lot of Record Dwelling will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(iii) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in the impact test § 152.059 (K) (10).

(h) A dwelling under this section may be denied if the county determines that approval of the dwelling would:

(i) Exceed the facilities and service capabilities of the area;

(ii) Materially alter the stability of the overall land use pattern in the area; or

(iii) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged Comprehensive Plan or land use regulations.

(i) An approved Lot of Record Dwelling application may be transferred by a person(s) who has qualified under this division to any other person(s) after the final approval of the Lot of Record Dwelling decision;

(j) The county assessor will be notified when a Lot of Record Dwelling is approved;

(k) The soil class, soil rating or other soil designation set forth by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture of a specific lot or parcel may be challenged if the property owner goes through the process as outlined in OAR 660-033-0045.

(l) The County shall provide notice of all applications for Lot of Record Dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with the County's land use regulations but shall be mailed at least 20 calendar days prior to the public hearing before the Planning Commission.

(m) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(4) *Lot of Record Dwelling on Non-High Value Farmland.*

A Lot of Record Dwelling under this division may be allowed on non-high value farmland as defined under § 152.003 if the following standards are met:

(a) The lot or parcel in which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner. Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

(i) Prior to January 1, 1985; or

(ii) By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

(b) The tract on which the dwelling will be sited does not include a dwelling;

(c) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993; no dwelling exists on another lot or parcel that was part of that tract;

(d) The proposed dwelling is not prohibited by and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;

(e) When the lot or parcel on which the dwelling will be sited lies in an area designated in the acknowledged Comprehensive Plan as "critical winter range" the requirements of that zone also apply (see §§ 152.455 through 152.458);

(f) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(g) A dwelling under this section may be denied if the county determines that the dwelling would:

(i) Exceed the facilities and service capabilities of the area;

(ii) Materially alter the stability of the overall land use pattern in the area.

(iii) Create conditions or circumstances that the county determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations.

(h) The county assessor shall be notified that the Lot of Record dwelling is intended to be approved.

(i) An approved application for a Lot of Record Dwelling may be transferred one time by a person(s) who has qualified under this division to any other person(s) after the effective date of or final approval of the lot of record dwelling decision;

(j) For the purposes of approving a land use application under this division, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

(i) Submits a statement of agreement from the Natural Resources

Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or

(ii) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture stating that the soil class, soil rating or other soil designation should be changed; and submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

(k) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(5) *Accessory Farm Dwelling.*

The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and

(a) The accessory farm dwelling will be located:

(i) On the same lot or parcel as the primary farm dwelling; or

(ii) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(iii) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the Records Office and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules; or

(iv) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this subparagraph to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

(v) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3); and

(b) In addition to the requirements above in (a) of this section, the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(i) On land not identified as high value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in § 152.003, and produced at least $40,000 in gross annual income from the sale of farm products in each of the last two years, in at least three out of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(ii) On land identified as high value farmland as defined in § 152.003, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in § 152.003, and produced at least $80,000 in gross annual income from the sale of farm products in each of the last two years, in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

(iii) It is located on a commercial dairy farm as defined by OAR 660-033-0135 (8); and

1. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and

2. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.230; and a Producer License for the sale of dairy products under ORS 621.072.

(c) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling; and

(d) An accessory farm dwelling approved pursuant to this division cannot later be used to satisfy the requirements for a non-farm dwelling.

(e) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(6) *Farm relative dwelling.*

(a) A dwelling on real property used for farm use, if the dwelling is located on the same lot or parcel as the dwelling of the farm operator; and occupied by a relative, which means grandparent, grandchild, parent, child, sibling, stepparent, step-grandparent, stepsibling, niece, nephew or first cousin of either the farm operator or the farm operator's spouse, whose assistance in the management of the farm use of the existing commercial farming operation is required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(b) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(7) *Forest Use Dwelling.*

A dwelling on a parcel or tract determined to have a predominate forest use as of January 1, 1993 and subject to criteria in the Grazing/Farm zone, § 152.084(K).

(8) *Non-farm dwelling.*

A non-farm dwelling permitted in ORS 215.284 and subject to the following criteria:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

(b) The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel that is generally unsuitable land 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 tract.

(i) A lot or parcel or portion of 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; and

(ii) A lot or parcel or portion of 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 or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, then the lot or parcel or portion of the lot or parcel is not generally unsuitable. A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominately of Class I - VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(iii) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not generally unsuitable simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not generally unsuitable. If a lot or parcel is under forest assessment, it is presumed suitable if, in Eastern Oregon it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

(c) The dwelling will not materially alter the stability of the overall land use pattern of the area;

(i) In determining whether a proposed non-farm dwelling will alter the stability of the overall land use pattern of the area, a county shall consider the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in § 152.059 (K) (10) (OAR 660-033-0130 (4)(a)(D).) If

the application involves the creation of a new parcel for the non-farm dwelling, a county shall consider whether creation of the parcel will lead to creation of other non-farm parcels, to the detriment of agriculture in the area by applying the standards (impact test) set forth in § 152.059 (K) (10).

(ii) The dwelling complies with such other conditions as the governing body or its designate considers necessary.

(d) New easements, private roads or public right-of-ways, must meet at a minimum, the Option 1 design standard as depicted in the County Transportation Plan Figure 7-2A and defined in § 152.648 (D) (30 foot right of way with 16 foot travel lane). Whenever possible, new roads should not be placed upon agricultural land as defined by prior policies;

(e) The parcel upon which a non-resource dwelling is located and being valued at true cash value for farm use under ORS 308.370 shall meet the requirements in ORS 215.236, including but not limited to:

(i) The site shall be disqualified for farm deferral; and

(ii) The tax penalty shall be paid prior to final approval;

(f) If the non-farm dwelling site is being created by a land division, the parcel shall comply with the access, improvement requirements, and follow the procedures for land divisions set forth in § 152.710 (D), and shall comply with the applicable dimensional standards of § 152.063;

(g) If the request involves the creation of a new parcel containing historic property as defined in ORS 358.480, the original parcel may be reduced below the minimum lot size standard, including an 11% standard deviation;

(h) Sign and record a Covenant Not to Sue as provided in § 152.059 (K) (11).

(i) The dwelling will be sited on a lot or parcel created before January 1, 1993. (This date only applies to the placement of a non-farm dwelling on an existing, lawfully created lot or parcel.)

(j) If a single-family dwelling is established on a lot or parcel as set forth in § 152.059 (K) (3) or (4), Lot of Record Dwelling, no additional dwelling may later be sited under the provisions of this sub-section.

(9) *Conversion of an existing farm related dwelling to a non-farm dwelling*.

An existing farm related dwelling converted to a farmer retirement dwelling or a non-farm dwelling shall be subject to the following criteria:

(a) Meets the non-farm dwelling criteria in this section except § 152.059 (K) (8) (b).

(b) The provisions of § 152.710 (D) are applicable if a non-farm parcel will be created for the non-farm dwelling.

(10) *Impact Test.*

In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of possible new non-farm dwellings and

parcels on other lots or parcels in the area similarly situated.

(a) The county shall identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural area. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area.

(b) Within the study area identify the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/ lot-of-record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision.

(c) Determine whether approval of the proposed non-farm/lot of record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the sturdy area;

(11) *Covenant Not to Sue.*

All dwellings approved within the EFU zone require the landowners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
(Ord. 2005-02, passed 1-5-05; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2010-01, passed 3-11-10; Ord. 2011-02, passed 3-17-11; Ord. 2012-02 passed 1-26-12; Ord. 2013-02, passed 1-29-13; Ord. 2014-04, passed 7-2-14); Ord. 2015-03, passed 4-28-15; Ord. 2016-02, passed 3-16-16; Ord. 2020-01, passed 2-19-20)

§ 152.060 CONDITIONAL USES PERMITTED.

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in § 152.061, §§ 152.610 through 152.615, 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed in OAR 660, Division 033.

(A) Commercial activities in conjunction with farm uses including the processing of farm crops into biofuel not permitted under ORS 215.283 (1) (u) and provided in § 152.617 (I) (B).

(B) Operations as provided in § 152.617 (I) (K) conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under § 152.058 (E).

(2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement as provided in § 152.617 (I) (A). New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

(4) Processing of other mineral resources and other subsurface resources.

(C) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland as provided in § 152.617 (I) (O).

(D) Public parks. A public park may be established consistent with the provisions of ORS 195.120, and includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable as provided in § 152.617 (I) (Q).

(E) Golf courses and their permitted accessory uses on a parcel or tract not meeting the definition of high value farmland as defined in ORS 195.300; meeting limitations pertaining to accessory uses in OAR 660 33 130(20), and subject to expansion limitations in OAR 660 33 130(18). Non regulation golf courses are not permitted in an EFU Zone as provided in § 152.617 (I) (G).

(F) Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I) (C). (For specific criteria for Wind Power Generation see § 152.617 (I) (W))

(G) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as provided in § 152.617 (I) (N).

(H) Home occupations operated by a resident or employee of a resident of the property on which the business is located as an accessory use within the dwelling or other buildings customarily provided in

conjunction with farm use as provided in § 152.617 (I) (H).

(I) Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community as provided in § 152.617 (I) (D).

(J) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling allowed in the EFU zone as a temporary use for the term of the hardship suffered by the existing resident or relative of the resident as provided in § 152.617 (I) (V).

(K) Commercial dog boarding kennels or day training classes or testing trials that cannot be established under ORS 215.283 (1) (x) may be conditionally permitted as provided in § 152.617 (I)(I). (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)

(L) A site for the disposal of solid waste approved by the governing body of the County for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value farmland and may be maintained, enhanced or expanded on the same tract subject to §152.061 and as provided in § 152.617 (I) (S).

(M) The propagation, cultivation, maintenance and harvesting of aquatic species as provided in § 152.617 (I) (P).

(N) Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(O) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(P) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. Improvements may be limited when located on land composed of high-value soils.

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high-value farmland as provided in § 152.617 (I) (F).

(R) Living History Museum. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society as depicted in OAR 660-033-0130 (21) and as provided in § 152.617 (I) (J).

(S) Operations for the extraction and bottling of water as provided in § 152.617 (I) (M).

(T) On site filming and activities accessory to on site filming for more than 45 days provided for in ORS 215.306 as provided in § 152.617 (I) (L).

(U) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not

improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(V) Residential homes as defined in ORS 197.660, in existing dwellings and subject to administrative review procedures in § 152.769 and subject to § 152.059 (K)(11) and in § 152.617 (I) (R).

(W) Transmission or communication towers over 200 feet in height as provided in § 152.617 (I) (T).

(X) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(Y) Room and board arrangements for a maximum of five unrelated persons in an existing residence and subject to § 152.059 (K)(IX).

(Z) A wildlife habitat conservation and management plan pursuant to ORS 215.800 to 215.808.

(AA) An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possess a wholesaler's permit to sell or provide fireworks.

(BB) Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-96, and which are not facilities that are a "farm use" as defined OAR 660-033-0020(7) and as provided in § 152.617 (I) (E).

(CC) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(DD) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located as provided in § 152.617 (I) (U). Provided the school is not within 3 miles of an urban growth boundary unless an exception is

approved pursuant to ORS 197.732 and OAR 660, Division 4. New facilities are not allowed on high value farmland.

(EE) Agri-tourism or other commercial event or activity as provided by §152.617 (I) (X).

(FF) Photovoltaic solar power generation facility as provided in OAR 660-033-0130 (38).

(Ord. 2002-08, passed 8-14-02; Ord. 2003-02, passed 3-11-03; Ord. 2005-02, passed 1-5-05; Ord. 2008-09, passed 6-16-08; Ord. 2010-01, passed 3-11-10; Ord. 2012-02 passed 1-26-12; Ord. 2013-02, passed 1-29-13; Ord. 2016-02, passed 3-16-16;)

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
(Ord. 2005-02, passed 1-5-05)

§ 152.062 PARCEL SIZES.

In all EFU zones, (EFU, EFU-10, EFU-20 and EFU-40) the following standards shall apply for the creation of new parcels:

(A) *Farm parcels*. Parcels of 160 acres or larger may be established through § 152.710 (B), Type IV, Review I Land Division application process. An 11% deviation allowance standard is provided outright to compensate for irregularities due to the government land survey system, roads and other rights of way.

(B) *Farm parcels*. Parcels of 80 to 160 acres may be established through § 152.710 (C), Type IV, Review II Land Division application process.

(C) *Creation of a non-farm dwelling parcel*. A parcel may be established for a new non-farm dwelling or for an existing farm related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in § 152.059 (K) (8) and/or (9) and follows the procedures and complies with the standards in § 152.710 (D), Type IV, Review III Land Division application process.

(D) *Creation of other non-farm and conditional use parcels*. The minimum lot area for other "non-farm" uses permitted as conditional uses in an EFU zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application process.

(E) *Go-Below Areas.* Parcels within an approved "go-below" area designated by the Comprehensive Plan may be established to a size below the 160-acre minimum parcel size. Parcels within an approved "go-below" area may be established through § 152.710 (C), Type IV, Review II Land Division application process.

(F) *UGB Areas.* Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type

IV, Review V Land Division application process.
(Ord. 83-4, passed 5-9-83; Ord. 2007-01, passed 2-7-07; Ord. 2008-09, passed 6-16-08; Ord. 2013-02, passed 1-29-13; Ord. 2016-02, passed 3-16-16;)

§ 152.063 DEVELOPMENT STANDARDS.

In the EFU zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage*. A parcel shall have a minimum street or road frontage of 30 feet.

(B) *Front yard setbacks*. All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks*. Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non-farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non-farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare and to mitigate possible adverse impacts to adjacent land uses.

(D) *Distance maintained from aggregate mining operations*. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(E) *Stream setback*. To permit better light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no

case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood-prone area; and

(c) Location of the proposed building in compliance with the 100-foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

(F) *Other development standards*. All development shall be subject to the regulations contained in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.
(Ord. 2005-02, passed 1-5-05)

GF, GRAZING/FARM ZONE

Sub-Sections

152.080	Description and purpose
152.081	Uses permitted outright
152.082	Uses permitted with a farm exempt permit
152.083	Uses permitted with a zoning permit
152.084	Land Use Decisions
152.085	Conditional uses permitted
152.086	Limitations on conditional uses
152.087	Parcel sizes
152.088	Development standards
152.089	General siting and fire siting standards

§ 152.080 DESCRIPTION AND PURPOSE.

The GF, Grazing/Farm, Zone is designed to protect grazing lands, forest uses, and inclusions of agricultural land that are found within the county's mixed use farm/forest areas. The predominant use of the land is for grazing of livestock; however, there are some areas that are under agricultural cultivation and other areas where forest uses occur. The zone is also designed to conserve and protect watersheds, wildlife habitat and scenic values and views within the Blue Mountains. Certain land uses may be allowed conditionally. It is also the purpose of this zone to provide the automatic farm use valuation for farms and ranches which qualify under the provisions of ORS Chapter 308. Please see definition of farm use in § 152.003.

§ 152.081 USES PERMITTED OUTRIGHT.

In a GF Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §§ 152.007:

(A) Farm use, as defined in ORS 215.203 and § 152.003, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.283(1). For the purpose of this section, farm use does not include customary accessory uses and structures (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage), which are permitted subject to approval of a zoning permit per § 152.026.

Notwithstanding (A) above, the following are not permitted uses in the GF Zone:

(1) A new dwelling used in conjunction with a marijuana crop;

(2) A farm stand used in conjunction with a marijuana crop; and

(3) A commercial activity carried on in conjunction with a marijuana crop.

(B) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.

(C) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(D) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and

similar types of improvements within the existing right-of-way.

(E) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation (Projects not specifically identified in TSP shall follow procedures for the Comprehensive Plan amendment process, and the applicable land use approval.)

(F) Landscaping as part of a transportation facility.

(G) Emergency measures necessary for the safety and protection of property.

(H) Construction of a road as part of an approved land partition and consistent with the applicable land division regulations.

(I) Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.

(J) Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.

(K) Maintenance or minor betterment of existing transmission lines and facilities of utility companies and agencies.

(L) The transport of biosolids by vehicle to a tract on which the biosolids will be applied to the land under a license, permit or approval issued by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468B.095. The transport and the land application are allowed outright.

(M) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

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

(O) Temporary portable facility for the primary processing of forest products.

(P) Exploration for mineral and aggregate resources as defined in ORS chapter 517.

(Q) Private hunting and fishing operations without any lodging accommodations.

(R) Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans and public road and highway projects as described in ORS 215.213(1) and 215.283(1);

(S) Water intake facilities, canals and distribution lines for farm irrigation and ponds;

(T) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

(U) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(V) Minor betterment of existing public road 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.

(W) Temporary Portable Facility for the Primary Processing of Forest Products, as defined in §152.003.
(Ord. 2002-08, passed 8-14-02; Ord. 2012-02, passed 1-26-12, Ord. 2015-07, passed 9-22-15; Ord. 2016-02, passed 3-16-16;)

§ 152.082 USES PERMITTED WITH A FARM EXEMPT PERMIT. [Section Deleted]
(Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09)

§ 152.083 USES PERMITTED WITH A ZONING PERMIT.

In a GF Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §§ 152.007, 152.025, and supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562:

(A) Activities within parks that are considered minor betterment or repair as outlined in Recreational Policy 11 in the Comprehensive Plan.

(B) Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.

(C) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(D) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

(E) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1) (a) or (b).

(F) Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(G) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under this division.

(H) Climbing and passing lanes for public roads and highways, within the right-of-way existing as of July 1, 1987.

(I) Towers and fire stations for forest fire protection.

(J) Uninhabitable structures accessory to fish and wildlife enhancement.

(K) Temporary forest labor camps.

(L) Creation of; restoration of or enhancement of wetlands.

(M) A winery, as described in ORS 215.452.

(N) Farm stands if:

(1) The structures are designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25% of the total sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock, and does not include structures for banquets, public gatherings or public entertainment.

(O) Alteration, restoration or replacement of a lawfully established single-family dwelling that:

(1) Has intact exterior walls and roof structures;

(2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Has interior wiring for interior lights;

(4) Has a heating system; and

(5) In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within 1 year from the date of certification of occupancy, or 90 days if the dwelling being replaced is determined to be a nuisance. The property owner must execute and record in the deed records of the county a statement that the dwelling which qualified for replacement has been removed, demolished or converted to an allowable non-residential use;

(6) The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or if the dwelling has existed for less than five years from that time.

(7) A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.

(8) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned GF, then the applicant shall, as a

condition of approval, execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on the GF portion of the lot or parcel. A release from the deed restriction may occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation. The county Planning Department shall maintain a copy of the deed restriction or release statement filed under this section.

(9) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction; however, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

(10) A Covenant Not to Sue with regard to normal farming practices shall be recorded as a requirement for approval.

(11) A replacement dwelling permit issued under this section does not expire.

(P) Fire stations for rural fire protection.

(Q) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(R) Buildings and structures accessory to dwellings (e.g. garages, storage sheds, carports, swimming pools).

(S) Buildings and structures accessory to a farm use (i.e. barns, shops, etc.)

(T) Meteorological Towers less than 200 feet in height. Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.

(U) Home Occupations as provided in § 152.573.

(V) Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2013, as described in ORS 215.283 (1) (x).

(W) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard within one year of the date of application, as provided in § 152.617 (II) (8).
(Ord. 83-4, passed 5-9-83; Ord. 2009-09, passed 12-8-09; Ord. 2010-01, passed 3-11-10; Ord. 2012-02 passed 1-26-12; Ord. 2014-04, passed 7-2-14; Ord. 2016-02, passed 3-16-16; Ord. 2020-01, passed 2-19-20)

§ 152.084 LAND USE DECISIONS.

In a GF Zone, the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in § 152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

(A) Caretaker residences for public parks and public fish hatcheries;

(B) Churches and a cemetery in conjunction with a church provided the church is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing church facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on

high value farmland as provided in § 152.617 (II) (2) and/or (3).

(C) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and in § 152.617 (II) (7).

(D) A facility for the primary processing of forest products as provided in § 152.617 (II) (4).

(E) Continuation of a fire arms training facility in existence on September 9, 1995 and meeting the intent and purposes in ORS 197.770(2) and as provided in § 152.617 (II) (5).

(F) A facility for the processing of farm crops, or the production of bio-fuel, located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility as provided in § 152.617 (II) (1).

(G) The land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251.

(H) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard beyond one year of the date of application, as provided in § 152.617 (II) (8).

(I) Item left open.

(J) Item left open.

(K) DWELLINGS.

The following permanent dwellings may be authorized in a GF zone. The dwellings may be conventional "stick built," modular home, manufactured homes or mobile homes meeting the definition of a dwelling and the standards in § 152.013(B)(5). All farm/forest dwelling applications are subject to review and comment by the Department of Land Conservation and Development.

Permits for dwellings approved under this section are valid for four years pursuant to ORS 215.417. A permit extension for an additional two years may be obtained.

(I) Dwellings, including non-farm dwellings, on a parcel or tract determined to have a predominate agricultural use as of January 1, 1993 and listed in § 152.059 (K) and meeting the criteria and procedures specific to each listed dwelling type.

(II) Dwellings on a parcel or tract

determined to have a predominate forest use as of January 1, 1993 and subject to administrative review procedures in § 152.769 and the siting standards found in § 152.089 for the following:

(1) *Large Tract Forest Dwelling.* A Large Tract Forest Dwelling may be allowed if the following criteria are met:

(a) The dwelling is sited on a tract of at least 240 contiguous acres; or

(b) The dwelling is sited on a tract of 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(i) For the purposes of this division, approval of the dwelling is subject to providing evidence that a non-revocable or irrevocable deed restriction has been recorded with either the county records office or counties where the property subject to the covenant's conditions and restrictions is located. The deed restriction shall preclude all future rights to construct a dwelling on the tract(s) or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forest lands. The language of the deed restriction, the procedures for recording and procedures under which counties shall be keep records of the subject lots or parcels shall meet the requirements in ORS 215.740(3)(c). Enforcement of the deed restriction may be undertaken by DLCD or by the county or counties where the property is subject to the restriction is located. The failure to follow the requirements of this division shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the deed restrictions.

(ii) A tract shall not be considered to be less than the required acreage because it is crossed by a public road or waterway.

(2) *Template Dwelling.* A Template Dwelling may be allowed if the following criteria are met:

(a) The dwelling is sited on a lot or parcel that is predominately composed of soils that are:

(i) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

a. All or part of at least three other lots or parcels that existed on January 1, 1993 are within a 160 acre square centered on the center of the subject tract, and

b. At least three dwellings existed on January 1, 1993 on the other lots or parcels and continue to exist on the other lots or parcels;

(ii) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

a. All or part of at least seven other lots or parcels that existed on January 1, 1993 are within a 160 acre square centered on the center of the subject tract, and

b. At least three dwellings existed on January l, 1993 on the other lots or parcels and continue to exist on the other lots or parcels.

(iii) Capable of producing more than 50 cubic feet per acre per year of

wood fiber if:

a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre centered on the center of the subject tract; and

b. At least three dwellings existed on January 1, 1993 on the other lots or parcels and continue to exist on the other lots or parcels.

(iv) If a tract 60 acres or larger abuts a road or perennial stream, the review or analysis shall be made by using a 160-acre rectangle or template that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract; and

a. Be located within a 160-acre rectangle or template that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road or stream;

b. Be within ¼-mile from the edge of the subject tract but not outside the length of the 160-acre rectangle or template, and on the same side of the road or stream as the tract.

(v) If the tract under this division abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one-mile-long and ¼-mile wide centered on the center of the subject tract, and that is to the maximum extent possible aligned with the road.

(vi) A tract shall not be considered to be less than the required acreage because it is crossed by a public road or waterway.

(3) *Lot of Record Dwelling.* A Lot of Record Dwelling may be allowed if the following criteria are met:

(a) The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species (trees recognized under rules adopted under ORS 527.715) and is located within 1,500 feet of a Public Road as defined in ORS 368.001. The road be maintained and either paved or surfaced with rock and shall not be:

(i) A United States Bureau of Land Management road; or

(ii) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(b) The lot or parcel in which the dwelling will be sited was lawfully created and was acquired by the present owner:

(i) Prior to January 1, 1985; or

(ii) By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985;

(c) The tract on which the dwelling will be sited does not include a dwelling;

(d) When the lot or parcel on which the dwelling will be sited lies in an area designated in the acknowledged Comprehensive Plan as "critical winter range," the requirements of that zone also apply (See §§ 152.455 through 152.458).

(e) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

(f) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract. A dwelling under this section may be denied if the county determines that the dwelling would:

(g) An approved application for a single family dwelling may be transferred one time by a person(s) who has qualified under this division to any other person(s) after the effective date or final approval of the lot of record dwelling decision.

(h) For purposes of this section, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(i) If a lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.

(j) The dwelling meets the fire siting, design and other structure siting requirements in § 152.089.
(Ord. 2012-02 passed 1-26-12; Ord. 2014-04, passed 7-2-14; Ord. 2020-01, passed 2-19-20)

§ 152.085 CONDITIONAL USES PERMITTED.

In the GF Zone, the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of § 152.086, applicable supplementary regulations in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and applicable §§ 152.610 through 152.615. Specific standards for some of the conditional uses listed below are contained in § 152.616. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional use and listed in this section may be expanded subject to administrative review and subject to the requirements listed in this section, except expansions on a parcel or tract meeting the definition of high value farmland will not be permitted.

(A) Commercial activities in conjunction with farm uses including the processing of farm crops into biofuel not permitted under ORS 215.283 (1) (u) and provided in § 152.617 (I) (B).

(B) Operations as provided in § 152.617 (I) (K) conducted for:

(1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under §152.083 (D) (e.g., compressors, separators

and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517;

(2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement as provided in § 152.617 (I) (A). New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

(4) Processing of other mineral resources and other subsurface resources.

(C) Private parks, playgrounds, hunting and fishing preserves and campgrounds on a parcel or tract not meeting the definition of non-high value farmland as provided in § 152.617 (I) (O).

(D) Public parks. A public park may be established consistent with the provisions of ORS 195.120, and includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable as provided in § 152.617 (I) (Q).

(E) Golf courses and their permitted accessory uses on a parcel or tract not meeting the definition of high value farmland as defined in ORS 195.300; meeting limitations pertaining to accessory uses in OAR 660 33 130(20), and subject to expansion limitations in OAR 660 33 130(18). Non regulation golf courses are not permitted in an EFU Zone as provided in § 152.617 (I) (G).

(F) Commercial utility facilities for the purpose of generating power for public use by sale as provided in § 152.617 (I) (C). (For specific criteria for Wind Power Generation see § 152.616 (HHH))

(G) Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as provided in § 152.617 (I) (N).

(H) Home occupations operated by a resident or employee of a resident of the property on which the business is located as an accessory use within the dwelling or other buildings customarily provided in conjunction with farm use as provided in § 152.617 (I) (H).

(I) Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community as provided in § 152.617 (I) (D).

(J) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling allowed in the EFU zone as a temporary use for the term of the hardship suffered by the existing resident or relative of the resident as provided in § 152.617 (I) (V).

(K) Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.283 (1) (x) may be conditionally permitted as provided in § 152.615 and § 152.617 (I)(I), as applicable. (Working dogs associated with farm and ranch operations on the premises of EFU and GF zoned lands are not commercial kennels.)

(L) A site for the disposal of solid waste approved by the governing body of the County for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation on a parcel or tract not meeting the definition of high-value farmland and may be maintained, enhanced or expanded on the same tract subject to §152.086 and as provided in § 152.617 (I) (S).

(M) The propagation, cultivation, maintenance and harvesting of aquatic species as provided in § 152.617 (I) (P)

(N) Construction of additional passing and travel lanes on public roads and highways requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(O) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(P) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels. Improvements may be limited when located on land composed of high-value soils.

(Q) A destination resort which is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort on a parcel or tract not meeting the definition of high-value farmland as provided in § 152.617 (I) (F).

(R) Construction of new utility facilities, including transmission lines and towers, necessary for public service as provided in § 152.617 (I) (C).

(S) An outdoor mass gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons that continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

(T) On-site filming and activities accessory to on-site filming provided for in ORS 215.306 and as provided in § 152.617 (I) (L).

(U) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(V) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(W) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(X) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. Provided the school is not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. New facilities are not allowed on high value farmland and as provided in § 152.617 (I) (U).

(Y) Permanent facility for the primary processing of forest products;

(Z) Permanent logging equipment repair and storage;

(AA) Log scaling and weigh stations;

(BB) (1) Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, 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 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 six-month period.

(2) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.

(3) Subject to the approval of the County governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is

smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(CC) Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable;

(DD) Transmission or communication towers over 200 feet as provided in § 152.617 (I) (T).

(EE) Aids to navigation and aviation;

(FF) Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

(GG) Reservoirs and water impoundments;

(HH) Firearms training facility;

(II) Cemeteries;

(JJ) Private seasonal accommodations for fee hunting operations may be allowed subject to §§ 152.086 and 152.089 and the following requirements:

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

(2) Only minor incidental and accessory retail sales are permitted;

(3) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(KK) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects;

(LL) Public road and highway projects as described in ORS 215.213(2)(p) through (r) and (10) and 215.283(2)(q) through (s) and (3);

(MM) Private accommodations for fishing occupied on a temporary basis may be allowed subject to §§ 152.086 and 152.089 and the following requirements:

(1) Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(2) Only minor incidental and accessory retail sales are permitted;

(3) Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;

(4) Accommodations must be located within one-quarter mile of fish bearing Class I waters; and

(5) A governing body may impose other appropriate conditions.

(NN) Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest

operations.
(Ord. 2002-08, passed 8-14-02; Ord. 2010-01, passed 3-11-10; Ord. 2012-02 passed 1-26-12; Ord. 2016-02, passed 3-16-16)

§ 152.086 LIMITATIONS ON CONDITIONAL USES.

The following limitations shall apply, if determined appropriate, to all conditional uses in the GF Zone as found in OAR 660-006-0025 (5), except as noted for non-farm dwellings in § 152.059 (K) (8) and referenced in §152.084 (K) (I):

(A) 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;

(B) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(C) A written statement (i.e. Covenant Not to Sue Agreement) recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in § 152.085 (H), (J), (BB), (HH), and (NN) of this chapter.
(Ord. 2012-02 passed 1-26-12; Ord. 2013-02, passed 1-29-13)

§ 152.087 PARCEL SIZES.

In a Grazing Farm Zone, the following standards shall apply for the creation of new parcels:

(A) *Farm/resource parcels determined to have a predominate agricultural use as of January 1, 1993.* Parcels of 160 acres or larger may be established through the Type

IV, Review I Land Division application process listed in § 152.710 (B). An 11% standard deviation allowance is provided outright to compensate for irregularities due to the government land survey system, roads and other rights-of-way.

(B) *Resource parcels determined to have a predominate forest use as of January 1, 1993 and for the purposes of facilitating a forest practice.* A parcel created pursuant to this division:

(1) Shall not be eligible for siting of a new dwelling;

(2) Shall not serve as justification for siting a future dwelling on other lots or parcels;

(3) Shall not result in a parcel of less than 35 acres, except:

(a) Where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; or

(b) Where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; and

(4) If associated with the creation of a parcel where a dwelling is involved, the parcel shall not be less than the minimum lot or parcel size in division (A) above.

(C) *For a non-farm dwelling on a parcel determined to have a predominate agricultural use as of January 1, 1993.* A parcel may be established for a new non-farm dwelling or for an existing farm-related dwelling to be converted to a non-farm dwelling if the proposed parcel meets the criteria in §§ 152.059 (K) (8) and/or (9), following and complying with the standards and procedures in § 152.710 (D), Type IV, Review III Land Division application process.

(D) *For an existing dwelling on a parcel determined to be predominately in forest use.* Creation of a parcel under this division shall be subject to the following:

(1) The parcel shall not be larger than five acres, except as necessary, to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(2) The dwelling existed prior to June 1, 1995;

(3) The remaining parcel not containing the dwelling meets the minimum land division standards of the zone; or the remaining parcel not containing the dwelling is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(4) The remaining parcel not containing the dwelling is not entitled to a dwelling unless subsequently authorized by state law or goal;

(5) The minimum tract eligible under this division is 40 acres;

(6) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS Chapter 321;

(7) Applicant shall provide a copy of a recorded irrevocable consent agreement that restricts the allowance of any dwellings on the remaining parcel that does not contain the existing dwelling. This irrevocable consent agreement may be

rescinded by a statement of release signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(E) *For other non-farm/non-resource and conditional uses.* The minimum lot area for other "non-farm" and "non-resource" uses permitted outright or conditionally in this zone shall be the size necessary to accommodate the use and may be established through § 152.710 (E), Type IV, Review IV Land Division application.

(F) *UGB Areas.* Parcels of less than 160 acres in size may be created where portions of the lawfully established parcel are located within the UGB. The new parcels may be established through the § 152.710 (F), Type IV, Review V Land Division application process.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08; Ord. 2013-02, passed 1-29-13; Ord. 2016-02, passed 3-16-16;)

§ 152.088 DEVELOPMENT STANDARDS.

In the GF zone, the following dimensional and development standards shall apply:

(A) *Minimum parcel frontage.* A parcel shall have a minimum road or street frontage of 30 feet.

(B) *Front yard setbacks.* All buildings shall be set back from front property lines and side or rear property lines adjoining county roads, public roads, state highways, or public or private access easements as follows:

(1) At least 30 feet from the property line or easement boundary; or

(2) At least 60 feet from the center line of the road, highway, or easement, whichever is greater.

(C) *Side and rear yard setbacks.* Except as provided in division (B) above, the following standards shall apply for side and rear yard setbacks:

(1) The minimum yard setback for farm or non-farm dwellings shall be 20 feet.

(2) The minimum yard setback for accessory buildings or structures, for both farm and non-farm uses, shall be five feet, except as otherwise provided in applicable conditions of approval, or as constrained by division (D) below.

(3) Special minimum yard setbacks may be established for an approved conditional use to protect the public health, safety and welfare, and to mitigate possible adverse impacts to adjacent land uses.

(D) *Distances from aggregate mining operations.* A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling:

(1) Obtains a written release from the adjacent mining operation allowing a closer setback; and

(2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(E) *Stream setback.* To permit better

light, air, vision, stream pollution control, to protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands, and to prevent construction in flood prone areas along streams not mapped as part of the National Flood Insurance Program, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ sanitarian finds that a chosen location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark, except that this setback can be reduced to 20 feet if all of the following criteria are met:

(a) The parcel contains one acre or less; and

(b) It can be shown with photographs and maps that due to topography the proposed building will be located outside of a flood prone area; and

(c) Location of the proposed building in compliance with the 100-foot setback would be inconvenient and inefficient with respect to the location of existing buildings on the property or due to topographic constraints.

(F) *Other development standards.* All development shall be subject to the supplementary regulations contained in §§ 152.010 through 152.016 and §§ 152.545 through 152.562, and to the exceptions standards of §§ 152.570 through 152.577, including but not limited to: vision clearance, signs, off-street parking, access, fences, wetland drainage, and maintenance, removal and replacement of riparian vegetation.

§ 152.089 GENERAL SITING AND FIRE SITING STANDARDS.

The following criteria shall apply to all new dwellings and structures in the GF Zone. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

(A) Dwellings and accessory structures shall be sited on the parcel so that:

(1) They have the least impact on adjoining forest or agricultural lands;

(2) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(3) The amount of forest lands used to site access roads, service corridors, the dwelling and accessory structures is minimized; and

(4) The risks associated with wildfire are minimized.

(B) Siting criteria satisfying division (A)

above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

(C) Applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of groundwater or surface water and not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For the purposes of this division, evidence of a domestic water supply means:

(1) Verification from a water purveyor (e.g. Water Resources Department irrigation district, etc.) that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(2) A water use permit issued by the Water Resources Department of the use described in the application; or

(3) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

(D) 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 U.S. Bureau of Land Management, or the U.S. 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 agree to accept responsibility of road maintenance.

(E) Approval of a dwelling shall be subject to the following requirements:

(1) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry rules. The Planning Department shall notify the County Assessor of this condition at the time the dwelling is approved.

(2) If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the County Assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

(3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and

(4) The Planning Director or authorized designee shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest,

prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(F) *Fire Siting and Fire Safety Design Standards.* The following fire-siting and fire safety design standards shall apply when constructing all new dwelling or structures in the GF Zone.

(1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road design standards shall meet the appropriate rural fire protection district and forest protection district standards for private roads and bridges, except for private roads and bridges accessing only commercial forest uses. If no such standards exist, the county shall, on a site by site basis, consult with the appropriate fire or forest protection district to determine mutually agreed upon road and access standards considering maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions.

(3) The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry.

(4) The dwelling shall have a fire retardant roof.

(5) The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
(Ord. 2012-02 passed 1-26-12)

NR, NON-RESOURCE ZONE

Su-Sections

152.100	Purpose
152.101	Applicability
152.102	Uses Permitted
152.103	Conditional Uses Permitted
152.104	Limitations on Use
152.105	Development/Dimensional Standards
152.106	Site Plan Review

§152.100 PURPOSE

The NR (Non-Resource) Zone is designed to allow for the development of residential and recreational uses on land that is not suitable for resource uses while protecting open space and natural resource values. The zone is designed to implement the Non-Resource (NR) land use designation of the Comprehensive Plan.

The purposes of the NR zone are to:

(1) Allow rural development densities, while preserving large areas of open space by clustering development;

(2) Avoid the creation of new urban areas; and

(3) Allow very large lot development which preserves sensitive areas and a sense of open space.
(Ord. 2000-10, passed 10-18-00)

§152.101 APPLICABILITY

The Non-Resource Zone applies to lands that are designated Non-Resource (NR) in the Comprehensive Plan.
(Ord. 2000-10, passed 10-18-00)

§152.102 USES PERMITTED

(A) *Uses permitted outright*. In a NR Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §152.027: farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(B) *Uses permitted with a zoning permit.* In a NR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025:

(1) Dwelling, single-family;

(2) Home occupations as provided in §152.573;

(3) Non-commercial greenhouse or nursery;

(4) Public or semi-public use;

(5) Signs Type 2, 3, 4, 5, 6 as defined in § 152.546;
(Ord. 2000-10, passed 10-18-00; Ord. 2008-09, passed 6-16-08; Ord. 2015-07, passed 9-22-15)

§152.103 CONDITIONAL USES PERMITTED

In a NR Zone, the following uses and

their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616 of this chapter:

(A) Day care or nursery as provided in § 152.616 (V);

(B) Community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency or homeowners' association as provided in § 152.616 (QQ);

(C) Boarding of horses for profit as provided in § 152.616 (G);

(D) Horse-boarding stable as provided in § 152.616 (G);

(E) Utility facility as provided in § 152.616 (CCC);

(F) Marina; defined as a facility for storing, servicing, launching, mooring and securing of pleasure boats for owners, crews and guests. Moorage facilities with five (5) or fewer berths are excluded from this category.
(Ord. 2000-10, passed 10-18-00)

§152.104 LIMITATIONS ON USE

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a NR Zone:

(A) The total number of all cows, horses, goats, sheep, or similar sized animals over the age of six months allowed on the envelope (developable) portion of a lot shall be limited to one per 1/2 acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres, only four of the animals listed above could be kept.

(B) The number of chickens, fowl or rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25 percent of the total envelope area.

(C) Adequate fences and corrals shall be required to keep animals off adjacent lots and open space areas;

(D) Barns, corrals, pens, sheds, and other structures sheltering animals shall be located a minimum of 50 feet from a side or rear property line, 75 feet from the front property line, and shall be restricted to within the development envelope.

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials, and shall be subject to county, state, or federal health regulations as may be established.
(Ord. 2000-10, passed 10-18-00)

§152.105 DEVELOPMENT / DIMENSIONAL STANDARDS

In a Non-Resource Zone, the following standards shall apply:

(A) *Minimum Planning Area*

A minimum Planning Area of 1,000 acres is required. The Planning Area can be composed of multiple lots. These lots are required to be adjacent or within 1,500 feet of each other, and are required to be under single ownership.

(B) *Density*

The minimum density is one dwelling unit per 20 acres. This density, however, is

the total density which is applied to the Non-Resource Planning Area in order to determine the total number of units that can be built. This allows the density allowances for one lot to effectively be transferred to other lots if they are in the same Planning Area. This is intended to allow for the coordination of planning for multiple properties under single ownership for the joint planning of conservation and development.

There are two alternative development options that determine actual allowable lot sizes for the NR zone: "clustered" development with 5- to 20-acre minimum lot sizes and "dispersed envelope" development with 20-acre minimum lot sizes. The Cluster Development and Dispersed Envelope Development Options may be combined in the Non-Resource Zone.

(C) *Open Space*

A minimum of 50 percent of the Planning Area shall be reserved as contiguous common open space or as 80-acre minimum lots, or a combination of the two. Common open space is intended for the common use of the residents of a development with necessary and appropriate restrictions.

(D) *Minimum Lot Sizes, Clustering and Development Envelopes*

The minimum lot size in the Non-Resource Zone is 5 acres. All lots in the Non-Resource Planning Area that are 5 acres up to 20 acres in size are required to be clustered in contiguous blocks of at least 8 lots each. “Development Envelopes” with a 1.5-acre maximum size shall be designated on each lot 5 to 20 acres in size. Development Envelopes with a 4-acre maximum size shall be designated on lots larger than 20 acres. Dwelling units and other improvements are only allowed to be built in the Development Envelope, while the rest of the lot shall be permanently devoted to open space through dedicated easements. The open space conservation easement dedication for land on a lot outside of the development envelope does not imply that the property is available for public use or for use as a common open space for the other residents of the development. It differs in this respect from the common open space required outside of lots (see (C) above).

(E) *Setbacks, lot coverage and building heights*

(1) No building shall be located closer than 50 feet from any lot line.

(2) Lot Coverage – the main building and accessory buildings located on any lot shall not cover more than 30 percent of the designated development envelope.

(3) Building Height – no building or structure shall be erected or enlarged to exceed three stories or more than 45 feet in height.

(F) *Stream setback*

To permit better light, air, vision, stream or pollution control, protect fish and wildlife area, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields shall be set back from the mean high-water line or mark along all streams, lakes or wetlands, a minimum of 100 feet measured at right angles to the high water line or mark. In those cases, where practical

difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams, lakes or wetlands, a minimum of 100 feet measured at right angles to the high-water line or mark.
(Ord. 2000-10, passed 10-18-00)

§152.106 SITE PLAN REVIEW

The following procedures and content shall be included and followed when a development proposal in the Non-Resource Zone is submitted for consideration by the Planning Commission:

(A) *Submission of Cluster Development Proposal; Procedures*

(1) Prior to submission of a tentative plan for a development, the applicant shall request the Planning Director to arrange a pre-application conference. The request shall include three copies of a preliminary sketch of the proposal and other general information needed to explain the development. The conference shall be held within 10 working days of the filing of the request and shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land practices and techniques that will aid the applicant in preparing a tentative plan.

(2) Following the pre-application conference, the applicant shall file with the Planning Department a complete application form as provided by the Planning Department and 20 copies of the tentative plan with the required fee;

(3) On receipt of the completed application, the Planning Director shall schedule a public hearing before the County Planning Commission within 45 days of receipt of the application;

(4) The Planning Director shall furnish a copy of the tentative plan to all affected city, county, state and federal agencies and special districts, with a request for their review and written comments;

(5) Failure of an agency or district to provide written comments to the Planning Director concerning a development within 10 working days after furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period. However, the additional review period shall not exceed the date of the Planning Commission hearing.

(B) *Statement of Intentions for Development; Content*

The applicant for a development in the Non-Resource Zone shall supply a statement or statements which describe the applicant's intentions for the development of the property and shall include, but is not limited to:

(1) Type of housing;

(2) A statement of the applicant's intention with regard to the future selling, leasing, and use or maintenance of all, or

portions of the development such as common open space, dwelling units and the like;

(3) If common open space is to be deeded to homeowners' association, a declaration of covenant and restrictions that will govern the association shall be submitted;

(4) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any;

(5) Proof of record ownership of the tract and the representative's authorization;

(6) Legal description of the tract;

(7) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(C) *Statement Plan Map and Tentative Plan Information*

(1) The tentative plan map for a development in the Non-Resource Zone shall contain the following information:

(a) Date, north point and scale of drawing;

(b) The scale of the drawing shall be a standard scale.

(2) The following information shall be shown on the tentative plan:

(a) Location and width of any wet area, marshes, springs, ponds, intermittent or perennial streams, rivers, lakes and an indication of the direction of water flow on and abutting the tract;

(b) Location of any natural features such as open meadows, rock outcroppings, wooded areas, and agricultural lands which may affect the proposal;

(c) Location and direction of deer and elk migration routes, if applicable;

(d) Location of known or identified historic buildings, scenic views, archeological sites or natural areas;

(e) Location, name or present width of existing roads;

(f) Location of steep slope areas over 25%;

(g) Location, width and purpose of any easement of record on or serving the tract;

(h) Location and type identification of all utilities on or serving the tract;

(i) Ground elevations as related to a bench mark or other point of reference approved by the County Surveyor, shown by contours at minimum intervals as follows:

(i) Slopes of 0-15%, five foot intervals;

(ii) Slopes of 15-20%, 10 foot intervals

(iii) Slopes of 20% or over, 20 foot intervals;

(j) Scaled location and present use of all existing structures proposed to remain on the property after division;

(k) The location of at least one temporary bench mark within the land division;

(l) The approximate location of areas subject to periodic flooding;

(m) Prevailing wind direction in the summer and winter;

(n) Enough information on land areas adjacent to the proposed development, including land uses, zoning classifications, densities, circulation systems, public facilities and significant landscape features, to indicate the relationships between the proposed development and the adjacent areas.

(o) Changes to navigable streams, lakes or marshes, if any;

(p) Scaled location of any proposed facilities or buildings located beyond 100 feet of streams, lakes or marshes;

(q) Scaled location of proposed facilities or buildings located within or adjacent to open meadows, known or identified deer or elk migration routes, and identified scenic views, archeological sites or natural areas;

(r) Location, proposed name, right-of-way width and approximate radii of curves of each proposed road and any projected roads that connect with existing or proposed roads on adjacent property;

(s) Location, width and nature of all proposed easements;

(t) The location and nature of other utilities not requiring easements (e.g. street lighting, and the like);

(u) Location and approximate dimensions of all lots or parcels, the minimum lot or parcel size;

(v) Proposed domestic or community water supply system, whichever is applicable;

(w) Proposed method of sewage disposal;

(x) Proposed methods of surface water disposal and any other proposed drainage easements;

(y) Location of areas proposed for landscaping and/or areas to be maintained for buffering or screening;

(z) Proposed methods of fire protection including water sources;

(aa) Proposed consideration for solar and wind energy utilization or other energy conservation techniques;

(bb) The proposed treatment of the perimeter of the development including techniques to be used for buffering, screening and fencing;

(cc) The location and size in acres of all areas to be conveyed, dedicated or reserved as common or public open spaces or recreational areas.

(D) *Criteria for Approval*

In granting approval of a tentative plan for a development, the Planning Commission shall make the following general findings:

(1) The development contributes to orderly development and land use patterns in

the area, and provides for the preservation of open spaces and natural resources;

(2) The development will be compatible with surrounding uses and will not create an excessive demand on public facilities and services required to serve the development;

(3) In addition to the above listed general findings, the Planning Commission shall determine if the following criteria has been met:

(a) That the lots are congregated in such a way as to have large areas for open space which are to be kept permanently free of buildings and not ever redivided for sale or building development;

(b) The area dedicated for common open space be approved by the Planning Commission prior to adoption of a final map;

(c) Development Envelopes shall be situated on lots to reduce impacts on natural resources, surrounding properties, and visual impacts on neighboring lots.

(4) That the maintenance or permanence of common open space required in the sub-district be assured through the owner or developer agreeing to one of the following:

(a) Owner/developer agreeing to maintain the permanent open space and any buildings, private roads, structures or improvements which have been placed within the cluster development;

(b) Convey the open space to a homeowner's association, subject to covenants running with the land that restrict the common open space to the uses specified in the final development plan, and which provide for the common open space in a manner which assures its continuing use for its intended purpose.

(5) If the common open space is to be deeded to a homeowner's association, the declaration of covenants and restrictions shall include:

(a) The homeowner's association must be set up before the homes are sold. Prior to such sales, the property owner assumes the responsibility of that share attributable to each unsold home defined in the homeowner's association;

(b) Membership must be mandatory for each home buyer and any successive buyer;

(c) The open space restrictions must be permanent, not just for a period of years;

(d) The association shall be responsible for securing liability insurance, for payment of local taxes, and for the maintenance of recreational and other facilities;

(e) Residence owners shall pay their pro rata share of the cost of insurance, local taxes, and maintenance of the common open space; the assessment levied by the association can become a lien on their property;

(f) The association must be able to adjust the assessment to meet changed needs.

(6) The development plan will provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks, as

well as for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Planning Commission may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project;

(7) The development plan will discourage excessive site clearing of topsoil, trees and natural features before the commencement of construction operation. The Planning Commission may require the applicant to submit a grading plan detailing proposed excavation, earth-moving procedures and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space, and to protect fish and wildlife habitat and water quality of streams, lakes, ponds and springs;

(8) The development plan will avoid the siting of residential and non-residential buildings, and roads in areas subject to landslides, areas with average slopes greater than 25% and areas with unstable soil formations. The Planning Commission may require that all floodplains be preserved as permanent common open space, and may require that other natural hazard areas be included in the common open space of the proposed development and be left unimproved or improved to assure minimization of the hazards;

(9) The development plan will avoid the siting of residential and non-residential buildings and their accessory uses including fencing within or near identified migration routes of deer and elk. The Planning Commission may require a special setback of an appropriate distance from these migration routes upon consultation with the Fish and Wildlife Department;

(10) The development plan will be compatible with the adjacent development or natural resources and shall minimize adverse impacts of the proposed uses and structures by buffering, screening or use of topographic barriers. If topographic or other natural barriers do not provide reasonable privacy for existing uses, highway or natural resources adjacent to the proposed development, the Planning Commission shall require one or more of the following:

(a) A special setback or setbacks of residential and non-residential structures located on the perimeter;

(b) Residential and non-residential structures located on the perimeter of the development be screened by fencing, landscaping or other natural or man-made materials;

(11) The development plan will consolidate utility distribution lines within the road system and bury the cables and distribution points except as follows:

(a) Where topography or other conditions will not permit the burying or consolidation of utility distributions lines within the road system, the location and method of delivery of these utilities shall conform to an alternative arrangement authorized by the Planning Commission;

(b) The Planning Commission, in considering an alternative arrangement of utility design and location, shall insure that said alternative will blend in with the surroundings and will not remove an excessive amount of vegetation.

(E) *Improvement Agreement; Bond Requirement*

In order to insure that a development in

the Non-Resource Zone will be developed according to the conditions required by this chapter or the County Planning Commission, a bond or bonds shall be required unless the conditions are met prior to the filing of a final plan map.

(F) *Phasing Plan*

The Planning Commission may allow a development in the NR Zone to be developed in phases provided that the phasing plan is agreed to and made a part of the conditions at the time of approval of the tentative plan.

(G) *Final Development Map*

An applicant for a development in the NR Zone shall file a final map pursuant to §152.669 of this chapter within one year of the date of approval of the tentative map. Failure to file a final map within the one-year time limit following the tentative map approval will require that a new tentative plan be resubmitted to the Planning Commission that would make any revisions considered necessary to meet changed conditions.

(H) *Conservation Easements for Open Space*

The final plan must have provisions that all land located in lots but outside of designated development envelopes is preserved permanently as undeveloped open space via conservation easements. The conservation easement dedication is not for common open space and does not imply that the property is available for public use or for use as common open space for the other residents of the development.
(Ord. 2000-10, passed 10-18-00)

UC, UNINCORPORATED COMMUNITY ZONE

Sub-Sections

152.115	Purpose
152.116	Uses permitted
152.117	Conditional uses permitted
152.118	Limitations on use
152.119	Dimensional standards

§ 152.115 PURPOSE.

The UC, Unincorporated Community, Zone is designed to provide for the continuation and in filling of the small rural trading centers in the county that are located at some distance from developed or developing urban areas. The purpose of this use zone is to provide for needed facilities and services to maintain rural life styles while preserving the natural resources which are adjacent to these designated areas and to maintain the viability of incorporating these communities.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

§ 152.116 USES PERMITTED.

(A) *Uses permitted outright.* In a UC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § 152.003, except livestock feed yards and sales yards, hog or poultry farms, and the raising of fur-bearing animals or hogs, the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(9). For the purpose of this section, ***FARM USE*** includes customary accessory uses (e.g. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators, or personal use chemical storage facilities);

(2) The propagation or harvesting of a forest product;

(3) Sale of agricultural produce grown on the premises.

(4) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(5) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(6) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(7) Landscaping as part of a transportation facility.

(8) Emergency measures necessary for the safety and protection of property

(9) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(10) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a UC, Unincorporated Community, Zone the following uses and their accessory uses may be permitted upon

the issuance of a zoning permit, pursuant to § 152.025:

(1) Dwellings, including mobile homes, principal farm or forestry dwellings, farm or forestry employee's dwelling, bunkhouses and dwellings as an accessory use for the owner or operator of a commercial or industrial use allowed in this use zone;

(2) Churches;

(3) Schools;

(4) Public and semi-public uses;

(5) Parks, playgrounds and community buildings;

(6) Cemeteries;

(7) Residential Home (Adult Foster Care);

(8) Utility facilities;

(9) Home occupations as provided in § 152.573;

(10) Signs: Type 2, 4, 5, 8 and 9 as defined in § 152.546;

(11) Contractor's storage yards;

(12) Boarding, lodging, or rooming house;

(13) Day care, nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12, Ord. 2015-07, passed 9-22-15)

§ 152.117 CONDITIONAL USES PERMITTED.

(A) In a UC Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of §§ 152.610 through 152.616 of this chapter:

(1) Automobile service station or repair garage as provided in § 152.616 (D);

(2) Retail and service commercial as provided in § 152.616 (VV);

(3) Airport or land strip as provided in § 152.616 (B);

(4) Junkyard as provided in § 152.616 (E);

(5) Automobile wrecking yard as provided in § 152.616 (E);

(6) Wholesale business, storage building or warehouse as provided in § 152.616 (EEE);

(7) Hauling, freighting and trucking yard or terminal as provided in §§ 152.616 (HH) or 152.616 (BBB);

(8) Home occupation/cottage industry as provided in § 152.616 (II);

(9) Welding shop as provided in § 152.616 (F);

(10) Blacksmith or machine shop as provided in § 152.616 (F);

(11) Mobile home or travel trailer park as provided in § 152.616 (NN);

(12) Roadside stands for the sale of agricultural products as provided in § 152.616 (WW);

(13) Grain elevators as provided in § 152.616 (DD);

(14) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(15) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(16) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(17) Special exemptions, as provided in §§ 152.575 and 152.576 of this chapter;

(B) A zoning permit is required following approval of a conditional use pursuant to § 152.025.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.118 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a U-C Zone:

(A) Cows, horses, goat or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats or sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The total number of chickens, fowl, rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area.

(C) Adequate fences and corrals shall be

required of the animal owner to keep animals off adjacent lands;

(D) Barn, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies and accumulated animal waste materials and shall be subject to health regulations (county, state or federal as may be hereafter established);

(F) Outdoor storage for commercial and industrial uses shall be screened from view from adjacent residential uses.
(Ord. 83-4, passed 5-9-83)

§ 152.119 DIMENSIONAL STANDARDS.

(A) *Lot size.* The minimum average width of lots shall be 150 feet with a minimum area of one acre;

(B) *Dimensional standards.* The following dimensional standards shall apply in a UC Zone: no building or structure shall be erected or enlarged to exceed more than 25 feet in height, except dwellings may be constructed with two stories, not including a basement.

(C) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the main high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

(D) *Building and Structure setback and yards.*

(1) No building or accessory structure shall be located closer than 20 feet from a lot or parcel line, except on the street side of a corner lot or parcel the setback shall be 25 feet from the lot or parcel line;

(2) The minimum side yard shall be 20 feet, except on the street side of a corner lot it shall be 25 feet;

(3) The minimum rear yard shall be 20 feet.

(E) *Off-street parking and loading.* Off-street parking and loading shall be provided in accordance with the provisions of § 152.560 of this chapter.
(Ord. 83-4, passed 5-9-83; Ord. 2003-10, passed 8-14-2003; Ord. 2019-03, passed 4-3-19;)

RR-2, RURAL RESIDENTIAL ZONE

Sub-Sections

152.130	Purpose
152.131	Uses permitted
152.132	Conditional uses permitted
152.133	Limitations on use
152.134	Dimensional standards

§ 152.130 PURPOSE.

The RR-2, Rural Residential, Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.
(Ord. 83-4, passed 5-9-83)

§ 152.131 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-2 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § 152.003, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwelling and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a RR-2 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(1) Dwelling, single-family;

(2) Home occupations as provided in § 152.573;

(3) Mobile home as provided in § 152.013;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Residential Home (Adult Foster Care);

(8) Day Care or Nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12, Ord. 2015-07, passed 9-22-15)

§ 152.132 CONDITIONAL USES PERMITTED.

In a RR-2 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616 of this chapter:

(A) Church as provided in § 152.616 (K);

(B) Commercial greenhouse or nursery as provided in § 152.616 (R);

(C) Roadside stand for the sale of agricultural products grown by the owner as provided in § 152.616 (WW);

(D) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency as provided in § 152.616 (EE);

(E) Boarding, lodging or rooming house as provided in § 152.616 (H);

(F) Rest home, home for the aged, nursing home, or convalescent home as provided in § 152.616 (UU);

(G) Utility facility as provided in § 152.616 (CCC);

(H) Veterinary clinic or animal hospital as provided in § 152.616 (DDD);

(I) Model home including sales office, subdivision or development sales office as provided in § 152.616 (OO);

(J) Special exemptions, as provided in §§ 152.575 and 152.576 of this chapter;

(K) Cemetery as provided in § 152.616 (J);

(L) Home occupation/cottage industry as provided in § 152.616 (II);

(M) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003 and provided in § 152.616 (RR).

(N) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the

following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(O) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(P) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.133 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-2 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be

required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes only.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13; Ord. 2018-03, passed 4-3-19;)

§ 152.134 DIMENSIONAL STANDARDS.

In a RR-2 Zone, the following standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, two acres with an average lot width of 150 feet;

(2) *Non-residential structures.* For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) *Conditional uses.* Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize potential conflicts with adjacent land uses;

(4) *Pre-existing non-conforming lots of record.* Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, providing that all other applicable regulations can be met.

(B) *Setback requirements.* No building or accessory structure shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line;

(C) *Lot coverage and building heights.*

(1) *Lot coverage.* The main building and accessory buildings located on any building site or lot shall not cover more than 30% of the total lot area;

(2) *Building and structure height*. No building or structure shall be erected or enlarged to exceed more than 25 feet in height, except for utility pole structures, and dwellings that may be constructed with two stories (not including basements).

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake, or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19;)

RR-4, RURAL RESIDENTIAL ZONE

Sub-Sections

152.155	Purpose
152.156	Uses permitted
152.157	Conditional uses permitted
152.158	Limitations on use
152.159	Dimensional standards

§ 152.155 PURPOSE.

The RR-4, Rural Residential, Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.
(Ord. 83-4, passed 5-9-83)

§ 152.156 USES PERMITTED.

(A) *Uses permitted outright.* In a RR-4 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § 152.003, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a RR-4 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025:

(1) Dwelling, single-family;

(2) Home occupation as provided in § 152.573;

(3) Mobile home as provided in § 152.013;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Residential Home (Adult Foster Care);

(8) Day Care or Nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12, Ord. 2015-07, passed 9-22-15)

§ 152.157 CONDITIONAL USES PERMITTED.

In a RR-4 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616:

(A) Church as provided in § 152.616 (K);

(B) Commercial greenhouse or nursery as provided in § 152.616 (R);

(C) Roadside stand for the sale of agricultural products grown by the owner as provided in § 152.616 (WW);

(D) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency as provided in § 152.616 (EE);

(E) Boarding, lodging or rooming house as provided in § 152.616 (H);

(F) Rest home, home for the aged, nursing home, or convalescent home as provided in § 152.616 (UU);

(G) Utility facility as provided in § 152.616 (CCC);

(H) Veterinary clinic or animal hospital as provided in § 152.616 (DDD);

(I) Model home including sales office, subdivision or development sales office as provided in § 152.616 (OO);

(J) Special exemptions, as provided in §§ 152.575 and 152.576 of this chapter;

(K) Cemetery as provided in § 152.616 (J);

(L) Home occupation/cottage industry as provided in § 152.616 (II);

(M) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003 and provided in § 152.616 (RR).

(N) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the

basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(O) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(P) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.158 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-4 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A

letter from the FFA or 4-H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes only.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13; Ord. 2019-03, passed 4-3-19;)

§ 152.159 DIMENSIONAL STANDARDS.

In a RR-4 Zone, the following standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, four acres with an average lot width of 150 feet;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) *Setback requirements*. No building or accessory structure shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.

(C) *Lot coverage and building heights.*

(1) Lot coverage. The main building and accessory building located on any building site or lot shall not cover more than 30% of the total lot area.

(2) *Building and structure height*. No building or structure shall be erected or enlarged more than 25 feet in height, except for utility pole structures, and dwellings that may be constructed with two stories (not including basements).

(D) *Stream setback*. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or smaller permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19;)

RR-10, RURAL RESIDENTIAL ZONE

Sub-Sections

152.160	Purpose
152.161	Uses permitted
152.162	Conditional uses permitted
152.163	Limitations on use
152.164	Dimensional standards

§ 152.160 PURPOSE.

The RR-10 Rural Residential Zone is designed to provide lands to enhance the value of rural living and maintain a rural residential atmosphere while accommodating the demand for rural residences. Lots need to be sufficiently large to accommodate private wells and sewage disposal systems as well as gardens and farm animals. Standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources are provided. The zone is applied to areas committed to non-resource use or needed for rural residential land use as provided for in the Comprehensive Plan.
(Ord. 2004-13, passed 8-17-04)

§ 152.161 USES PERMITTED.

(A) *Uses permitted outright*. In a RR-10 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to §152.027:

(1) Farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur bearing animals or hogs, the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property.

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit*. In a RR-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025:

(1) Dwelling, single family;

(2) Home occupation as provided in §152.573;

(3) Mobile home as provided in § 152.013;

(4) Non-commercial greenhouse or nursery;

(5) Public or semi-public use;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Residential Home (Adult Foster Care);

(8) Day Care or Nursery.
(Ord. 2004-13, passed 8-17-04; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15)

§152.162 CONDITIONAL USES PERMITTED.

In a RR-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616:

(A) Church as provided in § 152.616 (K);

(B) Commercial greenhouse or nursery as provided in § 152.616 (R);

(C) Roadside stand for the sale of agricultural products grown by the owner as provided in § 152.616 (WW);

(D) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency as provided in § 152.616 (EE);

(E) Boarding, lodging or rooming house as provided in § 152.616 (H);

(F) Rest home, home for the aged, nursing home, or convalescent home as provided in § 152.616 (UU);

(G) Utility facility as provided in § 152.616 (CCC);

(H) Veterinary clinic or animal hospital as provided in § 152.616 (DDD);

(I) Model home including sales office, subdivision or development sales office as provided in § 152.616 (OO);

(J) Special exemptions, as provided in §§ 152.575 and 152.576 of this chapter;

(K) Cemetery as provided in § 152.616 (J);

(L) Home occupation/cottage industry as provided in § 152.616 (II);

(M) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003 and provided in § 152.616 (RR).

(N) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the

following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(O) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(P) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.163 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in a RR-10 Zone:

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized fowl shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be

required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes only.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.
(Ord. 2004-13, passed 8-17-04; Ord. 2013-02, passed 1-29-13; Ord. 2019-03, passed 4-3-19;)

§ 152.164 DIMENSIONAL STANDARDS.

In a RR-10 Zone, the following standards shall apply:

(A) *Minimum lot area.*

(1) For principal dwellings, ten acres;

(2) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of the DEQ for the protection of public health and other regulations of this chapter including, but not limited to, setbacks and vision clearance;

(3) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and/or DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses and the objective to minimize potential conflicts with adjacent land uses;

(4) Pre-existing, non- conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone, provided that all other applicable regulations can be met.

(B) *Setback requirements.* No building or accessory structure shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater.

(C) *Lot coverage and building heights.*

(1) Lot coverage. The main building and accessory building located on

any building site or lot shall not cover more than 30% of the total lot area.

(2) *Building and structure height*. No building or structure shall be erected or enlarged more than 25 feet in height, except for utility pole structures, and dwellings that may be constructed with two stories (not including basements).

(D) *Stream setback*. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes, and wetlands the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or smaller permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2004-13, passed 8-17-04; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19;)

MUF, MULTIPLE USE FOREST ZONE

Sub-Sections

152.170	Purpose
152.171	Uses permitted
152.172	Conditional uses permitted
152.173	Dimensional standards

§ 152.170 PURPOSE.

The MUF, Multiple Use Forest, Zone is intended to provide medium size acreages within recreation-residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain Residential (MR) or Forest Residential (FR) land.
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12)

§ 152.171 USES PERMITTED.

(A) *Uses permitted outright.* In a MUF Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards, mink farms, poultry farms, and the raising of hogs; and the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes;

(2) Forest use as defined in § 152.003.

(3) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(4) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(5) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(6) Landscaping as part of a transportation facility.

(7) Emergency measures necessary for the safety and protection of property

(8) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(9) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a MUF Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant § 152.025:

(1) Mobile home as provided in § 152.013;

(2) Dwelling;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(8) Home occupations as provided in § 152.573.

(9) Residential Home (Adult Foster Care);

(10) Day Care or Nursery.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15; Ord. 2019-03, passed 4-3-19)

§ 152.172 CONDITIONAL USES PERMITTED.

In a MUF Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§152.610 through 152.616 and upon the issuance of a zoning permit:

(A) Church as provided in § 152.616 (K) or church camp retreat as provided in § 152.616 (L);

(B) Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources as provided in § 152.616 (Q):

(C) Commercial activity to support recreational/ residential (mountain recreational) uses allowed in this zone including, but not limited to, a restaurant, sporting goods supply, and souvenir or novelty shop as provided in § 152.616 (O):

(D) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch, or similar resort type establishment as provided in §§ 152.616 (S) or 152.616 (TT):

(E) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill as provided in § 152.616 (Z):

(F) Utility facility as provided in § 152.616 (CCC);

(G) Park, playground, campground, and fishing and hunting preserves for public or private use as provided in § 152.616 (QQ);

(H) Public or semi-public use as provided in § 152.616 (SS);

(I) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003 and provided in § 152.616 (RR).

(J) Special exceptions pursuant to §§ 152.575 and 152.576.

(K) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS

or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(L) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(M) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(N) Home occupation/cottage industry as provided in § 152.616 (II);
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12)

§ 152.173 DIMENSIONAL STANDARDS.

In a MUF, Multiple Use Forest, Zone the following division, dimensions and standards shall apply:

(A) *Minimum lot area.*

(1) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailers, 10 acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and objective to minimize the impact on surrounding properties.

(B) *Pre-existing, non-conforming lots.* Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that the setback regulations are met according to division (C) of this section;

(C) *Setback.* No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(D) *Minimum lot width.* For residential purposes, no lot shall be longer than two and one-half times its width;

(E) *Stream setback.* To permit or afford better light, air, vision, stream pollution

control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12; Ord. 2016-02, passed 3-16-16;)

FR, FOREST RESIDENTIAL ZONE

Sub-Sections

152.215	Purpose
152.216	Uses permitted
152.217	Conditional uses permitted
152.218	Dimensional standards

§ 152.215 PURPOSE.

The FR, Forest Residential, Zone is intended to provide medium size acreages within recreation-residential designated areas while also serving as a buffer between Low Density GF zoned lands and higher density Mountain Residential (MR) land. (Ord. 83-4, passed 5-9-83)

§ 152.216 USES PERMITTED.

(A) *Uses permitted outright.* In an FR Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards, mink farms, poultry farms, and the raising of hogs; and the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes;

(2) Forest use as defined in § 152.003.

(3) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(4) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(5) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(6) Landscaping as part of a transportation facility.

(7) Emergency measures necessary for the safety and protection of property

(8) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(9) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In an FR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025:

(1) Mobile Home as provided in § 152.013;

(2) Dwelling;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Home occupations as provided in § 152.573.

(8) Gravel extraction for personal use limited to 500 cubic yards per year and not disturbing more than an acre of land.

(9) Residential Home (Adult Foster Care);

(10) Day Care or Nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15; Ord. 2019-03, passed 4-3-19;)

§ 152.217 CONDITIONAL USES PERMITTED.

In a FR Zone, the following uses and their accessory uses are permitted, subject to and upon the issuance of a zoning permit:

(A) Church as provided in § 152.616 (K)or church camp retreat as provided in § 152.616 (L);

(B) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources as provided in § 152.616 (Q):

(C) Commercial activity to support mountain residential uses allowed in this zone including, but not limited to, a restaurant, sporting goods supply, and souvenir or novelty shop as provided in § 152.616 (O):

(D) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch or similar resort type establishment as provided in §§ 152.616 (S) or 152.616 (TT):

(E) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill as provided in § 152.616 (Z):

(F) Utility facility as provided in § 152.616 (CCC);

(G) Park playground, campground and fishing and hunting preserves for public or private use;

(H) Public or semi-public use as provided in § 152.616 (SS);

(I) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003 and provided in § 152.616 (RR).

(J) Special exceptions pursuant to §§ 152.575 and 152.576.

(K) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety,

and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(L) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(M) Home occupation/cottage industry as provided in § 152.616 (II);
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.218 DIMENSIONAL STANDARDS.

In a FR, Forest Residential, Zone the following divisions, dimensions and standards shall apply:

(A) *Minimum lot area.*

(1) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailer, five acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and objective to minimize the impact on surrounding properties.

(B) *Pre-existing, non-conforming lots.* Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that the setback regulations are met according to division (C) of this section;

(C) *Setback.* No building or accessory structure shall be located closer than 35 feet from a lot line. A dwelling shall not be located within 500 feet of an existing aggregate mining operation unless the owner of the property of the proposed dwelling obtains a written release from the adjacent mining operation allowing a closer setback; and waives his rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.

(D) *Minimum lot width.* For residential purposes, no lot shall be longer than two and one-half times its width;

(E) *Stream setback.* To permit or afford better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installation, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or

mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16;)

MR, MOUNTAIN RESIDENTIAL ZONE

Sub-Sections

152.230	Purpose
152.231	Uses permitted
152.232	Conditional uses permitted
152.233	Dimensional standards

§ 152.230 PURPOSE.

The MR, Mountain Residential, Zone is designed to provide areas for outdoor recreational and related residential development, and is appropriate in areas having a high recreational value, such as beside lakes, rivers and streams, and close to major recreational facilities such as winter sport areas.
(Ord. 83-4, passed 5-9-83)

§ 152.231 USES PERMITTED.

(A) *Uses permitted outright.* In a MR Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use as defined in ORS 215.203 and set out in § 152.003, excluding livestock feed yards, mink farms, poultry farms, the raising of hogs, the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and private or public schools;

(2) Forest use as defined in § 152.003.

(3) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(4) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(5) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(6) Landscaping as part of a transportation facility.

(7) Emergency measures necessary for the safety and protection of property

(8) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(9) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a MR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025:

(1) Mobile home as provided in § 152.013;

(2) Dwelling;

(3) Vacation trailer or recreational vehicle;

(4) Dwelling, single-family;

(5) Christmas tree sales;

(6) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(7) Home occupations as provided in § 152.573.

(8) Residential Home (Adult Foster Care);

(9) Day Care or Nursery.

(10) Special exemptions pursuant to §§ 152.575 and 152.576;

(11) Model homes.

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15; Ord. 2019-03, passed 4-3-19)

§ 152.232 CONDITIONAL USES PERMITTED

In a MR Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of § 152.610 through 152.616 and upon the issuance of a Zoning Permit. Note for commercial development proposed in Tollgate area: see also specific Multiple Use Plan Map section for Tollgate exception area policies in Comprehensive Plan.

(A) Church as provided in § 152.616 (K)or church camp retreat as provided in § 152.616 (L);

(B) Commercial activity, including but not limited to a restaurant, sporting goods supply and souvenir or novelty shop to support recreational-residential uses allowed in this zone as provided in § 152.616 (O):

(C) Commercial Recreational Use, including but not limited to marina, riding stable, gun club, resort, motel, lodge, recreational camp, dude ranch, or similar resort type establishment as provided in §§ 152.616 (S) or 152.616 (TT):

(D) Primary processing facility for locally harvested forest products including but not limited to a portable chipper or stud mill as provided in § 152.616 (Z):

(E) Utility facility as provided in § 152.616 (CCC);

(F) Park, playground, campground, and fishing and hunting preserves for public or private use as provided in § 152.616 (QQ);

(G) Public or semi-public use as provided in § 152.616 (SS);

(H) Home occupations/cottage industry as provided in § 152.616 (II);616 (II);

(I) Special exceptions pursuant to §152.575 through 152.576

(J) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as defined in §152.003 and provided in § 152.616 (RR).

(K) Model homes as provided in § 152.616 (OO);

(L) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS

or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(M) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(N) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.233 DIMENSIONAL STANDARDS.

In a MR Zone, the following divisions, dimensions and standards shall apply:

(A) *Minimum lot area.*

(1) For dwellings, seasonal cabins, recreational vehicles, trailers, mobile homes, two acres;

(2) Conditional uses. Minimum lot sizes for all conditional uses shall be determined by the Hearings Officer and DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize the impact on surrounding properties.

(B) *Pre-existing, non-conforming lots.* Dwellings, seasonal cabins, recreational vehicles, trailers, and mobile homes shall be allowed after the issuance of a zoning permit on these lots provided that setback regulations are met according to division (C) of this section;

(C) *Setback.* No building or accessory structure shall be located closer than 20 feet from a lot line;

(D) *Minimum lot width.* For residential purposes, no lot shall be longer than two and one-half times its width;

(E) *Stream setback.* To permit better light, air, vision, stream pollution control, fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the

Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be setback from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2016-02, passed 3-16-16;)

DI, DEPOT INDUSTRIAL ZONE

Sub-Sections:

152.235	Purpose
152.236	Applicability and subarea descriptions
152.237	Uses permitted
152.238	Conditional uses permitted; general criteria
152.239	Limitations on use
152.240	Master plan and design review
152.241	Dimensional standards

§ 152.235 PURPOSE.

The DI, Depot Industrial, Zone is intended to recognize the regional and statewide significance of the former Umatilla Army Depot (Depot) and to apply appropriate zoning to accommodate planned uses as lands are transferred out of federal ownership.

Leaders of the region (Morrow County, Umatilla County, Morrow and Umatilla Port Districts and Confederated Tribes of the Umatilla Indian Reservation) have been planning for future use of the Depot since the early 1990's. Three overarching goals have guided the planning process for the Depot and are reflected on the consolidated Redevelopment Plan approved by the Umatilla Army Depot Reuse Authority for Morrow and Umatilla Counties.

(A) Military Reuse – accommodating the needs and plans of the Oregon National Guard;

(B) Wildlife Habitat – with a special emphasis on the shrub-steppe habitat; and

(C) Economic Development – job creation and tax base.

The DI Zone will be applied to the portions of the Depot under Umatilla County jurisdiction that are identified for industrial development in the Redevelopment Plan and acknowledged for exceptions to Statewide Planning Goals 11 (Public Facilities & Services) and 14 (Urbanization).

§ 152.236 APPLICABILITY & SUBAREA DESCRIPTIONS.

The DI Zone applies to three distinct subareas within Umatilla County that are identified for industrial development in the approved Redevelopment Plan. Permitted and conditional uses are tailored to the characteristics of each area.

(A) Subarea 1. Subarea 1 is intended to accommodate a range of distribution/commerce uses that can maximize the economic development potential of a large, unique site located at the junction of two interstate freeways. With immediate accessibility to interchanges to I-84 on the south and I-82 on the east, Subarea 1 is intended primarily for land-intensive freight related uses that can take advantage of easy truck access on and off the interstate system and avoid traffic congestion and other community impacts within urban areas.

(B) Subarea 2. Subarea 2 is intended to accommodate general storage, warehouse and distribution uses that can largely utilize existing buildings and facilities in this subarea. Access to Subarea 2 is only available through the security gate to the Military area. Therefore, the range of

permitted and conditional industrial uses for Subarea 2 is more limited.

(C) Subarea 3. Subarea 3 is intended to accommodate a range of general industrial uses that can leverage the substantial and recent investment in buildings, infrastructure and other site improvements constructed to support the Umatilla Chemical Disposal Facility mission. Following closure and decommissioning, the incinerator building will be removed as a condition of state and federal permits. However, existing investments and infrastructure in this area can be a significant economic development asset for Umatilla County.

§ 152.237 USES PERMITTED.

(A) *Uses permitted outright.* In the DI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(8) Temporary Mobile Food Vendor as defined in § 152.003.

(B) *Industrial uses permitted with a zoning permit.* In the DI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of § 152.239 through § 152.241 of this chapter. Some permitted uses in the DI Zone are only allowed in specific subareas [identified in brackets following each use].

(1) Blacksmith or machine shop [Subareas 1, 2 &3]

(2) Bottling work [Subareas 1 & 3]

(3) Cold storage warehouse [Subareas 1, 2 & 3]

(4) Concrete block or pipe manufacturing [Subareas 1 & 3]

(5) Contractor's equipment storage yard [Subareas 1, 2 & 3]

(6) Custom meat cutting and cold storage locker [Subareas 1 & 3]

(7) Data center [Subareas 2 & 3]

(8) Food products manufacturing, excluding meat, fish, salt, sauerkraut, sugar, vinegar and yeast products [Subareas 1 & 3]

(9) Grain elevator or flour mill and grain storage [Subarea 1]

(10) Greenhouse or nursery [Subareas 1 & 2]

(11) Hauling, freighting and trucking yard or terminal [Subareas 1, 2 & 3]

(12) Ice or cold storage plant [Subareas 1 & 2]

(13) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage industries having any one of the following characteristics: (a) peak employment >200; (b) utilizing >20 acres; (c) requiring total energy input which exceeds 6,816,000 BTU for all energy sources combined [Subareas 1 & 3]

(14) Manufacturing, compounding, assembling or treatment of products made from the following prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint (no boiling), paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, and yarns, but not including rendering plant [Subareas 1, 2 & 3]

(15) Planing mill or sawmill [Subarea 3]

(16) Plumbing or sheet metal shop [Subareas 1, 2 & 3]

(17) Signs – Types 5, 6, 7, 8, 9, 11 [Subareas 1, 2 & 3]

(18) Welding shop [Subareas 1, 2 & 3]

(19) Wholesale business, storage building or warehouse [Subareas 1, 2 & 3]

(20) Other uses similar to the list above which shall not have more detrimental effect upon the adjoining areas than the uses specifically listed; subject to approval of the Planning Director through the administrative review process set forth in § 152.769.

(21) Mobile Food Vendor as defined in § 152.003.

(C) *Retail and service commercial uses permitted with a zoning permit.* In the DI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of § 152.239 through § 152.241 of this chapter. Retail and service commercial uses are only permitted in Subarea 1.

(1) Automobile service station

(2) Commercial amusement establishment

(3) Day care/nursery

(4) Eating or drinking establishment

(5) Financial institution

(6) Food store

(7) Gift shop

(8) Information center

(9) Motel, hotel

(10) Office building

(11) Retail or service commercial

(12) Other uses similar to the list above which shall not have more detrimental effect upon the adjoining areas than the uses

specifically listed; subject to approval of the Planning Director through the administrative review process set forth in § 152.769.

§ 152.238 CONDITIONAL USES PERMITTED.

(A) In the DI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements and general criteria of § 152.610 through 152.616, § 152.239 and § 152.241 of and upon issuance of a zoning permit. Some conditional uses in the DI Zone are only allowed in specific subareas [identified in brackets following each use].

(1) Automobile wrecking yard as provided in § 152.616(E) [Subarea 3]

(2) Commercial gravel pit as provided in § 152.616(Q) [Subarea 3]

(3) Concrete or asphalt manufacturing plant as provided in § 152.616(U) [Subarea 3]

(4) Utility facility and power generation plant as provided in § 152.616(CCC) [Subareas 1 & 3];

(5) Uses involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, radioactive materials, unstable chemicals, ammonium nitrate and liquefied petroleum gases as provided in § 152.616(FF) and (GG) [Subareas 1, 2 &3]

(6) Other uses similar to the list above which shall not have more detrimental effect upon the adjoining areas than the uses

specifically listed; subject to approval of the Planning Director through the administrative review process set forth in § 152.769.

§ 152.239 LIMITATIONS ON USE.

(A) *Retail Sales & Service Uses in the DI Zone.* Retail sales and service uses permitted in the DI Zone are subject to the following limitations:

(1) A maximum of 5 percent of the developable acreage within the Depot Industrial Zone (excluding the restricted area of Subarea 3) may be allocated to retail and service uses.

(2) Retail and service uses may only be located in Subarea 1.

(B) *Use Limitations in Portion of Subarea 3.* Retail sales and service uses permitted in the DI Zone are subject to the following limitations:

(1) A portion of Subarea 3 (Coyote Coulee) will not be available for industrial development because on on-going environmental monitoring requirements and habitat values.

(2) The limited use area is shown with cross-hatch on Figure 1.

(C) *General Limitations on all uses.*

(1) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statutes or regulation of the state or federal government.

(2) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the

propagation of insects or rodents or otherwise create a health hazard.

(3) Points of access from a public street or county road to properties in the Depot Industrial Zone shall be located so as to minimize traffic congestion and shall comply with the county Transportation System Plan and obtain necessary Road Access Permits.

(D) The growing, harvesting or processing of marijuana is prohibited in this zone. (Ord. 2015-07, passed 9-22-15)

§ 152.240 MASTER PLAN AND DESIGN REVIEW.

(A) *Master Plan Required for Subarea 1.* A master plan is required prior to issuance of a zoning permit for development in Subarea 1 because of the unique size and location characteristics of the subarea and the potential range of uses.

(1) The master plan shall be processed in accordance with the administrative review procedures set forth in § 152.769.

(2) The master plan shall include the following:

(a) Conceptual layout of internal roadways and connections to the interstate system;

(b) Identification of area(s) and associated acres for location of potential retail sales and service uses;

(c) General information on potential infrastructure (water, sewer, power) that may be needed to serve targeted industrial and commercial uses;

(d) General information on potential transitions (such as setbacks, screening, buffering) between industrial and commercial uses areas and edges of Subarea 1 that border the Military or Wildlife Habitat designations on Figure 1.

(3) Administrative review of the master plan shall be based on the following considerations and objectives:

(a) Maximize the economic development potential of this unique site to provide jobs and expand the tax base to benefit the local communities and the larger region;

(b) Establish a general framework for coordinated development and minimize piecemeal development without prescribing specific uses or the layout of individual lots;

(c) Explore opportunities for coordination of infrastructure to serve the larger Subarea, rather than relying totally on on-site systems; and

(d) Determine if additional standards (such as screening and buffering, etc.) are appropriate and should be applied through subsequent design review/zoning permits for permitted and conditional uses. The master plan can modify the general dimensional standards in § 152.241 for Subarea 1 of the DI Zone.

(B) *Design Review for Permitted Uses in all Subareas in the DI Zone.*

(A) An application for a zoning permit for a use permitted in § 152.237 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or an authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.

§ 152.241 DIMENSIONAL STANDARDS.

In the Depot Industrial Zone, the following dimensional standards shall apply, unless other dimensional standards are approved through the Master Plan process.

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: 20 feet, except if the front yard area is used for off-street loading

or parking requirements, then the front yard shall be a minimum of 40 feet;

(2) Side yard: 20 feet;

(3) Rear yard: 20 feet.

(Ord. 2014-06, passed 7-2-14)

RSC, RETAIL/SERVICE COMMERCIAL ZONE

Sub-Sections

152.245	Purpose
152.246	Uses permitted
152.247	Conditional uses permitted
152.248	Limitations on uses
152.249	Design review
152.250	Dimensional and Design Standards

§ 152.245 PURPOSE.

The RSC, Retail/Service Commercial, Zone is designed to provide areas outside of urban growth boundaries where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service- oriented commercial activities to accommodate rural residences. The RSC zone is intended to create and maintain a built environment that is conducive to pedestrian and bicycle accessibility, reducing dependency on the automobile for short trips. The zone is also intended to promote economic development by creating an attractive and safe commercial corridor through the application of design standards that require sufficient lighting, appropriate screening and landscaping, and high-quality building design.
(Ord. 83-4, passed 5-9-83; Ord. 2019-09, passed 11-6-19)

§ 152.246 USES PERMITTED.

(A) *Uses Permitted Outright.* In an RSC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses Permitted with a Zoning Permit.* In an RSC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025 and subject to the requirements of §§ 152.248 through § 152.250.

(1) Automobile service station;

(2) Automobile, truck or motorcycle sales lot;

(3) Automobile, truck or motorcycle repair shop or parts store;

(4) Blacksmith or machine shop;

(5) Bottling works;

(6) Custom meat cutting, curing and cold storage locker;

(7) Eating or drinking establishment;

(8) Financial institution;

(9) Food store;

(10) Gift store;

(11) Green house or nursery;

(12) Information center;

(13) Motel, hotel;

(14) Office building;

(15) Plumbing or sheet metal shop;

(16) Public or semi-public uses;

(17) Retail sales outlets;

(18) Service-oriented businesses;

(19) Sporting goods or bait shop;

(20) Signs: Type 2, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

(21) Wholesale businesses where no manufacturing, compounding, processing or treatments of the products for wholesale are conducted.
(Ord. 83-4, passed 5-9-83; Ord 2002-08, passed 8-14-02; Ord. 2012-02 passed 1-26-12)

§ 152.247 CONDITIONAL USES PERMITTED.

In a RSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ 152.610 through 152.616**,** 152.248 and 152.250 upon the issuance of a zoning permit:

(A) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in §152.616 (X);

(B) Animal hospital or veterinary clinic as provided in § 152.616 (DDD);

(C) Commercial amusement establishment as provided in § 152.616 (P);

(D) Drug paraphernalia store, adult book store, adult movie house as provided in § 152.616 (W);

(E) Mini-warehouses as provided in § 152.616 (MM);

(F) Mobile home park, travel trailer park as provided in §152.616 (NN);

(G) Tire repairing as provided in §152.616 (AAA);

(H) Utility facility as provided in § 152.616 (CCC);

(I) Welding shop as provided in §§ 152.616 (F);

(J) Other uses similar to the uses permitted or the conditional uses normally located in a Retail/Service Commercial Zone, provided that the use has the approval of the planning Director or Planning Commission.

(K) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(L) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(M) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2013-02, passed 1-29-13)

§ 152.248 LIMITATIONS ON USES.

In the RSC Zone, the following limitations and conditions shall apply:

(A) *Outdoor storage.* Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property, except the outdoor display of merchandise is allowed as provided in subsection (B).

(B) *Outdoor merchandise display.* Outside display of any scrap or salvage material shall be prohibited.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 83-4, passed 5-9-83; Ord 2015-07, passed 9-22-15; Ord. 2019-09, passed 11-6-19;)

§ 152.249 DESIGN REVIEW.

(A) *An application for a zoning permit* for a use permitted in § 152.246 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) *Applicability of Design Review Application.* A Design Review application is required if the proposal includes one or more of the following:

(1) New construction of building or structure.

(2) A building addition or expansion of more than 500 square feet, or 10 percent of the existing floor area on the site, whichever is greater.

(3) A change of the exterior façade of a building, including any new or change to existing doors or windows, excluding changes in color, that exceeds 15 percent of the area of the existing façade.

(4) A change in on-site landscaping, either additional or replacement, that exceeds 15 percent of the existing landscaped area.

(5) An addition to existing on-site vehicular parking or circulation area that adds paving or parking spaces that exceeds 15 percent of the existing parking area.

(C) *Applicability of Design Standards - General.*

(1) New developments are subject to all applicable design standards in §152.250.

(2) Proposals that meet one or more of the thresholds for Design Review in §152.249 (B)(2)-(5) are subject to all applicable standards, as specified in the Applicability provisions in §152.250(D)-(H).

(3) The following is exempt from design standards in §152.250:

(a) Maintenance of a building, structure, or site in a manner that is consistent with previous approvals.

(b) Regular maintenance, repair, and replacement of materials (e.g., exterior painting, roof, siding, awnings, etc.), parking restriping, repaving (limited to an area that does not exceed 15 percent of the existing parking area pursuant to 152.249.B(5)), and similar maintenance or repair of existing structure(s) and site improvements.

(4) A project that increases building floor area, as described in §152.249(B)(2), within an existing development is subject to all applicable design standards of §152.250. The standards only apply to the building addition or expansion. Expansions or additions must not increase the length of an existing street-facing facade that does not conform to the maximum setback standard of § 152.250(B)(1), as illustrated in Figure 152.250-1.

(D) *Procedure.*

(1) Pre-application.

(a) The purpose of the pre-application conference is to acquaint County staff and outside agencies and service providers with a potential application, and to acquaint the applicant with the requirements of this Code, the Comprehensive Plan, and other relevant criteria and procedures. Any comments or commitments made by any member of County staff during this pre-application conference are only preliminary in nature. It is not intended to be an exhaustive review of all potential issues, and the conference does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner

differently than may have been indicated in the pre-application conference.

(b) Prior to submission of a Design Review application, the applicant shall request the Planning Director or authorized agent to arrange a pre-application conference. The request shall include three copies of a preliminary sketch of the proposal and other general information needed to explain the development. The conference shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning, development, and design review requirements.

(E) *Submittal Requirements.* The Planning Director or an authorized agent shall review the Design Review application to determine if the application includes the following submittal requirements:

(1) Existing site conditions map. The existing site conditions shall include the following information, applicable to the site:

(a) A location map with the subject property and the surrounding property to a distance sufficient to determine the location of the development in the County, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

(b) The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

(c) Areas subject to overlay zones;

(d) Site features, including existing structures, pavement, large rock outcroppings, wetland, drainage ways, canals, and ditches;

(e) The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;

(f) North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and

(g) Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

(2) Proposed site plan. The site plan shall include the following information, as the Planning Director deems applicable:

(a) The proposed development site, including boundaries, dimensions, and gross area;

(b) Features identified on the existing site analysis maps that are proposed to remain on the site;

(c) Features identified on the existing site map, if any, that are proposed to be removed or modified by the development;

(d) The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

(e) The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

(f) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

(g) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

(h) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

(i) Loading and service areas for waste disposal, loading, and delivery;

(j) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

(k) Location, type, and height of outdoor lighting;

(l) Location of mail boxes, if known;

(m) Name and address of project designer, if applicable;

(n) Locations of bus stops and other public or private transportation facilities; and

(o) Locations, sizes, and types of signs.

(3) Architectural drawings. Architectural drawings shall include the following information, as the Planning Director deems applicable:

(a) Building elevations with dimensions;

(b) Building materials and type; and

(c) Name and contact information of the architect or designer

(4) Landscape plan. The landscape plan shall include the following information, as the Planning Director deems applicable:

(a) The location and height of existing and proposed fences, buffering, or screening materials;

(b) The location of existing and proposed terraces, retaining walls, decks, patios, and shelters;

(c) The location, size, and species of the existing and proposed plant materials (at time of planting);

(d) Existing and proposed building and pavement outlines;

(e) Specifications for soil at time of planting, irrigation if

plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and

(5) Narrative. Letter or narrative report documenting compliance with the applicable requirements contained in §152.249(E).

(6) Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

(7) Traffic Impact Analysis, when required by Section §152.019.

(8) Other information determined by the Planning Director. The County may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

(F) *Design Review Requirements.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property and applicable access, circulation, and street connectivity requirements are met as provided in § 152.018 and § 152.021;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Applicable building, site design, and dimensional standards are met as provided in § 152.250;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 83-4, passed 5-9-83; Ord. 2014-04, passed 7-2-14; Ord. 2019-09, passed 11-6-19;)

§ 152.250 DIMENSIONAL AND DESIGN STANDARDS.

In a RSC Zone, the following dimensional and design standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre;

(B) *Setback requirements*. The setback requirements shall be as follows:

(1) Front yard:

(a) Minimum Setback: ten feet,

(b) Maximum Setback: thirty feet. For expansions and additions, see § 152.249(C)(2) and Figure 152.250-1.

(c) Buildings related to automobile, truck or motorcycle sales lots are exempt from the maximum setback requirements when the front of the lot is used for automobile, truck or motorcycle merchandise display.

(2) Side yard: minimum of ten

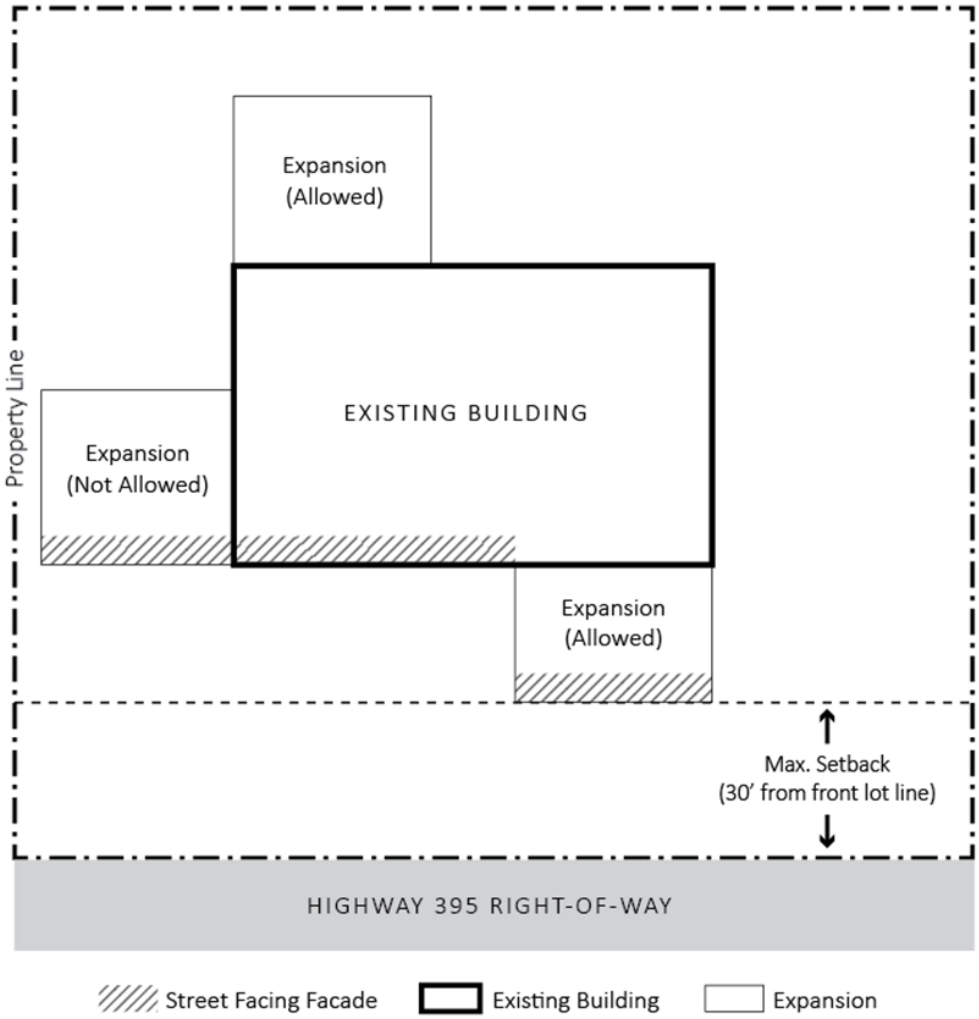
feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: minimum of twenty feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(5) Vision clearance standards, found in § 152.011, may require greater setbacks those in 152.250(C), pursuant to §152.005(B), which determines that the most restrictive provision shall apply.

Figure 152.250-1. Applicability of Maximum Setback Standard for Expansions or Additions to Existing Buildings



(C) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such a septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the streams, lakes or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

(D) *Window area.* Windows are required to make up a minimum area of any building façade that faces a public street.

(1) Applicability. Proposals that include one or more of the following are subject to the standards of this section, § 152.250(D):

(a) New construction of a building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater. The standards of §152.250(D) only apply to the area of building expansion or addition.

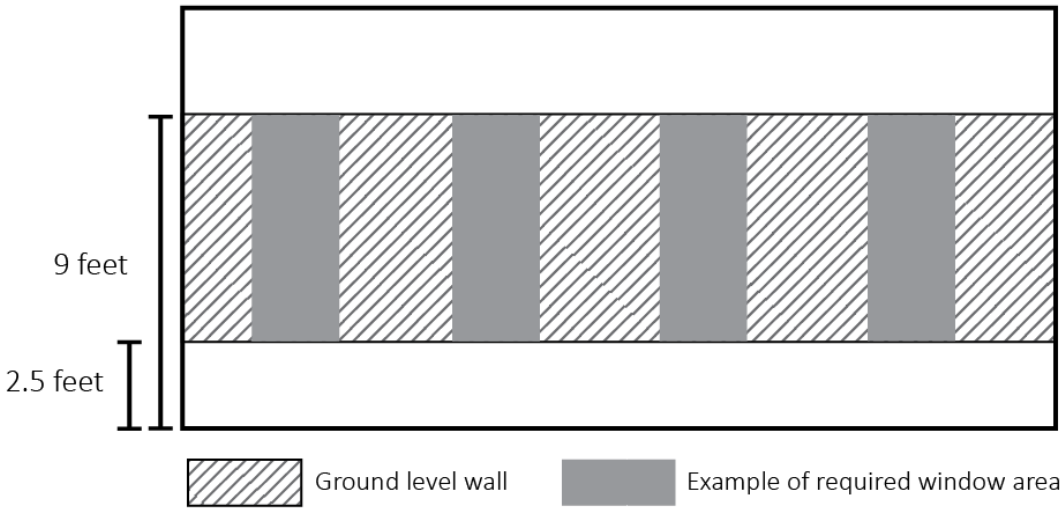
(c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding changes in color, that exceeds 15% of the area of the existing façade. The standards of § 152.250(D) only apply to the area of change in the building exterior.

(2) Minimum Area. Building facades facing a public street must have qualifying window features for at least 40 percent of the area of the ground level wall area (see Figure 152.250-2). Windows, display areas, and glass doorways are qualifying window features.

(3) Measurement. The ground level wall area is defined as the area above 30 inches and below 108 inches, as measured from finished grade.

(4) Transparency. Only ground floor window features that are clear or transparent are eligible to meet the minimum area requirement in § 152.250(D)(2).

Figure 152.250-2. Measurement of Ground Floor Window Area



(E) *Landscaping.*

(1) Applicability. Proposals that includes one or more of the following are subject to the standards of this section, § 152.250(E):

(a) New construction of building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater.

(c) Change in landscaping areas that exceeds 15% of the existing landscaping area.

(d) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Site Landscape Area. At least 15 percent of the lot area must be landscaped according to the standards of this section. Irrigated landscaping shall not exceed one-half acre.

(3) Planting Standards. The following are the minimum planting requirements for required landscaped areas:

(a) Trees. One tree shall be provided for every 1,500 square feet of required landscaped area. If the calculation of the number of plantings results in a fraction of 0.5 or greater, the applicant shall round up to the next whole number. If the calculation of the number of plantings results in a fraction of 0.4 or less, the applicant shall round down to the next whole number. A minimum of 50 percent of the required trees must be planted within

30 feet of the front lot line, and located outside of the Clear Zone, pursuant to § 152.250(E)(3)(d). Evergreen trees shall have a minimum planting height of six feet. Deciduous trees shall have a minimum caliper of 1.5 inches at time of planting. Meet the requirements identified in § 152.250(E)(5).

(b) Shrubs. Shrubs shall be planted from at least two-gallon containers. Shrubs shall be spaced in order to provide the intended canopy cover within two years of planting.

(c) Ground Cover. Live ground cover consisting of low-height shrubs, perennials or ornamental grasses shall be planted in the portion of the landscaped area not occupied by trees or shrubs. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 50 percent of the required landscape area.

(d) All landscaping over two feet high, as measured from the ground level elevation, must be placed outside of the ODOT Highway Design Manual Clear Zone, pursuant to and as determined by ODOT.

(e) The Planning Director may allow credit toward the minimum site landscape area for existing landscape area that is retained in the development if the existing landscape area meets the standard for minimum number of trees of subsection 2(a) and minimum area of live ground cover of subsection 2(c).

(4) Parking Lot Landscaping. In addition to the minimum site landscape area requirement, all parking areas with more than 20 spaces shall provide landscape islands that break up the parking area into rows of not more than 12 contiguous parking spaces. See example in Figure 152.250-3.

(a) Minimum Dimensions. Landscape islands shall have dimensions of not less than 48 square feet of area and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.

(b) Planting Standards. All landscape islands must be planted with one deciduous tree, landscaping materials identified in § 152.250 (E)(3)(b) and (c). All other required parking lot landscape areas not including islands or not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within two years of planting, not less than 50 percent of the area within each landscape island(s) is covered with living plants.

(5) Plant Selection and Maintenance.

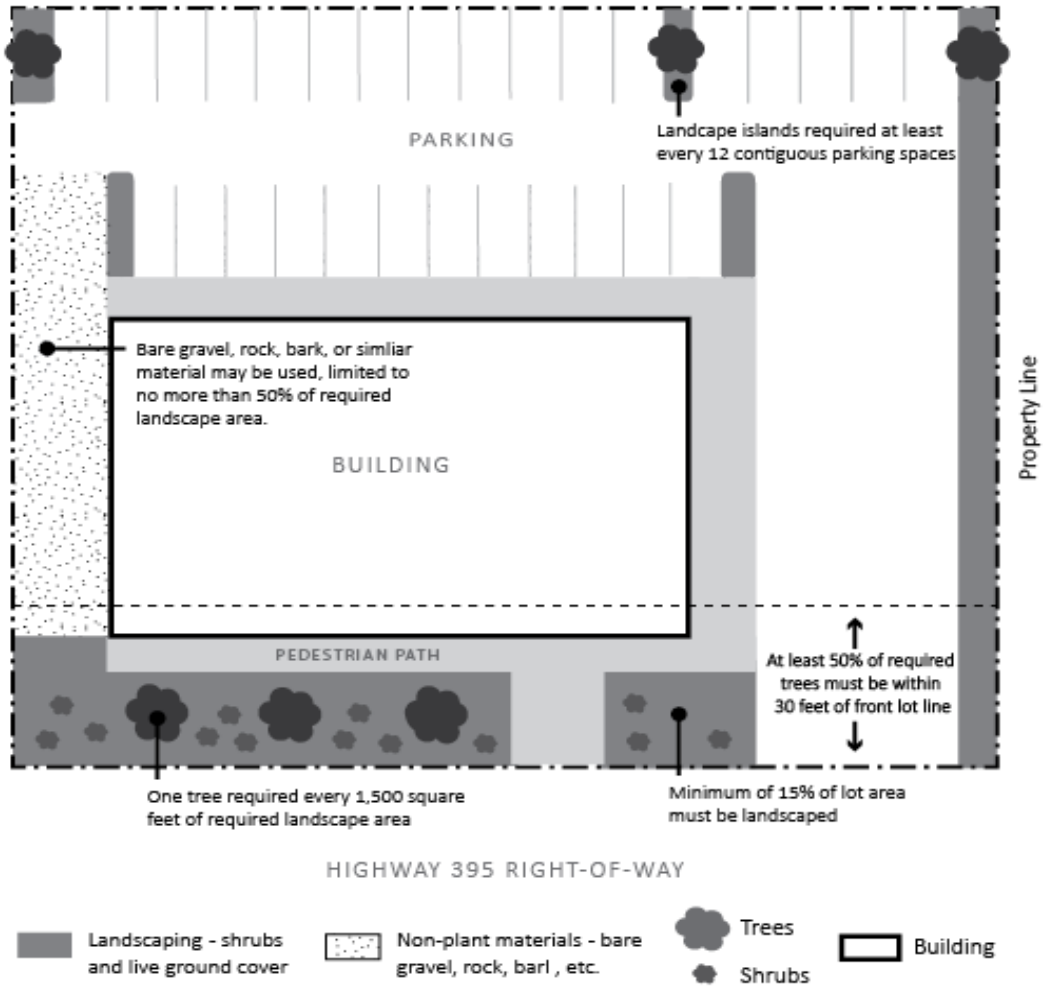
(a) Only plants that are appropriate to the local climate, exposure, and water availability will be eligible to meet the landscaping requirements. The availability of utilities and drainage conditions shall also be considered in the selection of planting materials. (b) Plant species

that require little or no irrigation once established (naturalized) are preferred over species that require irrigation. Expansive areas of turf are discouraged.

(c) Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.

(d) Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.

Figure 152.250-3. Landscaping Requirements Example



(*F) Lighting.*

Lighting improves safety and enhances the attractiveness of areas visible to the public. The following requirements ensure adequate levels of outdoor lighting while minimizing negative impacts of light pollution. The intent of the required lighting levels is to provide illumination no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.

(1) Applicability. Proposals that include one or more of the following are subject to the standards of this section, § 152.250(F):

(a) New construction of building or structure.

(b) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Illumination of Vehicular Areas. Parking areas, vehicular circulation areas, and outdoor services areas, including vehicle quick service areas, shall be illuminated to a level that provides for safe vehicle and pedestrian movements.

(3) Fixture Standards.

(a) Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of 20 feet. This limitation does not apply to flag poles, utility poles, and streetlights.

(b) Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.

(c) Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.

(d) Where a light standard or other raised source of light is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained.

(e) Where a light standard or other raised source of light is placed within a walkway, an unobstructed pedestrian through zone not less than four feet wide shall be maintained.

(f) Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.

(G) *Drive-through design*.

(1) Applicability. Proposed development that includes a drive-up and/or drive-through facility (i.e. driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) is subject to all of the following standards:

(a) The drive-up or drive-through facility must be located at least 50 feet from any existing residential zoned property.

(b) The drive-up or drive-through facility shall orient to and receive access from a driveway that

is internal to the development and not a street, as generally illustrated in Figure 152.250-4 (below).

(c) The drive-up or drive-through facility shall not be oriented to a street corner.

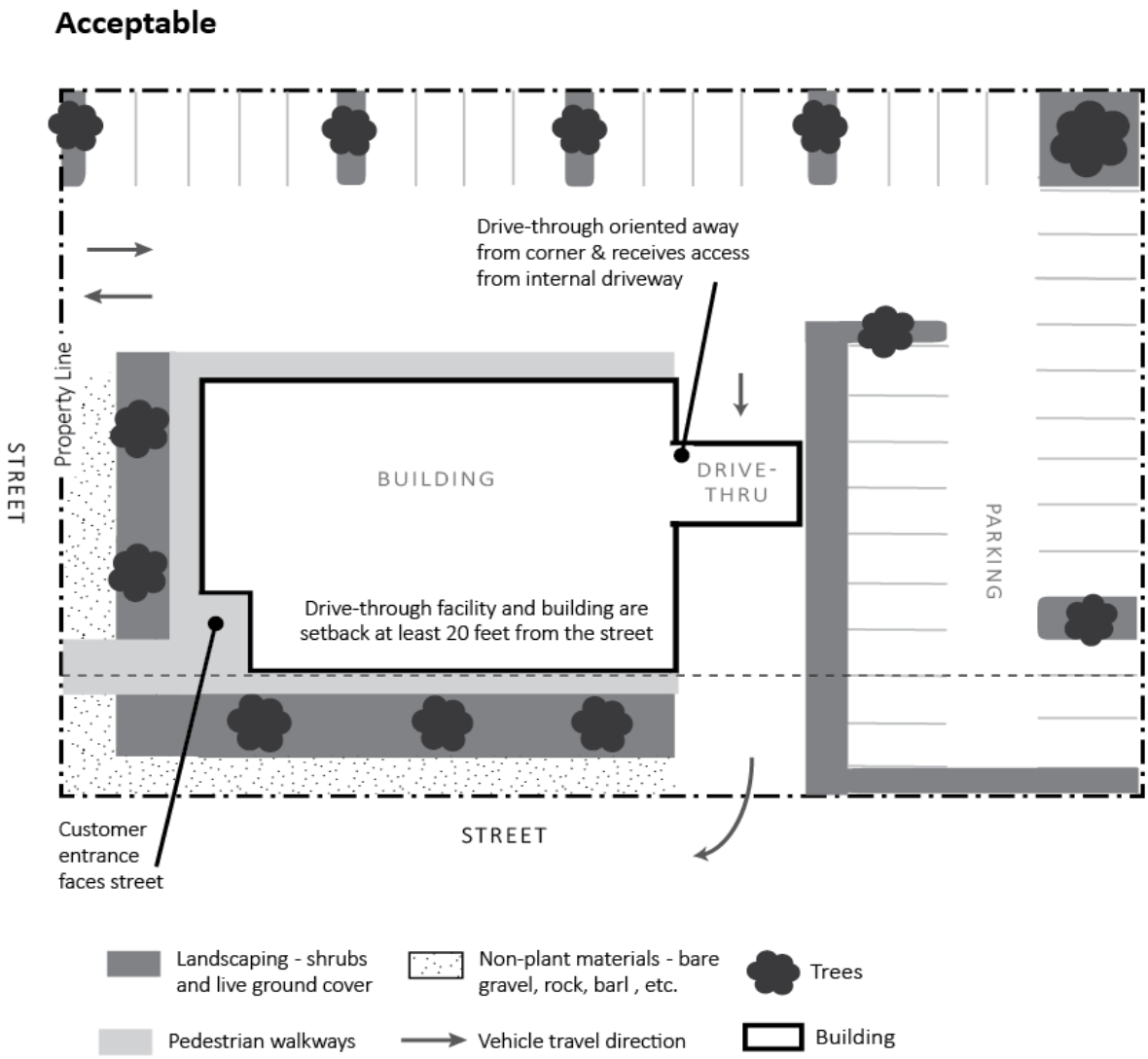
(d) The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.

(e) Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.

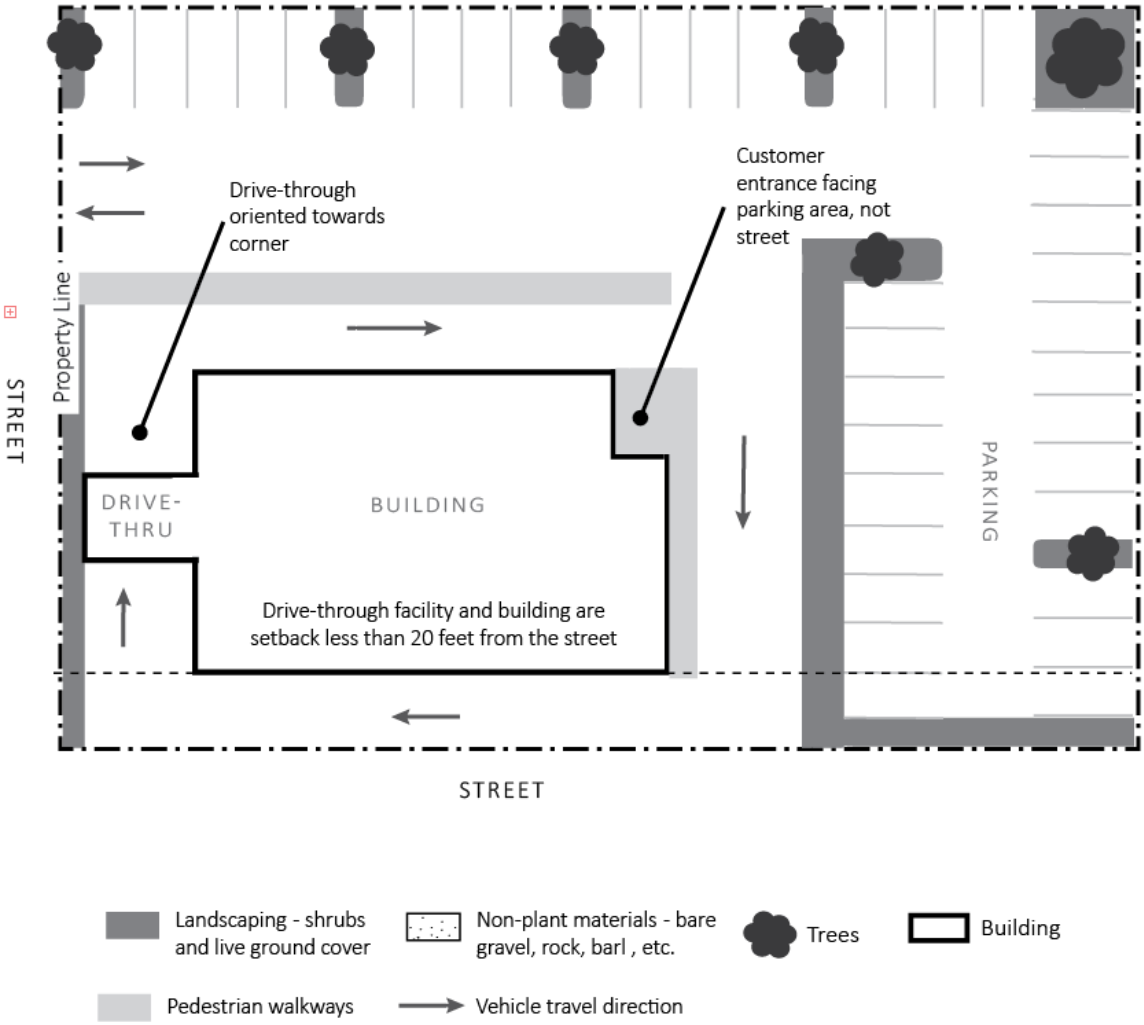
(f) If ATMs are provided, at least one ATM shall be located adjacent to and accessible from a planned or existing sidewalk.

(g) Bicycle and pedestrian access to the drive-up or drive-through facility shall be allowed and indicated with signage and pavement markings.

(h) Figure 152.250-4. Drive-up and Drive-through Facilities Example



Not Acceptable



(H) Design Points System. In order to encourage pedestrian-friendly and sustainable design, while providing flexibility in style and implementation, all projects must include a combination of design features that achieves a minimum number of points, as set forth below.

(1) Applicability. The following projects are subject to the standards of this section, § 152.250(H):

(a) New construction of building or structure.

(b) A building addition or expansion more than 500 feet, or 10 percent of the existing floor area on the site, whichever is greater.

(c) Change to exterior of building (e.g., new or replacement of windows, doors, siding), excluding

changes in color, that exceeds 15% of the area of the existing façade.

(d) Change in landscaping areas that exceeds 15% of the existing landscaping area.

(e) Change in on-site parking that exceeds 15% of the existing parking area.

(2) Minimum Point Requirement.

(a) New developments or complete redevelopment of an existing site must include elements from Table 152.250-1 that have a combined value of 20 or more points.

(b) Projects for which the one or more of the applicability criteria in §152.250(H)(1)(b) – (e) apply must include elements from Table 152.250-1 that have a combined value of 6 or more points.

(3) Design Features Matrix. Points are earned by including features from the following Design Features Matrix (Table 152.250-1).

Table 152.250-1. Design Features Matrix

DESIGN FEATURE	POSSIBLE POINTS			SUBTOTAL *Use this column to tally points*
Building Design Features				
Natural siding materials. May include: • Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks. • Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood.	Minimal or no use of natural materials (less than 5 percent of street-facing facade area, excluding area dedicated to windows) **+0 points**	5 to 40 percent of both total building facade area and street-facing facade area covered with natural siding materials (excluding area dedicated to windows) **+2 points**	Over 40 percent of both total building facade area and street-facing facade area covered with natural siding materials (excluding area dedicated to windows) **+ 3 points**	
Window area. Windows promote an interesting pedestrian experience and architectural variety. See Figure 152.250-1.	Window area meets base requirement of § 152.250(E) **+0 points**	41 to 50 percent of the area of the street-facing facade covered with windows. **+ 3 points**	Over 50 percent of the area of street-facing facade covered with windows. **+ 5 points**	
Detailed window treatments. May include windows recessed at least 4 inches from facade, trim or moldings at least 3 inches in width, or projecting sills extending at least 2 inches from the window	No use of detailed window treatments	Use of detailed window treatments on all street-facing windows.	Use of detailed window treatments on all exterior windows.	

DESIGN FEATURE	POSSIBLE POINTS			SUBTOTAL *Use this column to tally points*
pane.	**+0 points**	**+1 points**	**+ 2 points**	
Weather protection. May include awnings, covered porches, building overhangs, or other weather protection; must extend at least 4 feet in horizontal distance from the building wall and be constructed of durable materials in order to qualify.	No weather protection at entrances or windows **+0 points**	Weather protection provided over the primary building entrance **+ 2 point**	Weather protection provided over all building entrances and required ground floor window areas **+ 3 points**	
Façade articulation. Façade articulation helps ensure that building facades have variation and depth in the plane of the building in order to be more interesting and welcoming to pedestrians. See Figure 152.250-2.	No horizontal articulation features **+0 points**	One of the following treatments on street facing façade: a) Change in the roof or wall plane (4 ft minimum) b) Projecting or recessed elements c) Varying rooflines at 4 ft minimum d) Visible and prominent entrance (large entry doors, porches, protruding or recessed entrances). **+ 2 points**	Two or more of the following treatments on a street facing façade: a) Change in the roof or wall plane (4 ft minimum) b) Projecting or recessed elements c) Varying rooflines at 4 ft minimum d) Visible and prominent entrance (large entry doors, porches, protruding or recessed entrances). **+ 3 points**	
Façade composition (base-middle-top). Facades that differentiate the "base," "middle," and "top" of the building are more interesting to view and create an attractive, traditional composition. See Figure 152.250-3.	No display of "base," "middle," and "top" composition. **+0 points**	Clear display of "base," "middle," and "top" composition – distinction between sections with change of color. **+ 2 points**	Clear display of "base," "middle," and "top" composition – distinction between sections with change of materials or break in wall plane. **+ 3 points**	
Site Design Features				
Parking location. Parking areas that are located to the side or	Some parking located between the street-facing facade	All parking located to the side, or side and rear of the building	All parking located behind the building	

DESIGN FEATURE	POSSIBLE POINTS			SUBTOTAL *Use this column to tally points*
rear of buildings allow for a more appealing view from the street and a more comfortable pedestrian experience.	and a public street. **+0 points**	**+ 3 points**	**+ 5 points**	
Shared parking with adjacent uses. Sharing parking spaces with adjacent uses is a more efficient means of providing off-street parking and can reduce impervious surface area. Must meet requirements of § 152.562(D).	No shared parking **+ 0 points**	More than one (1) space but less than half of required parking spaces shared with adjacent uses **+ 4 points**	More than half of required parking spaces shared with adjacent uses **+ 5 points**	
Trees. Tree species that are appropriate for local climate are listed in § 152.250(E).	Number of trees meets base requirement of § 152.250(E). **+ 0 points**	25% above base requirement for on-site trees. **+ 3 points** Additional trees are located within 30 feet on the property line but located outside clear zone pursuant to § 152.250(E)(2)(d). **+ 1 point**	50% above base requirement for on-site trees. **+ 4 points** Additional trees are located within 30 feet on the property line but located outside clear zone pursuant to § 152.250(E)(2)(d). **+ 1 point**	
Additional landscaping. Landscaped area beyond the minimum required by § 152.250(E) can soften the edges of a development, enhance sustainability, and create a more comfortable pedestrian experience.	Minimal or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement of § 152.250(E) **+ 0 points**	5% to 10% additional gross lot area landscaped beyond base requirement. **+ 3 points**	More than 10% additional gross lot area landscaped beyond base requirement. **+ 4 points**	

DESIGN FEATURE	POSSIBLE POINTS			SUBTOTAL *Use this column to tally points*
Plant selection. Diversity of plant species creates more interesting landscape areas.	Two or fewer distinct plant species included in landscaping plan. **+ 0 points**	Three or more distinct plant species included in landscaping plan. **+ 3 points**	Five or more distinct plant species included in landscaping plan. **+ 4 points**	
Bicycle parking. Dedicated bicycle parking encourages bicycling by offering convenient and secure parking options.	Number of bicycle parking spaces meets base requirement of § 152.560. **+ 0 points**	10% to 20% additional bicycle parking spaces provided beyond base requirement and at least half of all bike parking spaces are covered. **+ 1 point**	10% to 20% additional bicycle parking spaces provided beyond the base requirement and all bike parking spaces are covered. **+ 2 points**	
Lighting. Lighting can improve safety and enhance the attractiveness of a development in evening hours.	Lighting meets base requirement for parking lots as specified in § 152.250(F). **+ 0 points**	1 point may be assigned for the following outdoor lighting features: • Pedestrian walkway lighting, pedestal- or bollard-style lighting **+ 3 points**	2 points may be assigned for both of the following outdoor lighting features: • Pedestrian walkway lighting • Accent lighting on structure **+ 4 points**	
Electric vehicle charging station. Manufacturer specifications for the charging station must be submitted with design review application.	Site does not include electric vehicle charging station. **+0 points**	Site includes electric vehicle charging station. **+ 1 point**		
			TOTAL POINTS:	

Figure 152.250-2. Examples of Façade Articulation Methods

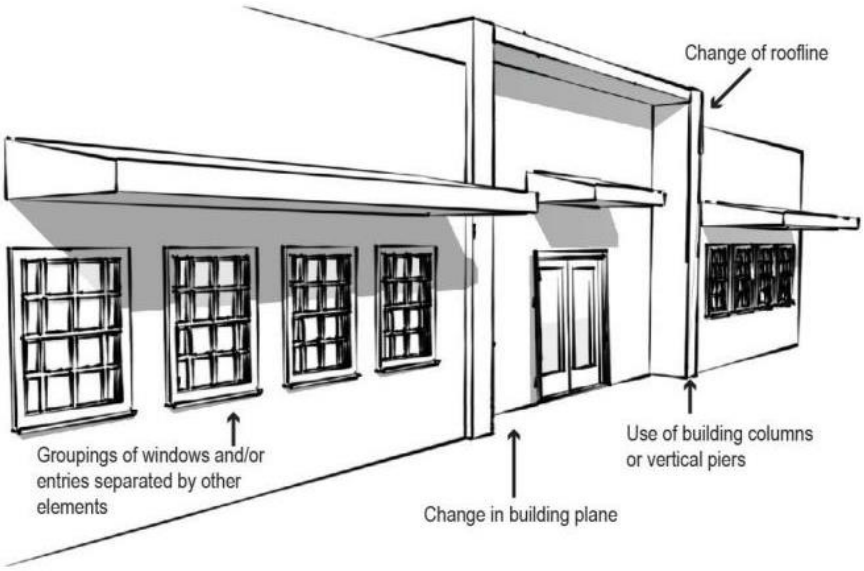
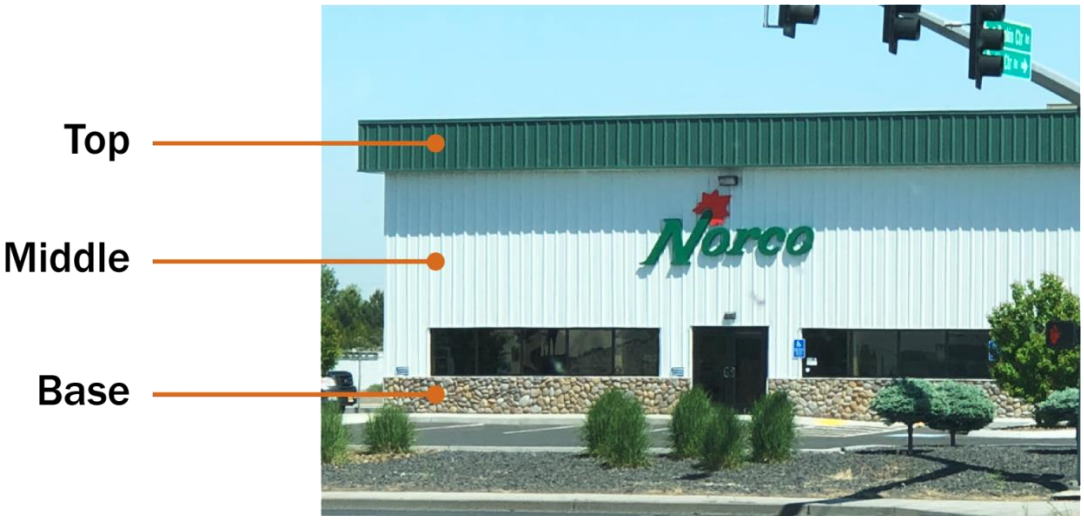


Figure 152.250-3. Example of Façade Composition (Base-Middle-Top)



(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2019-09, passed 11-6-19; Ord. 2020-05, passed 07-15-20;)

RRSC, RURAL RETAIL/SERVICE COMMERCIAL ZONE

Sub-Sections

152.251	Purpose
152.252	Uses permitted
152.253	Conditional uses permitted
152.254	Limitations on uses
152.255	Design review
152.256	Dimensional standards

§ 152.251 PURPOSE.

The RRSC, Rural Retail/Service Commercial, Zone is designed to comply with Goal 14 and provide areas outside of urban growth boundaries and unincorporated communities where specific commercial activities require larger sites than are available inside an urban growth boundary and provide for retail and service- oriented commercial activities to accommodate rural residences. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Retail/Service Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact. (Ord. 2005-09, passed 10-13-05)

§ 152.252 USES PERMITTED.

(A) *Uses Permitted Outright.* In an RRSC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses Permitted with a Zoning Permit.* In the RRSC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.254 through 152.256 of this chapter:

(1) Automobile service station;

(2) Automobile, truck or motorcycle sales lot;

(3) Automobile, truck or

motorcycle repair shop or parts store;

(4) Blacksmith or machine shop;

(5) Bottling works;

(6) Custom meat cutting, curing and cold storage locker;

(7) Eating or drinking establishment;

(8) Financial institution;

(9) Food store;

(10) Gift store;

(11) Green house or nursery;

(12) Information center;

(13) Motel, hotel, up to 35 units;

(14) Office building;

(15) Plumbing or sheet metal shop;

(16) Public or semi-public uses;

(17) Retail sales outlets;

(18) Service-oriented businesses;

(19) Sporting goods or bait shop;

(20) Signs: Type 2, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

(21) Wholesale businesses where no manufacturing, compounding, processing or treatments of the products for wholesale are conducted.
(Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12)

§ 152.253 CONDITIONAL USES PERMITTED.

In a RRSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of §§ 152.610 through 152.616 and 152.254 and 152.256 of this chapter and upon the issuance of a zoning permit:

(A) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in §152.616 (X);

(B) Animal hospital or veterinary clinic as provided in § 152.616 (DDD);

(C) Commercial amusement establishment as provided in § 152.616 (P);

(D) Drug paraphernalia store, adult book store, adult movie house as provided in § 152.616 (W);

(E) Mini-warehouses as provided in § 152.616 (MM);

(F) Mobile home park, travel trailer park as provided in §152.616 (NN);

(G) Tire repairing as provided in § 152.616 (AAA);

(H) Utility facility as provided in § 152.616 (CCC);

(I) Welding shop as provided in §§ 152.616 (F);

(J) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Retail/Service Commercial Zone, provided that the use has the approval of the Planning Director or Planning Commission.

(K) Rural commercial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural commercial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(L) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(M) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(N) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 2005-09, passed 10-13-05; Ord. 2013-02, passed 1-29-13)

§ 152.254 LIMITATIONS ON USES.

In the RRSC Zone, the following limitations and conditions shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from without the property;

(B) Outside display of any scrap or salvage material shall be prohibited.

(C) Except as provided in Paragraphs D through F of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Greenhouses, nurseries, mobile home parks, travel trailer parks, and animal hospitals or veterinary clinics primarily devoted to the treatment of large animals may have buildings in excess of 3,500 square feet of floor space.

(E) New hotels and motels are allowed up to a maximum of 35 units, with no limitation on square footage.

(F) Structures that existed on July 1, 2005 may expand to a building size of 4,500

square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(G) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(H) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15)

§ 152.255 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.252 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 2005-09, passed 10-13-05; Ord. 2014-04, passed 7-2-14)

§ 152.256 DIMENSIONAL STANDARDS.

In an RRSC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of five feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements*. The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: ten feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;

(3) Rear yard: twenty feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to §§ 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such a septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the streams, lakes or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2005-09, passed 10-13-05; Ord. 2011-02, passed 3-17-11)

CRC, COMMERCIAL RURAL CENTER ZONE

Sub-Sections

152.260	Purpose
152.261	Uses permitted
152.262	Conditional uses permitted
152.263	Limitations on uses
152.264	Dimensional standards

§ 152.260 PURPOSE.

The CRC Commercial Rural Center is designed to provide primary local rural commercial service for rural residences. The purpose of this use zone is to provide standards and review procedures for local rural commercial services that meet the needs of the rural residence and limit any conflicts between these uses and the prevailing rural residential uses.
(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-05)

§ 152.261 USES PERMITTED.

(A) *Uses permitted outright*. In a CRC Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to § 152.027:

(1) Farm use, as defined in ORS 215.203 and set out in §152.003, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals; the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property.

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit*. In a CRC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.263 through 152.264:

(1) Professional offices including, but not limited to, doctor or lawyers' office, clinic and real estate offices with building size not to exceed 3,500 square feet of floor space;

(2) Retail store: 2,500 square feet maximum floor space;

(3) Automobile service station with building size not to exceed 3,500 square feet

of floor space;

(4) Restaurant or drinking establishment with building size not to exceed 3,500 square feet of floor space;

(5) Utility facility, except landfills;

(6) Public or semi-public use;

(7) Signs: Type 2, 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2005-09, passed 10-13-05; Ord. 2008-09, passed 6-16-08; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15)

§ 152.262 CONDITIONAL USES PERMITTED.

In a CRC Zone the following uses and their accessory uses are permitted conditionally subject to the requirements of §§152.610 through 152.616 and 152.263 through 152.264, and upon the issuance of a zoning permit:

(A) Dwelling for the owner or operator of a use permitted in a CRC Zone as provided in § 152.616 (X);

(B) Boarding, lodging or rooming house as provided in § 152.616 (H);

(C) Animal hospital or veterinary clinic primarily devoted to the treatment of large animals, but not kennels, as provided in § 152.616 (DDD);

(D) Church as provided in § 152.616 (K);

(E) School as provided in § 152.616 (YY);

(F) Day care or nursery as provided in § 152.616 (V);

(G) Rural commercial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural commercial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(H) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for

bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(I) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(J) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2005-09, passed 10-13-05)

§ 152.263 LIMITATIONS ON USES.

The following limitations shall apply in a CRC Zone for the raising of farm animals:

(A) Cows, horses, goats, sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits or similar sized animals shall be confined on not more than 25% of the total lot area;

(C) All livestock shall be located a minimum of 100 feet away from a residential dwelling on an adjacent lot;

(D) Adequate fences and corrals shall be required to keep animals off adjacent lands;

(E) Notwithstanding division (C) of this section, barns, corrals, pens, sheds and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(F) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be now existing or hereafter established.

(G) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.
(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-05)

§ 152.264 DIMENSIONAL STANDARDS.

In a CRC Zone the following standards shall apply:

(A) *Minimum lot area.*

(1) Use permitted with a zoning permit except utility facilities, one acre, with an average lot width of 150 feet;

(2) Conditional uses and utility facilities. Minimum lot sizes for all

conditional uses shall be determined by the Hearings Officer and/or the DEQ considering the protection of public health, the size needed to accommodate the use and its accessory uses, and the objective to minimize potential conflicts with adjacent land uses;

(3) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to the effective date of this chapter and do not meet the requirements of this section may be used for uses listed in this zone providing that all other applicable regulations can be met.

(B) *Setback requirements.* No building shall be located closer than 20 feet from the property line except on the street/road side of a corner lot used for a side yard, the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater. If the area between the building and the lot line is to be used for off-street parking, then the building shall be located at least 40 feet from the lot line.

(C) *Lot coverage.* The main building and accessory building located on any building site or lot shall not cover more than 30% of the total lot area;

(D) *Building height.* No building or structure shall be erected or enlarged to exceed two stories or more than 25 feet in height, except split-level buildings, which may be increased in height to 30 feet;

(E) Expansion of structures that existed on July 1, 2005 shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 4,000 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger

(F) Size limits on uses permitted in the CRC Zone shall not apply to any properties for which an exception to Statewide Planning Goal 14, Urbanization, has been approved.

(G) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply: all sewage disposal installations, such a septic tanks and septic drainfields shall be setback from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the DEQ finds that a closer location will not endanger health, the county may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(H) *Off-street parking and loading.* Off-street parking and loading shall be provided in accordance with the provisions of §§152.560 through 152.562 of this chapter;

(I) *Site plan review*. In a CRC Zone, uses permitted with a zoning permit and conditional uses shall be subject to the following requirements:

(1) For use permitted with a zoning permit. Before a building may be

constructed, enlarged or substantially altered, a site development plan shall be submitted to the Planning Department;

(2) For conditional uses. In considering a site plan for proposed use in an CRC Zone, the county shall take into account the impact of the proposed use on nearby residential and commercial property, the capacity of the street to carry traffic, and the appearance of the use. The county may require as a condition of approval:

(a) An increase in the required lot size;

(b) Additional off-street parking;

(c) Screening of the proposed use by a fence or landscaping;

(d) Limitations on signs or lighting;

(e) Limitations on the number and location of curb cuts;

(f) Any other conditions considered necessary to achieve the purpose of this chapter;

(3) Construction and development of the site shall conform to an approved site plan.
(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-05)

TC, TOURIST COMMERCIAL ZONE

Sub-Sections

152.275	Purpose
152.276	Uses permitted
152.277	Conditional uses permitted
152.278	Limitations on uses
152.279	Design review
152.280	Dimensional standards

§ 152.275 PURPOSE.

The TC Tourist Commercial Zone is designed to serve the traveling public along major traffic corridors or at appropriate recreational locations. Facilities may include service station, eating establishments or over-night accommodation. The TC Zone is appropriate along major interstate interchange as discussed in the Comprehensive Plan.
(Ord. 83-4, passed 5-9-83)

§ 152.276 USES PERMITTED.

(A) *Uses permitted outright*. In a TC Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit*. In a TC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.278 through 152.280 of this chapter:

(1) Automobile service station;

(2) Boarding, lodging or rooming house;

(3) Eating or drinking establishment;

(4) Food store limited to 2,500 square feet;

(5) Gift shop;

(6) Information center;

(7) Laundromat;

(8) Motel, hotel;

(9) Sporting goods or bait shop;

(10) Signs: Type 4, 5, 6, 7, 8, 9,

10, 11, 12 as defined in § 152.546.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2012-02 passed 1-26-12)

§ 152.277 CONDITIONAL USES PERMITTED.

In a TC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§ 152.610 through 152.616, 152.278 and 152.280 and upon the issuance of a zoning permit:

(A) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);

(B) Public or semi-public use as provided in § 152.616 (SS);

(C) Travel trailer park as provided in § 152.616 (NN);

(D) Utility facility as provided in § 152.616 (CCC);

(E) Other uses similar to the uses permitted or the conditional uses normally located in a Tourist Commercial Zone, providing that it has the approval of the Planning Director or Planning Commission.

(F) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(G) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(H) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2013-02, passed 1-29-13)

§ 152.278 LIMITATIONS ON USES.

In the TC Zone, the following

limitations on uses shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties;

(B) Storage of scrap or salvage materials shall be prohibited.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 83-4, passed 5-9-83; Ord. 2015-07, passed 9-22-15)

§ 152.279 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.276 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are

met as provided in § 152.011.
(Ord. 83-4, passed 5-9-83; Ord. 2014-04, passed 7-2-14)

§ 152.280 DIMENSIONAL STANDARDS.

In a TC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements*. No building shall be located closer than 40 feet from a lot line. The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-111)

RTC, RURAL TOURIST COMMERCIAL ZONE

Sub-Sections

152.281	Purpose
152.282	Uses permitted
152.283	Conditional uses permitted
152.284	Limitations on uses
152.285	Design review
152.286	Dimensional standards

§ 152.281 PURPOSE.

The RTC Rural Tourist Commercial Zone is designed to serve the traveling public along major traffic corridors or at appropriate recreational locations outside unincorporated communities and urban growth boundaries. Facilities may include service stations, eating establishments or over-night accommodations. The RTC Zone is appropriate along major interstate interchanges as discussed in the Comprehensive Plan. This zone is applied to commercial lands outside unincorporated communities and urban growth boundaries for which an exception to Goal 14 has not been approved.

The intent of the Rural Tourist Commercial Zone is to permit the continuation and expansion of existing uses and to provide rural scale tourism-related employment uses.
(Ord. 2005-09, passed 10-13-05)

§152.282 USES PERMITTED

(A) *Uses permitted outright.* In an RTC Zone, the following uses and their accessory uses are permitted without a zoning permit.

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a RTC Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.284 through 152.286 of this chapter:

(1) Automobile service station;

(2) Boarding, lodging or rooming house;

(3) Eating or drinking establishment;

(4) Food store;

(5) Gift shop;

(6) Information center;

(7) Laundromat;

(8) Motel, hotel (up to 30 units);

(9) Sporting goods or bait shop;

(10) Signs: Type 4, 5, 6, 7, 8, 9, 10, 11, 12 as defined in § 152.546.
(Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12)

§152.283 CONDITIONAL USES PERMITTED.

In an RTC Zone, the following uses and their accessory uses are permitted subject to the requirements of §§152.610 through 152.616, 152.284 and 152.286 of this chapter, and upon the issuance of a zoning permit:

(A) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);

(B) Public or semi-public use as provided in § 152.616 (SS);

(C) Travel trailer park as provided in §152.616 (NN);

(D) Utility facility as provided in § 152.616 (CCC);

(E) Other uses similar to the uses permitted or the conditional uses normally located in a Rural Tourist Commercial Zone, providing that it has the approval of the Planning Director or Planning Commission.

(F) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(G) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(H) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to

or in conjunction with the conditional permit review.
(Ord. 2005-09, passed 10-13-05; Ord. 2013-02, passed 1-29-13)

§ 152.284 LIMITATIONS ON USES.

In the RTC Zone, the following limitations on uses shall apply:

(A) Outside storage areas shall be screened with a site-obscuring fence so that the area shall not be exposed to view from the traveling public and surrounding properties;

(B) Storage of scrap or salvage materials shall be prohibited.

(C) Except as provided in Paragraphs D and E of this Section, buildings shall not exceed 3,500 square feet of floor space.

(D) Motels and hotels that existed on July 1, 2005 may expand up to 35 units or up to 50% of the number of existing units, whichever is larger, with no limitation on square footage.

(E) Structures that existed on July 1, 2005 may expand to a building size of 4,500 square feet or to a size that is 50% larger than the building size that existed on July 1, 2005, whichever is larger.

(F) Notwithstanding the size limitations for structures contained in this chapter, a lawfully approved or lawfully constructed structure existing as of July 1, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(G) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15)

§ 152.285 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.282 or §152.283 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or

state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 2005-09, passed 10-13-05; Ord. 2014-04, passed 7-2-14)

§152.286 DIMENSIONAL STANDARDS.

In an RTC Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width*. The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements*. No building shall be located closer than 20 feet from a property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the center line of the road, highway, or easement, or 25 feet from the property line, whichever is greater. The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2005-09, passed 10-13-05; Ord. 2011-02, passed 3-17-11)

AB, AGRI-BUSINESS ZONE

Sub-Sections

152.290	Purpose
152.291	Uses permitted
152.292	Conditional uses permitted
152.293	Limitations on use
152.294	Dimensional standards

§ 152.290 PURPOSE.

The AB Agribusiness Zone is designed to provide areas of certain types of agriculturally oriented businesses and services which may not otherwise need to be located in more intensive commercial or industrial areas. It may be appropriate for storage, handling or processing of agricultural products, or provide area for agriculturally oriented businesses which require larger areas.
(Ord. 83-4, passed 5-9-83)

§ 152.291 USES PERMITTED.

(A) *Uses permitted outright.* In an AB Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant:

(1) Farm use as defined in ORS 215.203 and set out in §152.003, except livestock feed yards and sale yards, hog or poultry farms, and the raising of fur-bearing animals; the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In an AB Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.025: Signs of Type 4, 5, 7, 8, 9 and 11 as defined in § 152.546.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15)

§ 152.292 CONDITIONAL USES PERMITTED.

In an AB Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616, 152.293 and 152.294 of this chapter, and upon the

issuance of a zoning permit::

(A) Accessory dwelling (one only) for the owner or operator of each existing permit use as provided in § 152.616 (X).

(B) Agricultural commodity collection, sorting and packaging or processing establishment as provided in § 152.616 (A);

(C) Cold storage plant as provided in § 152.616 (M);

(D) Commercial greenhouse or nursery as provided in § 152.616 (R);

(E) Farm machinery or irrigation system, sales, service and storage as provided in § 152.616 (AA);

(F) Fertilizer and agricultural chemical sales as provided in § 152.616 (BB);

(G) Grain elevator as provided in § 152.616 (DD);

(H) Hog farm as provided in § 152.616 (JJ);

(I) Land strip for agricultural operations as provided in § 152.616 (B);

(J) Livestock feed yard as provided in § 152.616 (JJ);

(K) Livestock sales yard as provided in § 152.616 (JJ);

(L) Petroleum products sales and storage as provided in § 152.616 (PP);

(M) Slaughterhouse as provided in § 152.616 (ZZ);

(N) Utility facility as provided in § 152.616 (CCC),

(O) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(P) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(Q) If review under this Section indicates that the use or activity is

inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(R) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed, shall only be incidental and directly related to the operation of permitted agri-business type uses. The land use must comply with one or both of the following standards:

(1) Provides a commercial or industrial use related to and supportive of the agricultural activities in the local area, or

(2) Provides an agriculturally related product or service.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2011-08, passed 7-21-11)

§ 152.293 LIMITATIONS ON USE.

In a AB Zone, the following limitations on use shall apply: all structures and enclosures designed for the handling of animals or fowls, dead or alive, shall be kept reasonably free and clean of flies and accumulated waste materials, and shall be subject to health regulations (county, state or federal) as is now and may hereafter be established.
(Ord. 83-4, passed 5-9-83)

§ 152.294 DIMENSIONAL STANDARDS.

In an AB Zone, the following dimensional standards shall apply:

(A) *Lot size*. The lot size shall be a minimum of one acre. A smaller minimum lot size may be allowed if the use located or proposed for the lot does not require a subsurface disposal system, or written proof if obtained from the Department of Environmental Quality to show that an approvable subsurface system can be located on less than one acre;

(B) *Minimum lot width*. The minimum average lot width shall be 100 feet, with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements*. No building shall be located closer than 20 feet from a property line, except if the front yard is to be used for parking, then the building shall be located 40 feet from the property line;

(D) *Stream setback*. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet;

(2) All structures, buildings or

similar permanent fixtures shall be set back from the high water line or mark along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83)

LI, LIGHT INDUSTRIAL ZONE

Sub-Sections

152.301	Purpose
152.302	Uses permitted
152.303	Conditional uses permitted general criteria
152.304	Limitations on use
152.305	Design review
152.306	Dimensional standards

§ 152.301 PURPOSE.

The LI Light Industrial Zone is designed to provide areas for industrial use that are less intensive than heavy industrial uses, and are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads, and waterways. (Ord. 83-4, passed 5-9-83; Ord. 2019-09, passed 11-6-19;)

§ 152.302 USES PERMITTED.

(A) *Uses permitted outright*. In an LI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit*. In an LI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §152.025 and subject to the requirements of §§152.304 through 152.306 of this chapter:

(1) Blacksmith or machine shop;

(2) Bottling works;

(3) Contractor's equipment storage yard;

(4) Custom meat cutting and cold storage locker;

(5) Food products manufacturing;

(6) Grain elevator or flour mill;

(7) Greenhouse or nursery;

(8) Hauling, freighting and trucking yard or terminal;

(9) Ice or cold storage plant;

(10) Information center;

(11) Manufacturing, compounding, assembling or treatment of products made from the following prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint (no boiling), paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood and yarns, but not including rendering plant;

(12) Mini-warehouses;

(13) Plumbing or sheet metal shop;

(14) Professional office building;

(15) Signs: Type 4, 5, 7, 8, 9, 10, 11, 12 as defined in § 152.546;

(16) Tire recapping;

(17) Veterinary clinic or animal hospital, but not kennels;

(18) Welding shop;

(19) Wholesale business, storage building or warehouse;

(20) Truck sales, service, storage and maintenance.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12)

§ 152.303 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.303 and 152.306 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in §152.616 (X);

(2) Automobile service station as provided in §152.616 (D);

(3) Automobile, truck, or motorcycle sales lot, limited to properties with frontage on Highway 395;

(4) Automobile, truck, or motorcycle repair shop or parts store, limited to properties with frontage on Highway 395;

(5) Automobile wrecking yard as provided in §152.616 (E), except this use is prohibited on properties with frontage on Highway 395;

(6) Boarding, lodging or rooming house in conjunction with an industrial use located in the property as provided in § 152.616 (H);

(7) Commercial amusement establishment as provided in § 152.616 (P);

(8) Commercial gravel extraction and processing as provided in §152.616 (Q), except this use is prohibited on properties with frontage on Highway 395;

(9) Concrete block or pipe manufacturing as provided in §152.616 (U), except for properties on Highway 395 where this use is permitted only when conducted wholly outdoors;

(10) Concrete manufacturing plant as provided in §152.616 (U), except this use is prohibited on properties with frontage on

Highway 395;

(11) Day care center as provided in § 152.616 (V);

(12) Junkyard as provided in § 152.616 (E), except this use is prohibited on properties with frontage on Highway 395;

(13) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage as provided in §152.616 (LL) industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined (i.e. natural gas, propane, oil and electricity);

(14) Mobile home or trailer park as provided in § 152.616 (NN);

(15) Public or semi-public use as provided in § 152.616 (SS);

(16) Sand or gravel storage yard as provided in § 152.616 (XX) except this use is prohibited on properties with frontage on Highway 395;

(17) Wood processing facilities as provided in § 152.616 (GGG);

(18) Utility facility as provided in § 152.616 (CCC);

(19) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission.

(20) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(21) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(22) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) The following general criteria shall be used to review all conditional uses listed in the LI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a LI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2013-02, passed 1-29-13; Ord. 2019-09, passed 11-6-19;)

§ 152.304 LIMITATIONS ON USE.

(A) *Screening Requirements*.

(1) General Standards. All business, commercial and industrial activities, and storage allowed in an LI, Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(2) Off-Street Loading Areas. All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(3) Properties on Highway 395 Corridor. All properties in the LI zone with frontage on Highway 395 are exempt from the standards of this section and subject to the standards of § 152.248.

(B) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(C) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 83-4, passed 5-9-83; Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15; Ord. 2019-09, passed 11-6-19;)

§ 152.305 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.302 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and

business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) Properties on Highway 395 Corridor. All properties in the LI zone with frontage on Highway 395 are subject to the design review application requirements, standards, and approval criteria of the RSC zone, see § 152.249.

(D) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions, and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or his authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(E) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 83-4, passed 5-9-83; Ord. 2014-04, passed 7-2-14; Ord. 2019-09, passed 11-6-19;)

§ 152.306 DIMENSIONAL STANDARDS.

In a LI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements*. The minimum setback requirements shall be as follows:

(1) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(2) Side yard: 20 feet;

(3) Rear yard: 20 feet;

(4) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to §§ 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback*. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be setback from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.

(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

RLI, RURAL LIGHT INDUSTRIAL ZONE

Sub-sections

152.307	Purpose
152.308	Uses permitted
152.309	Conditional uses permitted; general criteria
152.310	Limitations on use
152.311	Design review
152.312	Dimensional standards

§152.307 PURPOSE.

The RLI Rural Light Industrial Zone is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The RLI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned industrial prior to January 1, 2004, that are outside unincorporated communities and urban growth boundaries.

The intent of the Rural Light Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, mineral and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.
(Ord. 2005-09, passed 10-13-05)

§152.308 USES PERMITTED

(A) Uses permitted outright. In an RLI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit*. In the RLI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to §152.025 and subject to the requirements of §§152.310 through 152.312 of this chapter:

(1) Blacksmith or machine shop;

(2) Bottling works, if agriculturally-related;

(3) Contractor's equipment storage yard;

(4) Custom meat cutting and cold storage locker;

(5) Food products processing, except meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Greenhouse or nursery;

(8) Hauling, freighting and trucking yard or terminal (excluding truck stops);

(9) Ice or cold storage plant;

(10) Primary processing of raw materials produced in rural areas;

(11) Information kiosk;

(12) Manufacturing, compounding, assembling or treatment of products;

(13) Mini-warehouses;

(14) Plumbing or sheet metal shop;

(15) Industrial uses in conjunction with farm, forest or aggregate use;

(16) Signs: Type 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

(17) Tire recapping, with building size;

(18) Truck sales, service, storage and maintenance;

(19) Veterinary clinic or animal hospital primarily devoted to the treatment of large animals, but not kennels;

(20) Welding shop;

(21) Wholesale business, storage building or warehouse, in conjunction with farm or forest use.
(Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12)

§152.309 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an RLI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.310 and 152.312 and upon the issuance of a zoning permit:

(1) Accessory Dwelling (one only) for the owner or operator of each existing permitted use as provided in §152.616 (X);

(2) Automobile wrecking yard as provided in §152.616 (E);

(3) Commercial gravel extraction and processing as provided in §152.616 (Q);

(4) Concrete block or pipe manufacturing as provided in §152.616 (U);

(5) Concrete manufacturing plant as provided in §152.616 (U);

(6) Junkyard as provided in § 152.616 (E);

(7) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage of products derived from rural areas or related to agriculture or forestry as provided in § 152.616 (LL) industries having any one of the following

characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined (i.e. natural gas, propane, oil and electricity);

(8) Petroleum products sales and storage, limited to card lock and not general retail as provided in § 152.616 (PP);

(9) Public or semi-public use as provided in § 152.616 (SS);

(10) Sand or gravel storage yard as provided in § 152.616 (XX);

(11) Utility and public power generating facilities;

(12) Wood processing facilities as provided in § 152.616 (GGG);

(13) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission.

(14) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(B) The following general criteria shall be used to review all conditional uses listed in the RLI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a RLI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.

(4) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts

to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(5) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(6) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 2005-09, passed 10-13-05; Ord. 2013-02, passed 1-29-13)

§152.310 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an RLI, Rural Light Industrial, Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(D) A lawfully approved or lawfully constructed structure existing as November 12, 2005 shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(E) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15)

§152.311 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.308 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions, and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 2005-09, passed 10-13-05; Ord. 2014-04, passed 7-2-14)

§152.312 DIMENSIONAL STANDARDS

In an RLI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) No building shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater;

(2) Front yard: 20 feet, except if the front yard area is used for off-street parking space, then the front yard shall be a minimum of 40 feet;

(3) Side yard: 20 feet;

(4) Rear yard: 20 feet;

(5) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be setback from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2005-09, passed 10-13-05; Ord. 2011-02, passed 3-17-11)

LRLI, LIMITED RURAL LIGHT INDUSTRIAL ZONE

Sub-Sections

152.313	Purpose
152.314	Uses permitted
152.315	Conditional uses permitted; general criteria
152.316	Limitations on use
152.317	Design review
152.318	Dimensional standards

§152.313 PURPOSE.

The LRLI, Limited Rural Light Industrial Zone, is designed to provide areas for industrial uses that are appropriate for rural locations, less intensive than heavy industrial uses, are less offensive to adjacent land uses, and are compatible with certain commercial uses. It is designed to help the county expand and diversify its economic base. The LRLI Zone is appropriate for areas near major transportation facilities which are generally suited for industry and include highways, railroads and waterways. This zone is applied to lands zoned industrial outside unincorporated communities and urban growth boundaries after January 1, 2004.

The intent of the Limited Rural Light Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, mineral and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.
(Ord. 2005-09, passed 10-13-05)

§152.314 USES PERMITTED

(A) *Uses permitted outright.* In an LRLI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In the LRLI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to § 152.025 and subject to the requirements of §§152.316 through 152.318 of this chapter:

(1) Blacksmith or machine shop;

(2) Bottling works, if agriculturally-related;

(3) Contractor's equipment storage yard;

(4) Custom meat cutting and cold storage locker;

(5) Food products processing, except meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Greenhouse or nursery;

(8) Hauling, freighting and trucking yard or terminal, (excluding truck stops);

(9) Ice or cold storage plant;

(10) Primary processing of raw materials produced in rural areas;

(11) Information kiosk;

(12) Manufacturing, compounding, assembling or treatment of products derived from rural areas or related to agriculture or forestry.

(13) Manufacturing, compounding, assembly or treatment of products not derived from rural areas, with building size not to exceed 35,000 square feet of floor space;

(14) Mini warehouses;

(15) Plumbing or sheet metal shop, building size not to exceed 35,000 square feet of floor space;

(16) Industrial uses in conjunction with farm, forest or aggregate use;

(17)Signs: Type 4, 5, 7, 8, 9, 10, 11 as defined in § 152.546;

(18) Tire recapping, with building size not to exceed 35,000 square feet of floor space;

(19) Truck sales, service, storage and maintenance, building not to exceed 35,000 square feet of floor space.

(20) Veterinary clinic or animal hospital primarily devoted to the treatment of large animals, but not kennels;

(21) Welding shop;

(22) Wholesale business, storage building or warehouse, in conjunction with farm or forest use.
(Ord. 2005-09, passed 10-13-05; Ord. 2012-02 passed 1-26-12)

§152.315 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an LRLI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.316 and 152.318 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);

(2) Automobile wrecking yard, with a building size not to exceed 35,000 square feet of floor space as provided § 152.616 (E);

(3) Commercial gravel extraction and processing as provided § 152.616 (Q);

(4) Concrete block or pipe manufacturing as provided in § 152.616 (U);

(5) Concrete manufacturing plant as provided in § 152.616 (U);

(6) Junkyard as provided in § 152.616 (E);

(7) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage of products derived from rural areas or related to agriculture or forestry as provided in § 152.616 (LL) industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined (i.e. natural gas, propane, oil and electricity);

(8) Petroleum products sales and storage, limited to card lock and not general retail as provided in § 152.616 (PP)

(9) Public or semi-public use as provided in § 152.616 (SS)

(10) Sand or gravel storage yard as provided in § 152.616 (XX)

(11) Utility and public power generating facilities as provided in § 152.616 (CCC)

(12) Wood processing facilities as provided in § 152.616 (GGG)

(13) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission. Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size limitation.

(14) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(B) The following general criteria shall be used to review all conditional uses listed in the LRLI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in an LRLI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by the existing adjacent industrial uses.

(4) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the

Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this chapter.

(5) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(6) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(Ord. 2005-09, passed 10-13-05; Ord. 2013-02, passed 1-29-13)

§152.316 LIMITATIONS ON USE.

(A) All business, commercial and industrial activities, and storage allowed in an LRLI, Limited Rural Light Industrial Zone shall be conducted wholly within a building or shall be screened from view from adjacent public roads or surrounding properties in farm, residential or commercial zones, unless the entire activity is conducted more than 500 feet from said surrounding property or road. Outdoor storage of farm and forest products or equipment shall not be subject to this limitation;

(B) All off street loading areas shall be screened from view if adjoining properties are in a residential zone;

(C) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

(D) Expansion of structures that existed on November 12, 2005, shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on November 12, 2005, whichever is larger

(E) Notwithstanding the size limitations for structures contained in this section, a

lawfully approved or lawfully constructed structure existing as November 12, 2005, shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(F) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 2005-09, passed 10-13-05; Ord. 2015-07, passed 9-22-15)

§152.317 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.314 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing property lines, dimensions, and location of buildings on the property, both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the building(s) or the property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 2005-09, passed 10-13-05; Ord. 2014-04, passed 7-2-14)

§152.318 DIMENSIONAL STANDARDS

In an LRLI Zone, the following dimensional standards shall apply:

(A) *Lot size*. The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements*. The minimum setback requirements shall be as follows:

(1) No building shall be located closer than 20 feet from the property line, except on the street/road side of a corner lot used for a side yard the setback shall be 55 feet from the centerline of the road, highway, or easement, or 25 feet from the property line, whichever is greater;

(2) Front yard: 20 feet, except if the front yard area is used for off street parking space, then the front yard shall be a minimum of 40 feet;

(3) Side yard: 20 feet;

(4) Rear yard: 20 feet;

(5) The minimum side and rear yard setbacks may be modified upon the request of a property owner, pursuant to § 152.625 through 152.630. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams, lakes and wetlands, the following setbacks shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be setback from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2005-09, passed 10-13-05; Ord. 2011-02, passed 3-17-11)

HI, HEAVY INDUSTRIAL ZONE

Sub-Sections

152.320	Purpose
152.321	Uses permitted
152.322	Conditional uses permitted; general criteria
152.323	Limitations on use
152.324	Design review
152.325	Dimensional standards

§ 152.320 PURPOSE.

The HI Heavy Industrial Zone is designed to provide for industrial uses where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The HI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways.
(Ord. 83-4, passed 5-9-83)

§ 152.321 USES PERMITTED.

(A) *Uses permitted outright*. In an HI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a HI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.323 through 152.324 of this chapter:

(1) Automobile wrecking yard;

(2) Concrete block and pipe manufacturing;

(3) Concrete manufacturing plant;

(4) Contractor's equipment storage yard;

(5) Food products manufacturing, excluding meat, fish, salt, sauerkraut, sugar, vinegar and yeast products;

(6) Grain elevator or flour mill;

(7) Hauling, freighting and trucking yard;

(8) Ice and cold storage;

(9) Junkyard;

(10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage, except as modified by §152.323(A);

(11) Rendering plant;

(12) Sand or gravel storage yard;

(13) Signs: Type 4, 5, 8, 9, 11 as defined in § 152.546;

(14) Tire recapping;

(15) Utility facility;

(16) Welding shop;

(17) Wholesale business, storage building or warehouse;

(18) Wood processing facilities. (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2012-02 passed 1-26-12)

§ 152.322 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In a HI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.323 and 152.325 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);

(2) Commercial gravel pit as provided in § 152.616 (Q);

(3) Eating or drinking establishment as provided in § 152.616 (Y);

(4) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industry as provided in § 152.616 (LL) having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity.

(5) Surface mining, rock crushing or asphalt plant as provided in §§ 152.616 (Q) or 152.616 (C);

(6) Any requested use involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, unstable chemicals, ammonium nitrate and liquefied petroleum gases as provided in § 152.616 (FF);

(7) Any request involving the handling or storage of radioactive waste as provided in § 152.616 (GG).

(8) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission.

(9) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(10) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(11) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) The following general criteria shall be used to review all conditional uses listed in the HI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a HI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by existing adjacent industrial uses.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2013-02, passed 1-29-13)

§ 152.323 LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in a HI Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

(E) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 83-4, passed 5-9-83; Ord. 2015-07, passed 9-22-15)

§ 152.324 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in § 152.321 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or an authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing the property lines, dimensions, and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or his authorized agent may require landscaping around the buildings or property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 83-4, passed 5-9-83; Ord. 2014-04, passed 7-2-14)

§ 152.325 DIMENSIONAL STANDARDS.

In a HI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street loading or parking requirements, then the front yard shall be a minimum of 40 feet; and except if the property abuts a property zoned for residential use, then the setback shall be 200 feet;

(2) Side yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(3) Rear yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(D) *Stream setback.* To permit better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean high-water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83)

RHI, RURAL HEAVY INDUSTRIAL ZONE

Sub-Sections

152.326	Purpose
152.327	Uses permitted
152.328	Conditional uses permitted; general criteria
152.329	Limitations on use
152.330	Design review
152.331	Dimensional standards

§152.326 PURPOSE.

The RHI Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The RHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways.

This zone is applied to industrial lands outside unincorporated communities and urban growth boundaries where an exception to Goal 14 has not been approved. This rural zone will apply to lands that were zoned industrial prior to January 1, 2004.

The intent of the Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.

(Ord. 2005-13, passed 5-31-2005; Ord. 2006-04, passed 3-1-2006)

§152.327 USES PERMITTED

(A) *Uses permitted outright.* In an RHI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit* In an RHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.329 through 152.331 of this chapter:

(1) Automobile wrecking yard;

(2) Concrete block and pipe manufacturing;

(3) Concrete manufacturing plant;

(4) Contractor's equipment storage yard;

(5) Food products processing, except meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Hauling, freighting and trucking yard, (excluding truck stops);

(8) Ice and cold storage;

(9) Junkyard;

(10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage;

(11) Industrial uses in conjunction with farm, forest or aggregate use;

(12) Rendering plant;

(13) Sand or gravel storage yard;

(14) Signs: Type 4, 5, 8, 9, 11 as defined in § 152.546;

(15) Tire recapping;

(16) Utility facility;

(17) Welding shop;

(18) Wholesale business, storage building or warehouse, in conjunction with farm or forest use;

(19) Wood processing facilities. (Ord. 2005-13, passed 5-31-2005; Ord. 2006-04, passed 3-1-2006; Ord. 2012-02 passed 1-26-12)

§ 152.328 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an RHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.329 and 152.331 and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);

(2) Commercial gravel extraction and processing as provided in § 152.616 (Q);

(3) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage of products derived from rural areas or related to agriculture or forestry as provided in § 152.616 (LL) industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity.

(4) Surface mining, rock crushing or asphalt plant as provided in §§ 152.616

(Q) or 152.616 (C);

(5) Any requested use involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, unstable chemicals, ammonium nitrate and liquefied petroleum gases as provided in § 152.616 (FF).

(6) Any request involving the handling or storage of radioactive waste as provided in § 152.616 (GG).

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission.

(8) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(9) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(10) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(11) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) The following general criteria shall be used to review all conditional uses listed in the RHI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in a RHI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by existing adjacent industrial uses.
(Ord. 2005-13, passed 5-31-2005; Ord. 2006-04, passed 3-1-2006; Ord. 2013-02, passed 1-29-13)

§152.329 LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in an RHI Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

(E) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 2005-13, passed 5-31-2005; Ord. 2006-04, passed 3-1-2006; Ord. 2015-07, passed 9-22-15)

§ 152.330 DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.327 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing the property lines, dimensions, and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the buildings or property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 2005-13, passed 5-31-2005; Ord. 2014-04, passed 7-2-14)

§ 152.331 DIMENSIONAL STANDARDS.

In an RHI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street loading or parking requirements, then the front yard shall be a minimum of 40 feet; and except if the property abuts a property zoned for residential use, then the setback shall be 200 feet;

(2) Side yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(3) Rear yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(D) *Stream setback.* To permit better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high-water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may

permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2005-13, passed 5-31-2005)

LRHI, LIMITED RURAL HEAVY INDUSTRIAL ZONE

Sub-Sections

152.332	Purpose
152.333	Uses permitted
152.334	Conditional uses permitted; general criteria
152.334A	Limitations on use
152.334B	Design review
152.334C	Dimensional standards

§ 152.332 PURPOSE.

The LRHI Limited Rural Heavy Industrial Zone is designed to provide for industrial uses that are appropriate for rural locations and where potential conflicts with adjacent land uses will have a minimal negative impact. It is designed to help the county expand and diversify its economic base. The LRHI Zone is appropriate for areas adjacent to major transportation facilities such as railways, major highways and waterways. This zone is applied to lands outside unincorporated communities and urban growth boundaries zoned after January 1, 2004 for industrial use.

The intent of the Limited Rural Heavy Industrial Zone is to permit the continuation and expansion of existing uses and to provide rural employment opportunities for new uses that are generally rural-scale and low impact or provide for the processing and manufacturing of resource products such as timber and forest related products, farm crops and produce, minerals and aggregate resources, or the maintenance and repair of mechanical equipment related to farm or forest uses.
(Ord. 2006-04, passed 3-1-2006)

§ 152.333 USES PERMITTED

(A) *Uses permitted outright*. In an LRHI Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(2) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(3) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(4) Landscaping as part of a transportation facility.

(5) Emergency measures necessary for the safety and protection of property.

(6) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(7) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit*. In an LRHI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025 and subject to the requirements of §§152.334A through 152.334C of this chapter:

(1) Automobile wrecking yard, with a building size not to exceed 35,000

square feet of floor space;

(2) Concrete block and pipe manufacturing;

(3) Concrete manufacturing plant;

(4) Contractor's equipment storage yard;

(5) Food products processing, except; meat processing and rendering plants;

(6) Grain elevator or flour mill;

(7) Hauling, freighting and trucking yard, (excluding truck stops);

(8) Ice and cold storage;

(9) Junkyard;

(10) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage of products derived from rural areas or related to agricultural or forestry;

(11) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage of products not derived from rural areas, with building size not to exceed 35,000 square feet of floor space;

(12) Industrial uses in conjunction with farm, forest or aggregate use;

(13) Rendering plant;

(14) Sand or gravel storage yard;

(15) Signs: Type 4, 5, 8, 9, 11 as defined in § 152.546;

(16) Tire recapping, with building size not to exceed 35,000 square feet of floor space;

(17) Utility facility;

(18) Welding shop;

(19) Wholesale business, storage building or warehouse; in conjunction with farm or forest use;

(20) Wood processing facilities. (Ord. 2006-04, passed 3-1-2006; Ord. 2012-02 passed 1-26-12)

§ 152.334 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In an LRHI Zone, the following uses and their accessory uses are permitted conditionally, subject to the requirements of §§ 152.610 through 152.616, 152.334A and 152.334C and upon the issuance of a zoning permit:

(1) Accessory dwelling (one only) for the owner or operator of each existing permitted use as provided in § 152.616 (X);

(2) Commercial gravel extraction and processing as provided in § 152.616 (Q).

(3) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industry of products derived from rural areas or related to agriculture or forestry as provided in § 152.616 (LL) industries having any one of the following characteristics:

(a) Peak employment of more than 200 persons;

(b) Utilizing more than 20 acres of land;

(c) Requiring a total energy input which exceeds 6,826,000 British Thermal Units (BTU) for all energy sources combined, i.e. natural gas, propane, oil and electricity.

(4) Surface mining, rock crushing or asphalt plant as provided in §§ 152.616 (Q) or 152.616 (C);

(5) Any requested use involving the handling or storage of hazardous chemicals or flammable liquids such as fireworks, blasting agents, explosives, corrosive liquids, flammable solids, high toxic materials, oxidizing materials, poisonous gases, unstable chemicals, ammonium nitrate and liquefied petroleum gases as provided in §§ 152.616 (FF).

(6) Any request involving the handling or storage of radioactive waste as provided in §§ 152.616 (GG).

(7) Other buildings and uses similar to the list above and consistent with the rural purpose of this zone which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission. Land uses not related to agriculture or forestry, or otherwise consistent with the rural purpose of this zone, shall be subject to a 35,000 square foot building size limitation.

(8) Rural industrial uses related to/primarily designed to provide service to farm or forest industry. These farm/forest rural industrial uses shall not be subjected to a size limitation. These uses shall be approved by the Planning Commission.

(9) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(b) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(d) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(10) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(11) If review under this Section

indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(B) The following general criteria shall be used to review all conditional uses listed in the LRHI Zone, notwithstanding any other criteria listed in this chapter for a particular use:

(1) The use will be compatible with other uses allowed in an LRHI Zone;

(2) The use will be in conformance with policies listed in the text of the Comprehensive Plan;

(3) The use would not have an adverse impact on existing industrial uses in that it would not be incompatible with the noise, dust, vibrations and odors that may emanate from or be caused by existing adjacent industrial uses.
(Ord. 2006-04, passed 3-1-2006; Ord. 2013-02, passed 1-29-13)

§ 152.334A LIMITATIONS ON USE.

(A) A use is prohibited which has been declared a nuisance by statute, by action of Commissioners or by a court of competent jurisdiction;

(B) A use is prohibited and shall be in violation of this chapter if it violates an environmental quality statute or regulation of the state or federal government;

(C) Materials shall be stored and grounds shall be maintained in such a manner which will not attract or aid in the propagation of insects or rodents or otherwise create a health hazard;

(D) Points of access from a public street or county road to properties in an LRHI Limited Rural Heavy Industrial Zone shall be located so as to minimize traffic congestion and direct traffic away from residential streets.

(E) Expansion of structures that existed on the date of this ordinance shall be permitted under the following circumstances:

(1) If the use is not subject to a size limitation there shall be no limitations on expansion.

(2) If the use is subject to a size limitation, the use may expand to a building size of 40,000 square feet or to a size that is 50% larger than the building size that existed on the date of adoption of this ordinance, whichever is larger

(F) Size limits on uses permitted in the LRHI Zone shall not apply to any properties for which an exception to Statewide Planning Goal 14, Urbanization, has been approved.

(G) Notwithstanding the size limitations for structures contained in this ordinance, a lawfully approved or lawfully constructed structure existing as of the effective date of this ordinance shall not be considered a non-conforming use, and in the event the structure is destroyed or substantially damaged, the structure may be restored to its prior lawfully approved size.

(H) The growing, harvesting or processing of marijuana is prohibited in this zone.
(Ord. 2006-04, passed 3-1-2006; Ord. 2015-07, passed 9-22-15)

§ 152.334B DESIGN REVIEW.

(A) An application for a zoning permit for a use permitted in §152.333 of this chapter shall be accompanied by a site plan and, if applicable, a design review application.

(B) A Design Review application may not be required if the following circumstances exist:

(1) The existing structure and business previously received a design review approval from the County Planning Department; and,

(2) No new construction is being requested on the subject property; and,

(3) A similar business will be operated on the subject property.

(C) The Planning Director or authorized agent shall review the site plan for completeness and compliance with the following requirements:

(1) The site plan shall consist of the following:

(a) An accurate map showing the property lines, dimensions, and location of buildings on the property both existing and proposed;

(b) Drawn at a scale no smaller than 1" = 100';

(c) Access points to county or state roads;

(d) Names of the owner and developer of the site.

(2) The Planning Director or authorized agent may require landscaping around the buildings or property lines to insure conformance with county policies;

(D) *Design Review Standards.*

The Planning Director or an authorized agent shall review the design review application for completeness and compliance with the following requirements:

(1) An access permit has been issued by the County Road Department and/or ODOT for the subject property;

(2) Parking lots and spaces, off-street parking, and loading requirements are met as provided in § 152.560 through § 152.562;

(3) Setbacks standards are met as provided in the particular zoning district where the subject property is located;

(4) Signs are permitted as provided in § 152.545 through § 152.548;

(5) Vision clearance standards are met as provided in § 152.011.
(Ord. 2006-04, passed 3-1-2006; Ord. 2014-04, passed 7-2-14)

§ 152.334C DIMENSIONAL STANDARDS.

In an LRHI Zone, the following dimensional standards shall apply:

(A) *Lot size.* The minimum lot size shall be one acre unless written proof from the Department of Environmental Quality is provided that shows that an approvable subsurface disposal system can be located on less than one acre;

(B) *Minimum lot width.* The minimum average lot width shall be 100 feet with a minimum of 25 feet fronting on a dedicated county or public road or state highway;

(C) *Setback requirements.* The minimum setback requirements shall be as follows:

(1) Front yard: twenty feet, except if the front yard area is used for off-street loading or parking requirements, then the front yard shall be a minimum of 40 feet; and except if the property abuts a property zoned for residential use, then the setback shall be 200 feet;

(2) Side yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(3) Rear yard: twenty feet, except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;

(D) *Stream setback.* To permit better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams, lakes or wetlands, the following setbacks shall apply:

(1) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean high water line or mark along all streams, lakes or wetlands a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the DEQ finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream, lake or wetland, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line along all streams, lakes or wetlands a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 2006-04, passed 3-1-2006)

FU-10, FUTURE URBAN ZONE

Sub-Sections

152.335	Purpose
152.336	Uses permitted
152.337	Conditional uses permitted
152.338	Limitations on use
152.339	Dimensional standards

§ 152.335 PURPOSE.

The FU-10 Future Urban Zone is designed to implement the growth management policies around the Hermiston Urban Growth Boundary; to provide for interim uses consistent with the plan policies until conversion to urban uses; to retain the land suitable for future urban development in large parcels which will enable more cost effective urban redevelopment of the land. Lots are kept large as urban services are not yet available to these areas and development is limited to the land capability of accepting septic tanks and drainfields while still providing safe drinking water.
(Ord. 83-4, passed 5-9-83)

§ 152.336 USES PERMITTED.

(A) *Uses permitted outright.* In a FU-10 Zone, the following uses and their accessory uses are permitted without a zoning permit:

(1) Farm use, as defined in ORS 215.203 and set out in § 152.003, except livestock feed yards and sales yards, hog or poultry farms and the raising of fur-bearing animals; the growing, harvesting and processing of marijuana in accordance with Oregon Revised Statutes; and except the dwellings and other buildings customarily provided in conjunction with farm uses referred to in ORS 215.203(2)(a).

(2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

(3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

(4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.

(5) Landscaping as part of a transportation facility.

(6) Emergency measures necessary for the safety and protection of property

(7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.

(8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) *Uses permitted with a zoning permit.* In a FU-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025;

(1) Dwelling, single-family;

(2) Mobile home as provided in § 152.013;

(3) Non-commercial greenhouse or nursery;

(4) Public or semi-public use;

(5) Signs: Type 2, 4, 5, 6 as defined in § 152.546;

(6) Residential Home (Adult Foster Care);

(7) Day Care or Nursery.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2015-07, passed 9-22-15)

§ 152.337 CONDITIONAL USES PERMITTED.

In a FU-10 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of §§ 152.610 through 152.616 of this chapter:

(A) Church as provided in § 152.616 (K);

(B) Commercial greenhouse or nursery as provided in § 152.616 (R);

(C) Roadside stand for the sale of agricultural products grown by the owner as provided in § 152.616 (WW);

(D) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency as provided in § 152.616 (EE);

(E) Rest home, home for the aged, nursing home, or convalescent home as provided in § 152.616 (UU);

(F) Utility facility as provided in § 152.616 (CCC);

(G) Special exemption as provided in §§ 152.575 and 152.576;

(H) Cemetery as provided in § 152.616 (J);

(I) Home occupations /cottage industry as provided in § 152.616 (II);

(J) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

(1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

(2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

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

(4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

(K) Construction of rest areas, weigh stations, temporary storage, and processing sites.

(L) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a comprehensive plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

§ 152.338 LIMITATIONS ON USE.

Notwithstanding any other section of this chapter, the following limitations and conditions shall apply in the FU-10 Zone:

(A) Cows, horses, goats or sheep or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the acreage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

(B) The number of chickens, fowl, rabbits, or similar sized fowl shall be confined on not more than 25% of the total lot area;

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials, and shall be subject to health regulations (county, state or federal) as may be now hereafter established.

(F) Market Hog Exemption: A student resident who is a member of FFA (Future Farmers of America) or 4-H may raise hogs under the conditions listed below and may be subject to yearly reviews;

(1) The owner of the market/feeder hog must be an active member currently enrolled in a local FFA or 4-H program. A letter from the FFA or 4-H leader may be required to verify enrollment.

(2) The boarding and raising of hogs shall be for educational purposes only.

(3) Only market/feeder hogs raised as an FFA or 4-H market animal project shall be allowed. Breeding stock such as sows and boars are excluded from this exemption status.

(4) The market/feeder hogs shall be raised for FFA or 4-H sale only.

(5) The boarding and raising of market/feeder hogs shall not be allowed for the purposes of profit only, except when sold as a project.

(6) Market/feeder hogs must be kept in a well maintained environment, with no rodents or pests allowed. Odor and other

nuisance factors must be reasonably controlled.

(7) Market/feeder hogs shall not be allowed on a year round basis. Market/feeder hogs shall only be allowed on the premises for the duration of time required to complete the project and prepare the hogs for the designated youth livestock show.

(8) The total number of hogs allowed per FFA or 4-H member shall be one (1) for each show attended by the FFA or 4-H member, per student resident.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.339 DIMENSIONAL STANDARDS.

In a FU-10 Zone the following standards shall apply:

(A) *Minimum lot size.*

(1) For all "uses permitted with a zoning permit" and "conditional uses permitted" except as modified in subdivisions (2) and (3) of this division, 10 acres;

(2) Pre-existing, non-conforming lots of record. Lots which were lawfully in existence prior to September 20, 1983 and which do not meet the 10-acre minimum parcel size stated in subdivision (1) above may be occupied only by a single-family dwelling, mobile home or modular home upon approval by the DEQ, or other authorized agent which may succeed them, to place a septic tank and drainfield on the preexisting non-conforming lot.

(3) Pre-existing, habitable dwellings, including several single-family dwellings on a single tax lot, may be partitioned out on individual parcels as a Type II, III or IV Land Division, subject to the following standards:

(a) The proposed parcel(s) has frontage on or legal access to a county road, state highway, or public road, or can be provided with legal access as a condition of approval; and

(b) The proposed parcel(s) is already physically developed as a home site, including, but not limited to, the following improvements:

(1) An existing, habitable dwelling;

(2) Existing accessory building(s) provided for the dwelling;

(3) Existing and replacement sites for on-site septic systems;

(4) Domestic well; and

(c) The size of the proposed parcel(s) shall be the minimum necessary to accommodate the development features listed in subdivision (3)(b) of this division, with an absolute minimum of one-half acre and a maximum of two acres, excepting that the domestic well may be located beyond the parcel boundaries and connected to it by a utility easement; and

(d) The total number of parcels allowed to be partitioned from the original parcel shall be the total number of existing, developed home sites on the parcel, except as qualified in subdivision (3)(e) of this division; and

(e) The undeveloped

("vacant") portion of an original parcel shall not be less than five acres following partitioning off of existing home sites. One of the existing home sites must remain with the original parcel if such would be the case (i.e. if there are two home sites on a six-acre tract, one home site could be partitioned off, but the other would have to remain with the original tax lot).

(f) Once the existing developed home sites have been partitioned off from the original parcel, no new home sites are allowable on the remainder of the property as long as the property remains in FU-10 zoning. A covenant to this effect, complete with legal description, would be required to be signed and recorded in the Umatilla County Deed Records as a condition of partitioning approval.

(B) *Setback requirements.* No buildings shall be located closer than 20 feet from a lot line, except on the street side of a corner lot used for a side yard, the setback shall be 25 feet from the lot line.

(C) *Lot coverage and building heights.*

(1) *Lot coverage.* The main building and accessory buildings located on any building site or lot shall not cover more than 30% of the total lot area;

(2) *Building and structure height.* No building or structure shall be erected or enlarged to exceed more than 25 feet in height, except for utility pole structures, and dwellings that may be constructed with two stories (not including basements).

(D) *Stream setback.* To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and to preserve the natural scenic amenities and vistas along the streams and lakes, the following setback shall apply:

(1) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high water line or mark. In those cases, where practical difficulties preclude the location of the facilities at a distance of 100 feet and the Department of Environmental Quality finds that a closer location will not endanger health, the Planning Director may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet.

(2) All structures, buildings or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high water line or mark.
(Ord. 83-4, passed 5-9-83; Ord. 89-02, passed 5-18-89)

(E) *Water Tower on Less Than a 10 Acre Lot.*

(1) Notwithstanding Section 152.339(A), a new lot less than 10 acres in size may be created from a pre-existing lot, subject to the following conditions:

(a) The new lot shall be no less than 1 acre in size;

(b) The pre-existing lot may be less than 10 acres after the creation of the new lot;

(c) The new lot shall be owned by an incorporated City;

(d) The new lot shall be used for a City owned water tower and its

accessory facilities including but not limited to necessary utility lines and structures; and

(e) The water tower shall be subject to other applicable requirements of the FU-10 zone, including Section 152.337(F), except Section 152.339(C)(2). (Ord. 2018-04, passed 8-22-2018; Ord. 2019-03, passed 4-3-19)

PUSA-S, PRIVATE USE SAFETY AIRPORT OVERLAY ZONE

Sub-Sections

152.340	Purpose
152.341	Application
152.342	Imaginary surface delineation
152.343	Notice of applications
152.344	Continued operation of use
152.345	Expansion of existing uses
152.346	New uses
152.347	Height limitations
152.348	Procedures
152.349	Non-conforming uses

§ 152.340 PURPOSE.

The purpose of the PUSA-S Private Use Safety Airport Overlay Zone is to recognize the locations of certain private-use and privately-owned airports and to provide for their continued operation and vitality consistent with state law. [ORS 836.608(1)]

This is accomplished by establishing safety standards to promote air navigational safety at these airports as well as the safety of those living near these airports. [ORS 836.608(8); OAR 660-013-0050; OAR 660-013-0070(1)(b); OAR 660-013-0155(1), (2)]
(Ord. 2002-01, passed 8-14-02)

§ 152.341 APPLICATION.

This zoning district applies to private-use airports in the county that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation, and to those privately-owned public-use airports not identified by rule by the Oregon Department of Transportation as providing important links in air traffic in Oregon, or providing essential safety or emergency services, or being of economic importance to the county where the airport is located.

The PUSA-S Overly Zone will overlay the existing underlying zone, but shall not change the underlying zone designation. The intent and purposes of this overlay is only to protect the continuing use of the airport and may be removed by the Planning Commission upon request at any time pursuant to the requirements of §152.771 of this chapter. Any change in the underlying zone will require a separate amendment pursuant to this chapter. [ORS 836.608(2); OAR 660-013-0155(1); see also OAR 738-090-0030(1)]
(Ord. 2002-01, passed 8-14-02)

§152.342 IMAGINARY SURFACE DELINEATION.

The airport elevation and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this overlay zone and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this overlay zone. [ORS 836.608(2), (8); OAR 660-013-0050; OAR 660-013-0070(1)(b); OAR 660-013-0155(2)]
(Ord. 2002-01, passed 8-14-02)

§152.343 NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN OVERLAY ZONE AREA.

(A) Written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. Where the application does not involve a public hearing, such notice shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application. [ORS 215.416(6); ORS 227.175(6); OAR 738-100-010]

(B) Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
(Ord. 2002-01, passed 8-14-02)

§152.344 CONTINUED OPERATION OF EXISTING USES.

Operation of the following uses may be continued at their current levels as of September 15, 2002 upon demonstration that the use existed at the airport at any time during 1996.

(A) Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.

(B) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

(C) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

(D) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

(E) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

(F) Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

(G) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

(H) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

(I) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

(J) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

(K) Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.390.

(L) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving. [ORS 836.608(3)(a); OAR 660-013-0155(2)]
(Ord. 2002-01, passed 8-14-02)

§152.345 EXPANSION OF EXISTING USES.

The expansion of uses identified in §152.344 of this zoning district that existed at any time during 1996 is permitted as provided in this section.

(A) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(1) Construction of additional hangars and tie-downs by the owner of the airport.

(2) Basing additional aircraft at the airport.

(3) Increases in flight activity.

(B) Other Expansions of Existing Uses.

(1) Growth of existing uses that require building permits, other than those

existing uses identified in subsection A of this section, shall be permitted as an administrative decision without public hearing, unless the growth:

(a) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(c) Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

(2) Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in Section .060 of this zoning district. [ORS 836.608(3)(a), (4); OAR 660-013-0155(2)]
(Ord. 2002-01, passed 8-14-02)

§ 152.346 NEW USES.

Uses identified in §152.344 of this zoning district shall be permitted following public hearing before the Planning Commission upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

(A) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(2) The use does not seriously interfere with existing land uses in areas surrounding the airport; and

(3) For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296. [ORS 836.608(3)(b), (5) and (6); OAR 660-013-0155(2)]
(Ord. 2002-01, passed 8-14-02)

§ 152.347 HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONE.

All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control. [ORS 836.608(8); OAR 660-013-0155(1), (3); OAR 660-013-0070(1)(b)]

(A) Except as provided in subsection B of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. [OAR 660-013-0070(1)(b)]

(B) Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation.
(Ord. 2002-01, passed 8-14-02)

§152.348 PROCEDURES.

An applicant seeking a land use or

limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(A) A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.

(B) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

(C) If a height variance is requested, letters of support from the airport sponsor and the Department of Aviation.
(Ord. 2002-01, passed 8-14-02)

§152.349 NONCONFORMING USES.

(A) These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.

(B) Notwithstanding subsection A of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(C) No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.
(Ord. 2002-01, passed 8-14-02)

FH, FLOOD HAZARD OVERLAY ZONE

Sub-Sections

152.351	Statutory Authorization, Findings of Fact, Purpose and Objectives
152.352	Definitions
152.353	General Provisions
152.354	Administration
152.355	Provisions for Flood Hazard Reduction
152.356	Variance and Appeal Procedures
152.357	Penalties for Violations
152.358	Severability
152.359	Abrogation and Greater Restrictions

§ 152.351 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

(A) Statutory Authority

The State of Oregon has delegated the responsibility to local governments to adopt regulations designed to promote the public health, safety, and general welfare of its citizens.

(B) Findings of Fact

(1) The flood hazard areas of the County are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of its citizens.

(2) Flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(3) The County has the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper floodplain management.

(C) Statement of Purpose

The objectives of the Flood Hazard Overlay Zone are to:

(1) Protect human life, health and property;

(2) Minimize damage to public facilities and utilities located in floodplains such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges.

(3) Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

(4) Minimize expenditure of public money for costly flood control projects;

(5) Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;

(6) Minimize unnecessary disruption of commerce, access and public service during times of flood;

(7) Manage the alteration of flood hazard areas, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain.

(D) Methods of Reducing Flood Losses

In order to accomplish its purpose, the Flood Hazard Overlay Zone includes methods and provisions to:

(1) Require development vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(4) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

(5) Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters, and;

(6) Coordinate with and supplement provisions of Oregon building codes.
(Ord. 2010-05, passed 8-3-2010)

§ 152.352 DEFINITIONS.

All definitions used for this section are found in § 152.003.
(Ord. 2010-05, passed 8-3-2010)

§ 152.353 GENERAL PROVISIONS

(A) Lands to Which This Overlay Zone Applies

The Flood Hazard Overlay Zone shall apply to all Special Flood Hazard Areas within the jurisdiction of the County. Nothing in the Flood Hazard Overlay Zone is intended to allow uses or structures that are otherwise prohibited by the development or building codes.

(B) Basis for Area of Special Flood Hazard

The Area of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Umatilla County and Incorporated Areas dated September 3, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this chapter. The FIS and the FIRM are on file at the office of the Umatilla County Planning Department.

(C) Coordination with Building Codes.

It is hereby acknowledged that state building codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, the Flood Hazard Overlay Zone is intended to be administered and enforced in conjunction with the state building codes.

(D) Floodplain Development Permit Required

A Floodplain Development Permit shall be required prior to initiating development activities in any Areas of Special Flood Hazard established in § 152.353, Section B.

(E) Interpretation

In the interpretation and application of the Flood Hazard Overlay Zone all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body, and;

(3) Deemed neither to limit nor repeal any other powers granted under state statutes, including state building codes.

(F) Warning and Disclaimer of Liability

The degree of flood protection required by the Flood Hazard Overlay Zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. The Flood Hazard Overlay Zone does not imply that land outside Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the County or by any officer or employee thereof for flood damages that result from reliance on this chapter or an administrative decision lawfully made hereunder.

§ 152.354 ADMINISTRATION.

(A) Designation of Floodplain Administrator

The Planning Director or designee is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of the Flood Hazard Overlay Zone.

(B) Duties and Responsibilities of the Administrator

Duties of the Floodplain Administrator shall include, but shall not be limited to:

(1) Review all development permit applications to determine whether proposed new development will be located in Areas of Special Flood Hazard;

(2) Review applications for modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of the Flood Hazard Overlay Zone;

(3) Interpret flood hazard area boundaries, provide available flood hazard information, and provide base flood elevations, where they exist;

(4) Review proposed development to assure that necessary permits have been received from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Removal-Fill permits. Copies of such permits shall be maintained on file.

(5) Review all development permit applications to determine if the proposed development is located in the floodway, and if so, ensure that the encroachment standards of § 152.355, Section B are met.

(6) When Base Flood Elevation data or floodway data are not available, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other authoritative source in order to administer the provisions of the Flood Hazard Overlay Zone.

(7) When Base Flood Elevations or other engineering data are not available from an authoritative source, the Floodplain Administrator shall take into account the flood hazards, to the extent they are known, to determine whether a proposed building site or subdivision will be reasonably safe from flooding.

(8) Where interpretation is needed of the exact location of boundaries of the Areas of Special Flood Hazard including regulatory floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(9) Issue floodplain development permits when the provisions of the Flood Hazard Overlay Zone have been met, or disapprove the same in the event of noncompliance;

(10) Coordinate with the Building Official to assure that applications for building permits comply with the requirements of the Flood Hazard Overlay Zone;

(11) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures.

(12) Obtain, verify and record the actual elevation, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no BFE is available, to which any new or substantially improved buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect;

(13) Ensure that all records pertaining to the provisions of the Flood Hazard Overlay Zone are permanently maintained in the office of the County Planning Director or a designee and shall be open for public inspection.

(14) Make inspections in Areas of Special Flood Hazard to determine whether development has been undertaken without issuance of a floodplain development permit, ensure that development is undertaken in accordance with a floodplain development permit and the Flood Hazard Overlay Zone, and verify that existing buildings and structures maintain compliance with the Flood Hazard Overlay Zone;

(15) Coordinate with the Building Official to inspect areas where buildings and structures in flood hazard areas have been damaged, regardless of the cause of damage,

and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure;

(16) Make Substantial Improvement or Substantial Damage determinations based on criteria set forth in § 152.354, Section D of this chapter.

(C) Permit Procedures

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by the Administrator or the Administrator's designee prior to starting development activities. Specifically, the following information is required: development.

(1) Application Stage

(a) Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities;

(b) Delineation of flood hazard areas, floodway boundaries including base flood elevations, or flood depth in AO zones, where available;

(c) For all proposed structures, elevation in relation to the highest adjacent grade and the base flood elevation, or flood depth in AO zones, of the:

(i) lowest enclosed area, including crawlspace or basement floor;

(ii) top of the proposed garage slab, if any, and;

(iii) next highest floor.

(d) Locations and sizes of all flood openings in any proposed building;

(e) Elevation to which any non-residential structure will be flood-proofed;

(f) Certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of the NFIP and building codes;

(g) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed

(2) Construction Stage

(a) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level (a) In addition to the requirements of the building codes pertaining to certificate of occupancy, prior to the final inspection the owner or authorized agent shall submit the following documentation that has been prepared and sealed by a registered surveyor or engineer: immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction;

(b) Any deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

(3) Certificate of Occupancy

(i) For elevated buildings and structures in Areas of Special Flood Hazard (A zones), the as-built elevation of the lowest floor, including basement or where no base flood elevation is available the height above highest adjacent grade of the lowest floor;

(ii) For buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.

(b) Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a certificate of occupancy until such deficiencies are corrected.

(4) Expiration of Floodplain Development Permit

(a) A Floodplain Development Permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter is pursued to completion.

(b) Commencement of work includes start of construction, when the permitted work requires a building permit.

(D) Substantial Damage and Substantial Improvement Determination

Applications for permits to improve buildings and structures, including additions, repairs, renovations, and alterations, the Floodplain Administrator, shall:

(1) Estimate the market value, or require the applicant to obtain a professional appraisal of the market value, of the building or structure before the proposed work is performed; when repair of damage is proposed, the market value of the building or structure shall be the market value before the damage occurred;

(2) Compare the cost of improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(a) Except as indicated in subsections (b) through (d) below, all costs to repair substantial damage, including emergency repairs, including the costs of complying with any county, state, or federal regulation must be included;

(b) The costs associated with the correction of pre-existing violations of state or local health, sanitary, or safety code specifications that were identified by the building official, the director of environmental health, or any other local code enforcement official prior to the improvement or repair and that are the minimum necessary to ensure safe living conditions shall not be included;

(c) Costs associated with the following items are not included:

(i) The preparation and approval of all required plans, calculations, certifications, and specifications;

(ii) The performance of surveys or other geotechnical or engineering studies and resulting reports;

(iii) Permit and review fees, and;

(iv) The construction, demolition, repair, or modification of outdoor improvements, including

landscaping, fences, swimming pools, detached garages and sheds, etc.;

(d) Proposed alterations of a designated historic building or structure is not to be considered substantial improvement unless the alteration causes a loss of said designation.

(3) The County shall make the final determination of whether the proposed improvement and/or repair constitute a substantial improvement or substantial damage.

(4) The County shall notify the applicant of the results of the determination by letter.

(5) Applicant has the right to appeal the determination as provided by this chapter.
(Ord. 2010-05, passed 8-3-2010)

§ 152.355 PROVISIONS FOR FLOOD HAZARD REDUCTION.

Quick links to sub-sections:

(A) Site Improvements and Subdivisions
(B) Development in Floodway
(C) Zones with Base Flood Elevations but No Floodway
(D) Zones without Base Flood Elevations
(E) Building Design and Construction Standards
(F) Accessory Structures
(G) Recreational Vehicles
(H) Critical Facilities
(I) Tanks
(J) On-site Sewage Systems
(K) Fences
(L) Other Development in High Hazard Areas
(M) Temporary Structures, Storage and Bridges
(N) Requirement to Submit New Technical Data
(O) Watercourse Alterations
(P) Non-Conversion of Enclosed Areas below the Lowest Floor

(A) Site Improvements and Subdivisions

(1) All proposed new development and subdivisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. *[44 CFR 60.3(a)(3) and (4)]*

(2) Building lots shall have adequate buildable area outside of floodways.

(3) New development proposals and subdivision development plans shall include the mapped flood hazard zones from the effective FIRM, if available. *[Oregon Residential Specialty Code R106.1.3]*

(4) Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less. *[44 CFR 60.3(a)(4)]*

(5) New development and subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage. *[44 CFR 60.3(a)(4) and (5)]*

(6) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding. *[44 CFR 60.3(a)(6)]*

(7) Subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. *[44 CFR 60.3(a)(4) and 60.3(c)(1)]*. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures. *[44 CFR 60.3(c) (11)]*

(B) Development in Floodways

(1) Except as provided in paragraph (4), encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. *[44 CFR Part 60.3(d)(3)]*

(2) Any fill allowed to be placed in the floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour. *[Good Practice]*

(3) Applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, and other development, into the floodway is permitted that will cause any increase in the base flood elevation. *[44 CFR Part 60.3(d)(4)]*

(4) Projects for stream habitat restoration may be permitted in the floodway provided: *[Oregon Solutions Regulatory Streamlining Project 2009]*

(a) The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,

(b) A qualified professional (a Registered Professional Engineer; or staff of NRCS; the County; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,

(c) No structures would be impacted by a potential rise in flood elevation; and,

(d) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

(5) Fences shall not cause any rise in base flood elevation and are subject to the no-rise and CLOMR provisions of paragraph (1) and (3). *[Good Practice, clarifies that no-rise requirements pertain to all development in the floodway]*

(C) Zones with Base Flood Elevations but No Floodway

(1) In areas within Zones A1-30 and AE on the community's FIRM with a base flood elevation, or where a base flood elevation is developed according to § 152.355, Section E, but where no regulatory floodway has been designated, new construction, substantial improvements, or other development (including fill) shall be prohibited, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.*[44 CFR 60.3(c)(10)]*

(2) Applicants of proposed projects that increase the base flood elevation more than one foot should obtain from FEMA a Conditional Letter of Map Revision

(CLOMR) before the project may be permitted. *[44 CFR Part 60.3(c) (13)]*

(D) Zones without Base Flood Elevations

The following standards apply in riverine areas of special flood hazard where no base flood elevation data have been provided (approximate A Zones):

(1) When base flood elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the Flood Hazard Overlay Zone. *[44 CFR 60.3(b) (4)]* If base flood elevations are not available, subsection (3) shall apply.

(2) Where the Floodplain Administrator has obtained base flood elevation data, § 152.355, Sections C and Sections E through M shall apply. *[44 CFR Part 60.3(b) (4)]*

(3) In special flood hazard areas without base flood elevation data,

(a) No encroachments, including structures or fill, shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless a base flood elevation is developed by a licensed professional engineer, *[Good Practice; note that if BFE is developed § 152.355, Section D(2) applies.]* or;

(b) The lowest floor of any insurable building or structure, including manufactured dwellings, shall be elevated a minimum of two (2) feet above highest adjacent grade. Below grade crawlspaces are not allowed.

(E) Building Design and Construction Standards

(1) In all areas of special flood hazards,

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure; *[44 CFR 60.3(a)(3)(i)]*

(b) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; *[44 CFR 60.3(a)(3)(ii)]*

(c) New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage, and; *[44 CFR 60.3(a)(3)(iii)]*

(d) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. *[44 CFR 60.3(a)(3)(iv)]*

(2) Specific Building Design and Construction Standards for Residential Construction (A Zones)

In addition to Paragraphs (1) of this Section,

(a) New construction and

substantial improvement of residential structures located in non-coastal flood zones shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation or two feet above highest adjacent grade where no BFE is defined, and; *[44 CFR 60.3(c)(2)]*

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) The bottom of all openings shall be no higher than one foot above grade, and;

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. *[44 CFR 60.3(c)(5)]*

Exception: Engineered openings

(3) Specific Building Design and Construction Standards for Nonresidential Construction

In addition to Paragraph (1) of this Section, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated according to Table 2-1 the American Society of Civil Engineers, Flood Resistant Design and Construction Standard (ASCE 24); or, together with attendant utility and sanitary facilities, shall,

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; *[44 CFR 60.3(c)(3)]*

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; [*44 CFR 60.3(c)(3)]*

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator; *[44 CFR 60.3(c)(3)]*

(d) Nonresidential structures that are elevated, not floodproofed, must meet residential standards described in Section E, subsection (2);

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

(4) Specific Building Design and Construction Standards for Manufactured Dwellings

In addition to Paragraphs (1) and (2) of this Section, manufactured dwellings are

subject to the following standards,

(a) The stand shall be a minimum of 12 in. above BFE unless the foundation wall is opened on one side or end so that floodwater cannot be trapped; *[Manufactured Dwelling Specialty Code]*

(b) The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to; use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). *[44 CFR 60.3(c)(6)]*

(c) Electrical crossover connections shall be a minimum of 12 in. above BFE. *[Manufactured Dwelling Specialty Code]*

(5) Specific Building Design and Construction Standards for Below-grade Crawl Spaces

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(b) The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

(c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(d) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(e) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

(f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code

requirements for flood hazard areas.

(g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

(h) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information, refer to FEMA Technical Bulletin 11-01.

(6) Standards for Shallow Flooding Areas (AO Zones)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is often characterized as sheet flow.
In these areas Paragraph (1) and the following provisions shall apply:

(a) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least three feet if no depth number is specified). *[Building Code R324, 44 CFR Part 60.3(c)(7)]*

(b) New construction and substantial improvements of nonresidential structures within AO zones shall either:

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); *or [44 CFR Part 60.3(c)(7)]*

(ii) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect, and; *[44 CFR Part 60.3(c)(8)]*

(c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. *[44 CFR Part 60.3(c) (11)]*

(F) Accessory Structures

Relief from the elevation or dry flood-proofing standards may be granted for an accessory structure containing no more than 120 square feet. Such a structure must meet the following standards:

(1) It shall not be subject to building codes;

(2) The accessory structure shall be located on a property, or an adjacent property with same owner, as a dwelling;

(3) It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;

(4) Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below BFE, or where no BFE is available lower than two feet above grade, unless confined in a tank installed in compliance with the Flood Hazard Overlay Zone;

(5) It shall be constructed of flood resistant materials;

(6) It shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(7) It shall be firmly anchored to prevent flotation;

(8) Services such as electrical and heating equipment shall be elevated or flood-proofed to or above the base flood elevation, and;

(9) It shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or

(a) Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

(G) Recreational Vehicles

In all Areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the zoning ordinance must either: *[44 CFR 60.3(e)(9) and 44 CFR 60.3(c) (14)] Note: 44 CFR Part 60.3(c) (14) does not include AO zones. Application of this section in AO Zones is considered a good practice.*

(1) Be placed on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

(3) Meet all the requirements of § 152.355, Section F: Manufactured Dwellings, including the anchoring and elevation requirements.

(H) Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area of Special Flood Hazard. Construction of new critical facilities shall be permissible within the Area of Special Flood Hazard if no feasible

alternative site is available. Critical facilities constructed within the Areas of Special Flood Hazard shall have the lowest floor elevated two feet above BFE (or depth number in AO zones) or to the height of the 0.2 percent (500-year) flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. *[Good practice]*

(I) Tanks

(1) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood. *[From ASCE 24]*

(2) Above-ground tanks in flood hazard areas shall be:

(a) Attached to and, elevated to or above, the base flood elevation (or depth number in AO zones) on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood; or be

(b) Anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood. *[From ASCE 24]*

(3) Tank inlets, fill openings, outlets and vents shall be:

(a) A minimum of 2 feet above BFE or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood; and

(b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood. *[From International Private Sewage Disposal Code of 2003, Chapter 3]*

(J) On-site Sewage Systems

(1) Soil absorption systems shall be located outside of flood hazard areas. Where suitable soil absorption sites outside of the flood hazard area are not available, the soil absorption site is permitted to be located within the flood hazard area provided it is located to minimize the effects of inundation under conditions of the base flood. *[From International Private Sewage Disposal Code of 2003, Chapter 3]*

(2) Mound systems in flood hazard areas shall be prohibited. *[From International Private Sewage Disposal Code of 2003, Chapter 3]*

(K) Fences and Walls

New fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the base flood elevation sufficient to allow flood water and associated debris to pass freely. *[See Appendix B: Oregon Guidance Concerning Fencing and Walls in Areas of*

Special Flood Hazard]

(L) Other Development in High Hazard Areas

All development in high hazard areas (A zones) for which specific provisions are not specified in the Flood Hazard Overlay Zone or building codes, shall:

(1) Be located and constructed to minimize flood damage; *[44 CFR 60.3(a)(3)]*

(2) Be designed so as not to impede flow of flood waters under base flood conditions*; [Good practice]*

(3) If located in a floodway, meet the limitations of § 152.355, Section C of this ordinance; *[44 CFR 60.3(d)(3)]*

(4) Be anchored to prevent flotation or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood; *[44 CFR 60.3(a)(3)]*

(5) Be constructed of flood damage-resistant materials; *[44 CFR 60.3(a)(3)]* and

(6) Have electric service and or mechanical equipment elevated above the base flood elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements. *[44 CFR 60.3(a)(3)]*

(M) Temporary Structures, Storage, and Bridges

A floodplain development permit is required for construction or placement of temporary structures, temporary storage associated with non-residential uses, and temporary bridges located in areas of special flood hazard:

(1) Temporary structures, not including bridges, shall be limited as to time of service, but shall not be permitted for more than 90 days. The Floodplain Administrator is authorized to grant extensions for demonstrated cause; such cause shall reaffirm the temporary nature of the structure. Temporary structures shall be anchored to prevent flotation, collapse, or lateral movement. *[Note: the building codes allow temporary structures for no more than 180 days.]*

(2) Temporary storage of 50 yards or more of material shall be limited as to time of service, but shall not be permitted for more than 90 days. The Floodplain Administrator is authorized to grant extensions for demonstrated cause; such cause shall reaffirm the temporary nature of the storage. Stored material shall be anchored or contained to prevent flotation or release outside the assigned storage area. Hazardous materials priority persistent pollutants identified by the Oregon Department of Environmental Quality shall not be stored in the floodway.

(3) Temporary encroachments in the floodway for the purposes of capital improvement projects (including bridges) require a floodplain development permit[1].

[1] The permit should stipulate the days and dates the structure or other development will be on site. If a longer period is required, a new permit should be issued. A flood warning system for the project should be in place to allow equipment to be evacuated from the site and placed outside the floodplain. Placement of equipment in the floodway should be restricted to only that equipment which is absolutely necessary for the purposes of the project. All other accessory equipment and temporary structures (i.e. construction trailers) should be restricted from the floodway. Structures should be placed on site so that flood damages are minimized.

No CLOMR/LOMR is required[2]

(N) Requirement to Submit New Technical Data

(1) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant. *[Good Practice]*

(2) Applicants shall be responsible for all costs associated with obtaining a Conditional Letter of Map Amendment (CLOMR) or Letter of Map Revision from FEMA. *[Best Practice]*

(3) The County shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application. *[Best Practice]*

(4) Within six months of project completion, an applicant who obtains an approved CLOMR from FEMA, or whose development modifies floodplain boundaries or base flood elevations shall obtain from FEMA a Letter of Map Revision (LOMR) reflecting the as-built changes to the FIRM. *[44 CFR Part 65.3]*

(O) Watercourse Alterations

A watercourse is considered altered when any change occurs within its banks, including installation of new culverts and bridges, or size modifications to existing culverts and bridges (as shown on effective FIRM).

(1) The bankfull flood carrying capacity of the altered or relocated portion of the water course shall not be diminished. Prior to issuance of a floodplain development permit, the applicant must submit a description of the extent to which any water course will be altered or relocated as a result of the proposed development and submit certification by a registered professional engineer that the bankfull flood carrying capacity of the water course will not be diminished. *[Good Practice]*

(2) Adjacent communities, the U.S. Army Corps of Engineers, Oregon Department of State Lands, and Oregon Department of Land Conservation and Development must be notified prior to any alteration or relocation of a water source.

The community may want to consider such things as anchoring construction trailers in case evacuation isn't practical.

The following conditions should be included in the permit:

- Identification of the temporary changes to the floodplain under a 1% chance flood event (100-year flood)
- Identification of all insurable structures affected by any increase in BFE during a 1% chance flood event (100-year flood)
- Written notification to the applicant that they may be liable for any flood damages resulting from the temporary structure
- The length of time the structure or encroachment will be allowed.

[2] No CLOMR/LOMR will be required because there is no need to modify the FIRM due to the temporary condition of the encroachment, but the community should disclose to all owners of insurable structures and all applicants for permits in the affected area that there is an increased risk of flooding for the duration of the temporary encroachment.

Evidence of notification must be submitted to the floodplain administrator and to the Federal Emergency Management Agency. *[44 CFR 60.3(b)(6)]*

(3) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the water course so that the flood carrying capacity will not be diminished. *[44 CFR 60.3(b)(7)]*

(4) The applicant shall meet the requirements to submit technical data in § 152.355 N (1) and N (2) when an alteration of a watercourse, including the placement of culverts, results in the relocation or elimination of the special flood hazard area.

(P) Non-Conversion of Enclosed Areas below the Lowest Floor

To ensure that the areas below the BFE continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the Flood Hazard Overlay Zone in effect at the time of conversion, the Floodplain Administrator shall:

(1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;

(2). Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the County. The agreement shall be recorded with the County Records Office as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and

(3) Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.
(Ord. 2010-05, passed 8-3-2010)

§ 152.356 VARIANCE AND APPEAL PROCEDURES.

(A) Variance

(1) An application for a variance must be submitted to the Planning Department on the form provided and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

(2) Upon receipt of a completed application for a variance, the variance request will be set for public hearing at the next Planning Commission meeting in which time is available for the matter to be heard.

(3) Prior to the public hearing, notice of the hearing will be published in the official newspaper of the County at least 10 days prior to the hearing. In addition to the newspaper publication, written notice shall be provided to all adjoining property owners.

(4) The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.

(5) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all

relevant factors, standards specified in other sections of the Flood Hazard Overlay Zone, and the:

(a) Danger that materials may be swept onto other lands to the injury of others;

(b) Danger to life and property due to flooding or erosion damage;

(c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) Importance of the services provided by the proposed facility to the community;

(e) Necessity to the facility of a waterfront location, where applicable;

(f) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) Compatibility of the proposed use with existing and anticipated development; The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(h) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(i) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(j) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(6) Upon consideration of the factors of paragraph (5) above of this section and the purposes of the Flood Hazard Overlay Zone, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Flood Hazard Overlay Zone.

(7) The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request. *[44 CFR 60.6(a)(6)]*

(B) Criteria for Variances

(1) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result. *[44 CFR 60.6(a)(1)]*

(2) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in paragraph 5(a-j) above in this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases. *[44 CFR 60.6(a)(2)]*

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. *[44 CFR 60.6(a)(4)]*

(4) Variances shall only be issued upon a:

(a) Showing of good and sufficient cause;

(b) Determination that failure to grant the variance would result in exceptional hardship to the applicant, and;

(c) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.1-4(4), or conflict with existing local laws or ordinances. *[44 CFR 60.6(a)(3)]*

(5) Variances may be issued for a water dependent use provided that the

(a) Criteria of paragraphs A (1) through A (4) of this section are met, and;

(b) Structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. *[44 CFR 60.6(a (7)]*

(6) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section. *[44 CFR 60.6(a)]*

(7) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. *[44 CFR 60.6]*

(8) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with building codes. *[44 CFR 60.6]*

(C) Variance Decision

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the base flood elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk. Any decision may be appealed as provided by this chapter. *[44 CFR 60.6(a)(5)]*
(Ord. 2010-05, passed 8-3-2010)

§ 152.357 PENALTIES FOR VIOLATIONS.

(A) No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of the Flood Hazard Overlay Zone and other applicable regulations.

(B) Violation of the provisions of the Flood Hazard Overlay Zone or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall

constitute a code violation and subject to Chapter 38 of the Umatilla County Code of Ordinances. Nothing herein contained shall prevent the County from taking such other lawful actions as is necessary to prevent or remedy any violation.
(Ord. 2010-05, passed 8-3-2010)

§ 152.358 SEVERABILITY.

The Flood Hazard Overlay Zone is hereby declared to be severable. Should any portion of the Flood Hazard Overlay Zone be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Flood Hazard Overlay Zone before the declaration of partial invalidity. *[FEMA Region X]*
(Ord. 2010-05, passed 8-3-2010)

§152.359 ABROGATION AND GREATER RESTRICTIONS.

The Flood Hazard Overlay Zone is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the Flood Hazard Overlay Zone and another ordinance, building codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2010-05, passed 8-3-2010)

CD, CLUSTER DEVELOPMENT OVERLAY ZONE

Sub-Sections

152.370	Purpose
152.371	Applicability
152.372	Submission of cluster development proposal; procedures
152.373	Statement of intentions for development; content
152.374	Tentative plan map and tentative plan information
152.375	Criteria for approval
152.376	Improvement agreement; bond requirement
152.377	Phasing plan
152.378	Final cluster development map
152.379	Permanency and removal of Cluster Development Overlay Zone

§ 152.370 PURPOSE.

The CD Cluster Development Overlay Zone is designed to allow flexibility in a particular zoning district to take advantage of certain natural features or development limitations that preclude conventional land development procedures. Cluster development can be used to help preserve to the greatest extent possible significant natural features, and to utilize such features in a harmonious fashion and provide more usable and suitably located open spaces and recreational facilities, as well as help to protect fish and wildlife habitat.
(Ord. 83-4, passed 5-9-83)

§ 152.371 APPLICABILITY.

The CD Overlay Zone may apply to lands that are zoned FR, MR, MUF, RR-2 and RR upon request of a landowner and/or upon the Planning Commission finding two or more of the following:

(A) The subject property contains at least five acres of land;

(B) The subject property contains significant landscape features or open space, the preservation of which requires clustering rather than conventional lot by lot development;

(C) The subject property contains significant fish and wildlife habitat of important natural resources whose preservation requires clustering rather than lot by lot development;

(D) The subject property contains natural hazards, the avoidance of which requires clustering of development away from the identified hazards;

(E) Clustering development on the subject property will produce more efficient use of the land and provision of services than conventional lot by lot development;

(F) The subject property is adjacent to properties which are zoned (or designated in the County Comprehensive Plan) for resource lands and can be better protected by clustering rather than conventional subdividing.
(Ord. 83-4, passed 5-9-83)

§ 152.372 SUBMISSION OF CLUSTER DEVELOPMENT PROPOSAL; PROCEDURES.

The following procedures and content shall be included and followed when a cluster development proposal is submitted for consideration by the Planning Commission:

(A) Prior to submission of a tentative plan for a cluster development, the applicant shall request the Planning Director to arrange a pre-filing conference. The request shall include three copies of a preliminary sketch of the proposal and other general information needed to explain the development. The conference shall be held within 10 working days of the filing of the request and shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land practices and technique as will aid the applicant in preparing a tentative plan;

(B) Following the pre-filing conference, the applicant shall file with the Planning Department a complete application form as provided by the Planning Department and 20 copies of the tentative plan with the required fee;

(C) On receipt of the completed application, the Planning Director shall schedule a public hearing before the County Planning Commission within 45 days of receipt of the application;

(D) The Planning Director shall furnish a copy of the tentative plan to all affected city, county, state and federal agencies and special districts, with a request for their review and written comments;

(E) Failure of an agency or district to provide written comments to the Planning Director concerning a cluster development within 10 working days after furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period. However, the additional review period shall not exceed the date of the Planning Commission hearing.
(Ord. 83-4, passed 5-9-83)

§ 152.373 STATEMENT OF INTENTIONS FOR DEVELOPMENT; CONTENT.

The applicant for a cluster development shall supply a statement or statements which describe the applicant's intentions for the development of the property and shall include, but is not limited to:

(A) Type of housing;

(B) A statement of the applicant's intention with regard to the future selling, leasing, and use or maintenance of all or portions of the cluster development such as common open space, dwelling units, and the like;

(C) If common open space is to be deeded to a homeowners' association, a declaration of covenants and restrictions that will govern the association shall be submitted;

(D) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any;

(E) Proof of record ownership of the tract and the representative's authorization;

(F) Legal description of the tract;

(G) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.
(Ord. 83-4, passed 5-9-83)

§ 152.374 TENTATIVE PLAN MAP AND TENTATIVE PLAN INFORMATION.

(A) The tentative plan map for a cluster development shall contain the following information:

(1) Date, north point and scale of drawing;

(2) The scale of the drawing shall be 1" = 100' for land areas of less than 100 acres and 1" = 200' for land areas more than 100 acres.

(B) The following information shall be shown on the tentative plan:

(1) Location and width of any wet area, marshes, springs, ponds, intermittent or perennial streams, rivers, lakes, and an indication of the direction of water flow on and abutting the tract;

(2) Location of any natural features such as open meadows, rock outcroppings, wooded areas, and agricultural lands which may affect the proposal;

(3) Location and direction of deer and elk migration routes, if applicable;

(4) Location of known or identified historic buildings, scenic views, archeological sites or natural areas;

(5) Location, name or present width of existing roads;

(6) Location of steep slope areas over 25%;

(7) Location, width, and purpose of any easement of record on or serving the tract;

(8) Location and type identification of all utilities on or serving the tract;

(9) Ground elevations as related to a bench mark or other point of reference approved by the County Surveyor, shown by contours at minimum intervals as follows:

(a) Slopes of 0-15%, five foot intervals;

(b) Slopes of 15-20%, 10 foot intervals;

(c) Slopes of 20% or over, 20 foot intervals;

(10) Scaled location and present use of all existing structures proposed to remain on the property after division;

(11) The location of at least one temporary bench mark within the land division;

(12) The approximate location of areas subject to periodic flooding;

(13) Prevailing wind direction in the summer and winter;

(14) Enough information on land areas adjacent to the proposed cluster development, including land uses, zoning

classifications, densities, circulation systems, public facilities, and significant landscape features, to indicate the relationships between the proposed development and the adjacent areas.

(15) Changes to navigable streams, lakes or marshes, if any;

(16) Scaled location of any proposed facilities or buildings located beyond 100 feet of streams, lakes, or marshes;

(17) Scaled location of proposed facilities or buildings located within or adjacent to open meadows, known or identified deer or elk migration routes, and identified scenic views, archeological sites or natural areas;

(18) Location, proposed name, right-of-way width and approximate radii of curves of each proposed road and any projected roads that connect with existing or proposed roads on adjacent property;

(19) Location, width and nature of all proposed easements;

(20) The location and nature of other utilities not requiring easements (e.g. street lighting, and the like);

(21) Location and approximate dimensions of all lots or parcels, the minimum lot or parcel size;

(22) Proposed domestic or community water supply system, whichever is applicable;

(23) Proposed method of sewage disposal;

(24) Proposed methods of surface water disposal and any other proposed drainage easements;

(25) Location of areas proposed for landscaping and/or areas to be maintained for buffering or screening;

(26) Proposed methods of fire protection including water sources;

(27) Proposed consideration for solar and wind energy utilization or other energy conservation techniques;

(28) The proposed treatment of the perimeter of the cluster development including techniques to be used for buffering, screening and fencing;

(29) The location and size in acres of all areas to be conveyed, dedicated, or reserved as common or public open spaces or recreational areas.
(Ord. 83-4, passed 5-9-83)

§ 152.375 CRITERIA FOR APPROVAL.

In granting approval of a tentative plan for a cluster development, the Planning Commission shall make the following general findings:

(A) The cluster development contributes to orderly development and land use patterns in the area, and provides for the preservation of open spaces and natural resources;

(B) The cluster development will be compatible with surrounding uses and will not create an excessive demand on public facilities and services required to serve the development;

(C) In addition to the above listed general findings, the Planning Commission shall determine if the following criteria has

been met:

(1) That the lots are congregated in such a way as to have large areas for open space which are to be kept permanently free of buildings and not ever redivided for sale or building development;

(2) The clustering will have a density equivalent to the required existing zoning, unless it can be shown that policies within the Comprehensive Plan would allow a higher density;

(3) The area dedicated for common open space be approved by the Planning Commission prior to adoption of a final map;

(4) That the maintenance or permanence of common open space required in the subdistrict be assured through the owner or developer agreeing to one of the following:

(a) Owner/developer agreeing to maintain the permanent open space and any buildings, private roads, structures, or improvements which have been placed within the cluster development;

(b) Convey the open space to a home-owner's association, subject to covenants running with the land which restricts the common open space to the uses specified in the final development plan, and which provide from the common open space in a manner which assures its continuing use for its intended purpose.

(5) If the common open space is to be deeded to a homeowner's association, the declaration of covenants and restrictions shall include:

(a) The homeowner's association must be set up before the homes are sold. Prior to such sales, the property owner assumes the responsibility of that share attributable to each unsold home defined in the homeowner's association;

(b) Membership must be mandatory for each home buyer and any successive buyer;

(c) The open space restrictions must be permanent, not just for a period of years;

(d) The association must be responsible for liability of insurance, local taxes, and the maintenance of recreational and other facilities;

(e) Residence owners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on their property;

(f) The association must be able to adjust the assessment to meet changed needs.

(6) The cluster development plan will provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Planning Commission may require that significant landscape features and historical sites be preserved as part of the common or public open space of the project;

(7) The cluster development plan will discourage excessive site clearing of topsoil, trees and natural features before the commencement of construction operation. The Planning Commission may require the applicant to submit a grading plan detailing

proposed excavation, earth-moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space, and to protect fish and wildlife habitat and water quality of streams, lakes, ponds, and springs;

(8) The cluster development plan will avoid the siting of residential and non-residential buildings, and roads in areas subject to landslides, areas with average slopes greater than 25% and areas with unstable soil formations. The Planning Com-mission may require that all floodplains be preserved as permanent common open space, and may require that other natural hazard areas be included in the common open space of the proposed development and be left unimproved or improved to assure minimization of the hazards;

(9) The cluster development plan will discourage the siting of residential and non-residential buildings, and roads upon better productive timber lands. The Planning Commission may require that a forest management plan be submitted and approved for lands the owners consider manageable for timber production. A forest management plan shall contain the information required in § 152.667 (F) of this chapter;

(10) The cluster development plan will avoid the siting or residential and non-residential buildings and their accessory uses including fencing within or near identified migration routes of deer and elk. The Planning Commission may require a special setback distance from these migration routes upon consultation with the Fish and Wildlife Department of an appropriate distance;

(11) The cluster development plan will be compatible with the adjacent development or natural resources and shall minimize adverse impacts of the proposed uses and structures by buffering, screening or use of topographic barriers. If topographic or other natural barriers do not provide reasonable privacy for existing uses, highway or natural resources adjacent to the proposed development, the Planning Commission shall require one or more of the following:

(a) A special setback or setbacks of residential and nonresidential structures located on the perimeter;

(b) Residential and non-residential structures located on the perimeter of the development be screened by fencing, landscaping or other natural or man-made materials;

(12) The cluster development plan will consolidate utility distribution lines within the road system and bury the cables and distribution points except as follows:

(a) Where topography or other conditions will not permit the burying or consolidation of utility distributions lines within the road system, the location and method of delivery of these utilities shall conform to an alternative arrangement authorized by the Planning Commission;

(b) The Planning Commission, in considering an alternative arrangement of utility design and location, shall insure that said alternative will blend in with the surroundings and will not remove an excessive amount of vegetation.

(13) If the cluster development plan is located in an area designated in the Comprehensive Plan as multiple use, then

the Planning Commission shall review the proposal pursuant to the criteria listed in § 152.667 of this chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.376 IMPROVEMENT AGREEMENT; BOND REQUIREMENT.

In order to insure that a cluster development will be developed according to the conditions required by this chapter or the County Planning Commission, a bond or bonds shall be required unless the conditions are met prior to the filing of a final plan map.
(Ord. 83-4, passed 5-9-83)

§ 152.377 PHASING PLAN.

The Planning Commission may allow a cluster development to be developed in phases provided that the phasing plan is agreed to and made a part of the conditions at the time of approval of the tentative plan.
(Ord. 83-4, passed 5-9-83)

§ 152.378 FINAL CLUSTER DEVELOPMENT MAP.

An applicant for a cluster development shall file a final map pursuant to § 152.669 of this chapter within one year of the date of approval of the tentative map. Failure to file a final map within the one-year time limit following the tentative map approval will require that a new tentative plan be resubmitted to the Planning Commission that would make any revisions considered necessary to meet changed conditions.
(Ord. 83-4, passed 5-9-83)

§ 152.379 PERMANENCY AND REMOVAL OF CLUSTER DEVELOPMENT OVERLAY ZONE.

Once the Planning Commission has approved a CD Cluster Development Overlay Zone for a property, the overlay zone shall be notated on the county zoning maps. Any development on a property with the CD Overlay shall comply with the requirements of the CD Overlay Zone. If a property owner wishes to develop a property in a CD Overlay Zone in a manner that does not conform to the overlay zone, the property owner must request in writing that the Planning Commission remove the CD Overlay Zone. Upon receipt of the request the Planning Commission shall hold a public hearing at its next practical meeting date to determine if the CD Overlay Zone should be removed. If the Planning Commission finds that removal of the overlay zone will not adversely impact any of the policies in the Comprehensive Plan, an overlay may be removed.
(Ord. 83-4, passed 5-9-83)

AH-H, H HERMISTON AIRPORT HAZARD OVERLAY ZONE

Sub-Sections

152.390	Purpose
152.391	Airport zones and height limitations
152.392	Use restrictions
152.393	Nonconforming uses
152.394	Permits

§ 152.390 PURPOSE.

The Hermiston Airport Hazard Overlay Zone is designed to protect the Hermiston Airport from obstruction to safe aviation. It creates and establishes special overlay zones which include the land lying with the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the Hermiston Airport. Such zones are shown on the Hermiston Airport Hazard Zoning Map consisting of one sheet, prepared by the County Planning Department, and dated September 24, 1975, which is hereby adopted by reference. (Ord. 83-4, passed 5-9-83)

§ 152.391 AIRPORT ZONES AND HEIGHT LIMITATIONS.

(A) Except as otherwise provided in this overlay zone, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any of the zones listed in this section to a height in excess of the applicable height limit herein established for such zone.

(B) An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) *Runway larger than utility with a visibility minimum greater than three-fourths mile non-precision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway. The slope of the approach zone is 34 feet horizontal for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(2) *Clear zone.* The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The clear zone expands uniformly to a width of 1,010 feet at a horizontal distance of 1,700 feet from the primary surface, its centerline being the continuation of the centerline of the runway. The slope of the clear zone is 34 feet horizontal for each foot vertical beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 1,700 feet along the extended runway centerline.

(3) *Transitional zones.* These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90º angles to the runway centerline and the runway centerline extended. The slope of the transitional zones is seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the

primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation, that is to a height of 780 feet above mean sea level.

(4) *Horizontal zone.* The horizontal zone is hereby established by swinging in arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The height of the horizontal zone is 150 feet above the airport elevation, or 789 feet above mean sea level.

(5) *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The slope of the conical zone is 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(6) *Excepted height limits.* Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 35 feet above the surface of the land.

(7) Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.
(Ord. 83-4, passed 5-9-83)

§ 152.392 USE RESTRICTIONS.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to:

(A) Create electrical interference with navigational signals or radio communication between the airport and aircraft;

(B) Make it difficult for pilots to distinguish between airport lights and others;

(C) Result in glare in the eyes of pilots using the airport;

(D) Impair visibility in the vicinity of the airport;

(E) Otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.
(Ord. 83-4, passed 5-9-83)

§ 152.393 NONCONFORMING USES.

(A) *Regulations not retroactive.* The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted;

(B) *Marking and lighting.* Notwithstanding division (A) of this section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance

thereon of such markers and lights as shall be deemed necessary by the county to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the county;

(C) *Non-conforming uses abandoned or destroyed.* Whenever the County Assessor deter-mines that a non-conforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
(Ord. 83-4, passed 5-9-83)

§ 152.394 PERMITS.

(A) *Future uses.* No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and approved by the County Planning Office.

(1) However, a permit for a tree of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

(2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(3) A permit shall be void after one year unless construction has commenced.

(B) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

(C) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question, at owner's expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(D) *Conditional use permit.* Any use allowed under any other zoning ordinance which will be located in an approach or clear zone shall be treated as a conditional use under that ordinance and shall be subject to all provisions and procedures required for conditional uses under that ordinance.

(E) *Places of public assembly.* Places of public assembly proposing to locate in an approach or clear zone shall be discouraged and influenced to locate elsewhere. Most urban structures proposing to locate in a clear zone shall also be discouraged due to the danger of air crashes.
(Ord. 83-4, passed 5-9-83)

AH-P, PENDLETON AIRPORT HAZARD OVERLAY ZONE

Sub-Sections

152.405	Findings and purpose
152.406	Airport zones
152.407	Airport zone height limitations
152.408	Use restrictions
152.409	Permits

§ 152.405 FINDINGS AND PURPOSE.

(A) This overlay zone is adopted pursuant to the authority conferred by Oregon law. It is hereby found that an airport hazard endangers the lives and property of users of the Pendleton Municipal Airport, and property or occupants of land in its vicinity, and also if the obstruction type in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Pendleton Municipal Airport and the public investment therein.

(B) Accordingly, it is declared that:

(1) The creation and establishment of an airport hazard is an injury to the region served by the Pendleton Municipal Airport;

(2) It is necessary, in the interest of the public health, public safety, and general welfare, that the creation or establishment of airport hazards be prevented; and

(3) The prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the city may raise and expend public funds and acquire land or interest in land.
(Ord. 83-4, passed 5-9-83)

§ 152.406 AIRPORT ZONES.

(A) In order to carry out the provisions of this overlay zone, there are hereby established and created certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the airport. Such zones are shown on the Approach and Clear Zone Plan adopted as part of the City of Pendleton's Airport Master Plan and made a part of this chapter by reference. An area located in more than one of the zones listed in division (B) of this section is considered to be only in the zone with the more restrictive height limitation.

(B) The various zones are hereby established and defined as follows:

(1) *Visual runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.

(2) *Runway larger than utility with a visibility minimum greater than three-fourths mile non-precision instrument approach zone.* The inner edge of this

approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

(3) *Precision instrument runway approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands uniformly outward to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(4) *Transitional zones.* These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90º angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

(5) *Horizontal zone.* The horizontal zone is hereby established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(6) *Conical zone.* The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the visual approach zones and the transitional zones. (Ord. 83-4, passed 5-9-83)

§ 152.407 AIRPORT ZONE HEIGHT LIMITATIONS.

No structure or vegetation shall be erected, altered, allowed to grow, or be maintained in any zone created by this chapter to a height in excess of the applicable height limitations herein established for such zones as follows:

(A) *Visual runway approach zone.* Slopes upward 20 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(B) *Runway larger than utility with a visibility minimum greater than three-fourths mile non-precision instrument approach zone.* Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 20,000 feet along the extended runway centerline.

(C) *Precision instrument runway approach zone.* Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontal distance of 40,000 feet along the extended runway centerline.

(D) *Transitional zones.* Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward

seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.

(E) *Horizontal zone.* One hundred and fifty feet above the airport elevation.

(F) *Conical zone.* Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. (Ord. 83-4, passed 5-9-83)

§ 152.408 USE RESTRICTIONS.

(A) Notwithstanding any other provisions of this overlay zone, no use shall be made of land or water within any zone established by this overlay zone in such a manner as to create electrical interference with navigational signals or radio communication between an airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(B) Non-conforming uses.

(1) *Regulations not retroactive.* The regulations prescribed by this overlay zone shall not be construed to require the removal, lowering, or other changes or alteration of any structure or vegetation not conforming with these regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, and construction or alteration of which has begun prior to the effective date of this chapter, and is diligently pursued to completion.

(2) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing non-conforming structure or vegetative growth is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Pendleton indicating to the operators of aircraft in the vicinity of the airport, the presence of such hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the property owner.

§ 152.409 PERMITS.

(A) *Future uses.*

(1) No material change shall be made in the use of land and no structure or vegetation shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted by the County Planning Commission.

(2) However, a permit for vegetation or structures of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 1,500 feet from each end of the runway except when such vegetation or structure, because of terrain, land contour, or topographic features, would extend above the height

limit prescribed for respective zone.

(3) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient evidence to determine whether the resulting use, structure, or vegetation would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit may be granted.

(B) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or vegetation to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

(C) *Non-conforming uses abandoned or destroyed.* Whenever the County Planning Director determines that a non-conforming structure or vegetation has been abandoned or more than 80% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or vegetation to exceed the applicable height limit or otherwise deviate from the regulations herein.

(D) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any vegetation, or use his property not in accordance with the regulations prescribed herein, may apply to the County Planning Director for a variance from such regulations. Such variances may be allowed when it is found that a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will show substantial justice and be in accordance with the spirit of this chapter.

(E) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or vegetation in question, at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.
(Ord. 83-4, passed 5-9-83)

LF, LANDFILL OVERLAY ZONE

Sub-Sections

152.420	Purpose
152.421	Applicability
152.422	Criteria for establishing LF Overlay
152.423	Interim uses
152.424	Effect of overlay zone

§ 152.420 PURPOSE.

The purpose of the LF Landfill Overlay Zone is to allow for the utilization of designated landfill areas in a manner that is consistent with the County Comprehensive Plan and allows the greatest flexibility for operators of licensed sanitary landfills. This overlay zone is to provide some security for landfill operators where there will be a minimum of conflicts with existing uses without requiring a public hearing for each expansion.
(Ord. 83-4, passed 5-9-83)

§ 152.421 APPLICABILITY.

The LF Zone may apply to an area that has been identified in a long range plan for sanitary disposal purposes consistent with DEQ regulations upon the request of the landowner or the county to the Planning Commission. Upon receipt of a request for a LF Overlay, the Planning Commission shall hold a public hearing within 40 days pursuant to § 152.771.
(Ord. 83-4, passed 5-9-83)

§ 152.422 CRITERIA FOR ESTABLISHING LF OVERLAY.

(A) At the public hearing the Planning Commission shall determine if the following criteria can be met:

(1) The proposed overlay would be compatible with surrounding land use.

(2) The proposed overlay would comply with the policies of the Comprehensive Plan.

(3) Evidence is presented indicating that the site is suitable for landfill activities to occur. This evidence could be in the form of a report or letter of concurrence from the Oregon Department of Environmental Quality (DEQ) or testimony from a qualified engineer, hydrologist, agronomist, or other professional in the field of waste disposal.

(4) Adequate screening, either natural or man-made, is provided to protect the site from surrounding land use.

(B) If the Planning Commission finds that the proposed site meets all of the above criteria, it shall approve the LF Overlay.
(Ord. 83-4, passed 5-9-83)

§ 152.423 INTERIM USES.

If an area is subject to a LF Overlay but is not currently used actively for landfill purposes, then the following uses may take place on the site:

(A) Farm use as defined in ORS 215.203(2) and set out in § 152.003.

(B) Any use allowed in the underlying zone.

(C) Aggregate or rock extraction as accessory and necessary for preparation of the landfill site. Permanent rock extraction shall not be allowed unless appropriate permits have been obtained.
(Ord. 83-4, passed 5-9-83)

§ 152.424 EFFECT OF OVERLAY ZONE.

The LF Zone shall overlay an existing zone and the requirement of the LF Overlay Zone shall apply in addition to those specified for the overlay zone. If a conflict in the regulations or standards occurs, the provisions of the LF Overlay Zone shall take precedence.
(Ord. 83-4, passed 5-9-83)

HAC, HISTORIC, ARCHEOLOGICAL OR CULTURAL SITE/STRUCTURE OVERLAY ZONE

Sub-Sections

152.435	Purpose
152.436	Definitions
152.437	Review of proposal; permit required for alteration or demolition; exterior maintenance unaffected
152.438	Certain documents adopted by reference
152.439	Criteria for review
152.440	Signs
152.441	Review of development plans; requests for alteration or demolition permits
152.442	Designation of HAC sites and structures
152.443	Effect of overlay zone

§ 152.435 PURPOSE.

The purpose of the sub-district is to reasonably assure that historic, archeological and cultural resources are conserved and protected, while providing an expedient process for reviewing land uses that may affect these resources when they become identified. From time to time, information will become available to the county to help identify these sites and/or structures.
(Ord. 83-4, passed 5-9-83)

§ 152.436 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. Any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural details of the exterior part of the structure, but shall not include paint color.

DEMOLITION. To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a HAC site or structure.

HAC SITE OR STRUCTURE. Any historic, archeological or cultural site or structure, or geographic area listed on the Umatilla County Register of Historic Landmarks or recognized as significant by the County Comprehensive Plan and Technical Report.

HISTORIC, ARCHEOLOGICAL OR CULTURAL RESOURCE. A district, site, building, structure, object or natural feature significant in American history, architecture, archeology and culture. It may be of value to the nation as a whole, or important only to the community in which it is located.

PRESERVATION. The act or process of applying measures to sustain the existing form, integrity, and material of a HAC building, structure or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as on-going maintenance of the historic building materials.
(Ord. 83-4, passed 5-9-83)

§ 152.437 REVIEW OF PROPOSAL; PERMIT REQUIRED FOR ALTERATION OR DEMOLITION; EXTERIOR MAINTENANCE UNAFFECTED.

(A) When a development, alteration or demolition is proposed for a HAC site or structure, the Planning Director or Hearings Officer shall review the proposal to insure that it meets the requirements of this section. A zoning permit is required for any alteration or demolition of a HAC site or structure.

(B) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Planning Commission.
(Ord. 83-4, passed 5-9-83)

§ 152.438 CERTAIN DOCUMENTS ADOPTED BY REFERENCE.

The following documents and their performance standards are hereby adopted by reference and made a part of this chapter:

(A) Umatilla County Inventory/Register of Historic Sites and Structures.

(B) State of Oregon Uniform Building Code, Chapter 41, Historic Buildings (§§ 4101-4105).

(C) The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards, U.S. Department of the Interior, Heritage Conservation and Recreation Service, Technical Preservation Service Division, Washington, D.C., 1979, or subsequent editions.

(D) The Comprehensive Plan and Technical Report.
(Ord. 83-4, passed 5-9-83)

§ 152.439 CRITERIA FOR REVIEW.

(A) *New development.*

(1) Upon receipt of a proposed new use request for a HAC site or structure, the Planning Director (if the use is permitted with a zoning permit) or the Hearings Officer (if the use is a conditional use) shall review the request within 30 days to see if the request will:

(a) Be compatible with the identified historical, archeological or cultural item identified on or near the site;

(b) The request is in conformance with applicable elements of the Comprehensive Plan;

(c) The request is in conformance with other applicable sections of this chapter;

(d) That the proposed new use will take into consideration setbacks, excavation, landscaping, scenic views and other man-caused land disturbances in relation to the identified HAC site or structure;

(e) That the proposed new use is appropriate and will assist in preserving the significant physical characteristics of the HAC site or structure;

(f) That the physical changes necessary for the proposed new use will not require substantial alteration, thus diminishing the historic significance of the historic site or structure;

(g) Conditions may be attached to the approval of a zoning or conditional use permit to ensure the viability of the HAC site or structure, including use of the documents referenced in § 152.438. Said conditions may include, but not be limited to, setbacks, site design, landscaping, architectural style, scale, texture and construction materials.

(2) New development shall not be approved if it is found to be detrimental to the HAC site or structure as unsightly or otherwise adversely affecting the architectural significance, the integrity of historical appearance and educational and historical of the HAC site or structure; or is found not to be in accord with other HAC review criteria.

(B) *Exterior alterations.*

(1) Upon receipt of a zoning or development permit application to change the exterior of a HAC structure, the Planning Director shall review the application within 30 days to determine if the application will be harmonious and compatible with the character of the historic resource with respect to style, scale, texture and construction materials and/or will enhance the historical value of the HAC structure.

(2) Conditions may be attached to the approval of a building permit to ensure the viability of the HAC structure, including use of the documents referenced in § 152.438. Said conditions may include, but not be limited to, setbacks, site design, and landscaping, architectural style, scale, texture and construction materials.

(3) HAC site or structure alteration review standards shall include, but no be limited to, the following, as adapted from the Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior, Heritage Conservation and Recreation Service, Publication No. 71):

(a) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(b) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(c) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(d) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(e) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event

replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(f) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

(g) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(h) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the structure, the essential form and integrity of the structure would be unimpaired.

(C) *Demolition or moving of a HAC structure.*

(1) When demolition or moving is proposed for a HAC structure, the Planning Director or Hearings Officer and the HAC structure owner shall endeavor to prepare an economically feasible plan for preservation of the HAC structure.

(2) The possibilities of purchase of the HAC structure by interested persons, organizations or government agencies shall be explored.

(3) If a designated HAC structure is to be demolished or moved, the Planning Director or Hearings Officer shall require the applicant to assist the appropriate historical organization to record the HAC structure and its setting by means of photographs, pictures, artifacts or architectural detail salvage, written description, measured drawings or other means of documentation.
(Ord. 83-4, passed 5-9-83)

§ 152.440 SIGNS.

Types of signs allowed in HAC sites or structures shall be those permitted by the underlying zoning designation. However, the Planning Director or Hearings Officer may require additional standards as to size, scale, material, lettering and construction to ensure that signs will be harmonious and compatible with the character of the HAC resource.
(Ord. 83-4, passed 5-9-83)

§ 152.441 REVIEW OF DEVELOPMENT PLANS; REQUESTS FOR ALTERATION OR DEMOLITION PERMITS.

(A) In reviewing the development plans, the Planning Director or Hearings Officer shall require a plot plan from the applicant drawn at a scale no smaller than 1" = 200'. The plot plan shall accurately show property boundaries, natural features (i.e. trees, shrubs, rock outcropping, and the like), the existing and proposed uses, and any other pertinent information that would help to identify how the proposed use and the historic, archeological or cultural use would co-exist in a compatible manner. The

Planning Director or Hearings Officer may refer the request to other agencies or individuals for their review and comment. If, after review, the Planning Director or Hearings Officer finds that the development meets the criteria above, the application shall be approved and the applicant shall obtain a zoning permit prior to commencement of any work. Any development shall conform to the plot plan submitted by the applicant and approved by the Planning Director or Hearings Officer.

(B) In the case of a permit for the alteration of a HAC site or structure, the Hearings Officer or Planning Director shall approve the request as submitted; approve the request with modifications; delay the final decision on the request for 60 days to allow time for an alternative to the alteration to be developed (at the end of the 60 day period, the Hearings Officer or Planning Director shall approve the request, approve the request with modifications, or deny the request); or deny the request.

(C) In the case of an application for demolition of a HAC site or structure, the Planning Director shall order:

(1) The immediate issuance of the permit if the Planning Director finds all of the following:

(a) The structure cannot be economically maintained or restored, giving due consideration to all potential uses to which the structure might reasonably be put upon restoration by the property owner;

(b) A program or project does not exist which may result in preservation of the structure;

(c) Delay of the permit would result in unnecessary and substantial hardship to the applicant;

(d) Issuance of the permit will not act to the substantial detriment of the structure and the economic, cultural, and energy consequences of demolishing the structure; or

(e) No other reasonable alternative to demolition exists.

(2) The immediate issuance of the permit if the structure for which the demolition permit has been requested has been damaged in excess of 50% of its assessed value due to fire, flood, wind, or other act of God.

(3) Delay issuance of the permit for up to 60 days. During this period, the Planning Director shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent demolition of the site or structure.
(Ord. 83-4, passed 5-9-83)

§ 152.442 DESIGNATION OF HAC SITES AND STRUCTURES.

(A) The Planning Commission shall, from time to time, designate sites and structures within the county as being of such historic, archeological and cultural significance that conservation and protection from conflicting land uses is warranted.

(B) These designations shall be made through the public hearing process described in § 152.668 of this chapter. The Commission shall seek the advice of this County Historical Society, government agencies and other knowledgeable and interested individuals and organizations.

(C) The Commission may create ad hoc or permanent committees to assist it with this function until such a time as another body is created by the Board for this purpose.

(D) The Planning Commission, or its committee, shall prepare and maintain a County Inventory/ Register of Historical Archeological and Cultural (HAC) Sites and Structures until such a time as another body is created by the Board for that function.
(Ord. 83-4, passed 5-9-83)

§ 152.443 EFFECT OF OVERLAY ZONE.

The HAC shall overlay an existing zone and the HAC Overlay Zone requirements and standards shall apply in addition to those specified for the underlying zone. If a conflict in regulations or standards occurs, the provision of the HAC Overlay Zone shall take precedence.
(Ord. 83-4, passed 5-9-83)

CWR, CRITICAL WINTER RANGE OVERLAY ZONE

Sub-Sections

152.455	Purpose
152.456	Applicability
152.457	Effect of overlay zone
152.458	Dwelling unit density

§ 152.455 PURPOSE.

The purpose of the Critical Winter Range Overlay Zone (CWR) is to conserve and protect important elk and deer winter range in the county while allowing development at a density that will not significantly reduce the carrying capacity of the areas.
(Ord. 83-4, passed 5-9-83)

§ 152.456 APPLICABILITY.

The provisions of this overlay zone shall apply to all areas identified in the Comprehensive Plan as deer and elk critical winter range. Should the winter habitats of the deer and elk change, areas may be added or deleted from this overlay zone through the public hearing process in accordance with Goal 5 of Plan Policy 48 and with § 152.771 of this chapter. At the public hearing, evidence shall be presented by appropriate state and federal agencies and/or property owners to show that the areas under consideration should be added or deleted from this sub-district. The Planning Commission shall determine the economic, social, environmental and energy consequences on the resource area and on any conflicting uses of areas proposed to be added or deleted. If the Planning Commission finds that any area should be included in this overlay zone to meet the requirement of the County's Comprehensive Plan, it shall be included in the CWR Overlay Zone. If the area is no longer needed for critical winter range, then the overlay zone may be removed upon a finding that other adequate areas exist and are protected for wintering of deer and elk.
(Ord. 83-4, passed 5-9-83)

§ 152.457 EFFECT OF OVERLAY ZONE.

The CWR shall overlay an existing zone and the CWR Overlay Zone requirements and standards shall apply in addition to those specified for the underlying zone. If a conflict in regulations or standards occurs, the provision of the CWR Overlay Zone shall take precedence.
(Ord. 83-4, passed 5-9-83)

§ 152.458 DWELLING UNIT DENSITY.

(A) Dwelling units shall be limited to a maximum density of three dwellings within a radius of one half mile of any proposed dwelling. All requests for dwellings or land divisions that will result in eventual placement of a dwelling, or administrative review of non-resource dwellings, shall be referred to the Oregon Department of Fish and Wildlife (ODFW) for review and recommendation.

(B) Dwellings shall be sited to minimize impact on critical winter range by application of the following:

(1) When dwellings exist on adjacent properties:

(a) New dwellings shall be located adjacent to existing dwellings sharing a common access road;

(b) Where subdivision (1) (a) of this division is not practical, new dwellings shall be located adjacent to existing dwellings and minimize the length of access from the nearest existing public road;

(c) Where subdivisions (1) (a) and (1) (b) of this division are not practical, the new dwellings shall be sited to achieve maximum distance between dwellings and minimize the length of access from the nearest public road.

(2) When no dwellings exist on adjacent properties, new dwellings shall be sited to allow future development to satisfy subdivision (1) (a) of this division.
(Ord. 83-4, passed 5-9-83)

NA, NATURAL AREA OVERLAY ZONE

Sub-Sections

152.470	Purpose
152.471	Definitions
152.472	Applicability; designation of areas
152.473	Permitted uses
152.474	Criteria for review and disposition
152.475	Effect of overlay zone

§ 152.470 PURPOSE.

The purpose of this overlay zone is to protect and preserve ecologically and scientifically significant natural areas, species occurrence areas, and wetlands in the county, while providing an expedient process for reviewing land uses that may affect these areas when they are identified. (Ord. 83-4, passed 5-9-83)

§ 152.471 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIGNIFICANT NATURAL AREA. An area that is ecologically and scientifically important to the understanding of the natural history of the region. It may contain rare or endangered plant or wildlife species or represent a disappearing plant community. It is an area that should be preserved in as natural a state as possible.

SPECIES OCCURRENCE AREA. An area that contains a rare or endangered plant species as defined by the Oregon Natural Heritage Program and/or a state or federal agency, for which some precautions shall be taken during development.

WETLANDS. Those lands extending landward for 100 feet in all directions as measured on a horizontal plan from the ordinary high water mark; and all marshes, bogs, swamps, and river deltas associated with the streams and lakes, which are subject to the provisions of this chapter. (Ord. 83-4, passed 5-9-83)

§ 152.472 APPLICABILITY; DESIGNATION OF AREAS.

The Planning Commission shall from time to time designate areas within the county as being within a Natural Area Overlay Zone through the public hearing process listed in § 152.771 of this chapter and in accordance with Goal 5 Plan Policy 48. At a public hearing, evidence shall be presented by appropriate state and federal agencies, interested groups, and/or property owners to show that the areas under consideration should be added to this sub-district. The Planning Commission shall determine the economic, social, environmental and energy consequences on the resource site and on any continuing uses of areas proposed to be added. If the Planning Commission finds that any areas should be included in this overlay zone to meet the requirement of the County's Comprehensive Plan, it shall be included in the NA Overlay Zone. When a development is proposed in a NA Overlay Zone, the Planning Director or Hearings Officer shall review the development to see if it meets the requirements of this section. (Ord. 83-4, passed 5-9-83)

§ 152.473 PERMITTED USES.

Uses and developments permitted outright or conditionally in the underlying zone shall be permitted if they will not result in filling, drainage, removal of vegetation, or other alteration which would destroy or reduce the ecological value of a significant natural area, species occurrence area, or wetland. In wetlands, minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands shall be allowed where such an action has been fully coordinated with the Oregon Department of Fish and Wildlife and the Soil and Water Conservation District. Existing drainage ditches may be cleared to original specifications without review. (Ord. 83-4, passed 5-9-83)

§ 152.474 CRITERIA FOR REVIEW AND DISPOSITION.

(A) Upon receipt of a development request in a NA Overlay Zone, the Planning Director (if the use is permitted outright) or the Hearings Officer (if the use is a conditional use) shall review the request within 30 days to see if the request will:

(1) Be compatible with the identified significant natural area, species occurrence area, or wetland identified on or near the site;

(2) The request is in conformance with applicable elements of the Comprehensive Plan;

(3) The request is in conformance with other applicable sections of this chapter;

(4) That development plans will take into consideration setbacks, excavation, landscaping, scenic views, filling and other man-caused land disturbances in relation to the identified significant natural area, species occurrence area, or wetlands.

(5) The request will preserve habitat by encouraging "208 Best Management Practices" and proper Forest Management Act procedures, if applicable.

(6) Findings shall be prepared which demonstrate that the recognized natural value will not be damaged by the use or activity.

(B) In reviewing the development plans, the Planning Director or Hearings Officer shall require a plot plan from the applicant drawn at a scale no smaller than 1" = 200'. The plot plan shall accurately show property boundaries, natural features (i.e. trees, shrubs, rock outcropping, and the like) and existing and proposed uses, and any other pertinent information that would help to identify how the proposed use and the significant natural area, species occurrence use or wetlands use would co-exist in a compatible manner. The Planning Director or Hearings Officer may refer the request to other agencies or individuals for their review and comment. All requests for dwellings or land divisions that will result in eventual placement of a dwelling, or administrative review of non-resource dwellings, shall be referred to the Oregon Department of Fish and Wildlife (ODFW) for review and recommendation. If, after review, the Planning Director or Hearings Officer finds that the development meets the criteria above, the application shall be approved and the applicant shall obtain a zoning permit prior to commencement of any work. If a use or activity would result in the permanent destruction of natural value, then the request shall be denied. Any development shall conform to the plot plan submitted by the

applicant and be approved by the Planning Director or Hearings Officer.
(Ord. 83-4, passed 5-9-83)

§ 152.475 EFFECT OF OVERLAY ZONE.

The NA Overlay Zone shall overlay an existing zone and the NA Overlay Zone requirements and standards shall apply in addition to those specified for the underlying zone. If a conflict in regulations or standards occurs, the provisions of the NA Overlay Zone shall take precedence.
(Ord. 83-4, passed 5-9-83)

AR, AGGREGATE RESOURCE OVERLAY ZONE

Sub-Sections

152.485	Purpose
152.486	Applicability
152.487	Criteria for establishing AR Overlay Zone
152.488	Mining requirements
152.489	Zoning permit required
152.490	Future uses
152.491	Effect of overlay zone

§ 152.485 PURPOSE.

The purpose of the AR Aggregate Resource Overlay Zone is to allow for the utilization of known aggregate resources in a manner that is consistent with the County Comprehensive Plan and allows the greatest flexibility to aggregate producers. The overlay zone is to provide for alternatives for the extraction and processing of aggregate resources where there will be a minimum of conflicts between existing uses, without requiring a public hearing for each use.
(Ord 83-4, passed 5-9-83; Ord. 2003-14, passed 9-22-03)

§ 152.486 APPLICABILITY.

The AR Overlay Zone may apply to an area where aggregate extraction is to occur upon the request of a landowner or the county to the Planning Commission. Upon receipt of a request for an AR Overlay, the Planning Commission shall hold a public hearing pursuant to § 152.771, if the AR Overlay is an appropriate overlay for the area requested. The AR Overlay Zone does not allow processing of aggregate extracted at another site. Processing of aggregate from another site may be permitted with a Conditional Use Permit.
(Ord. 83-4, passed 5-9-83; Ord. 2003-14, passed 9-22-03; Ord. 2019-03, passed 4-3-19)

§ 152.487 CRITERIA FOR ESTABLISHING AR OVERLAY ZONE.

(A) At the public hearing the Planning Commission shall determine if the following criteria can be met:

(1) The proposed overlay would be compatible with the Comprehensive Plan;

(2) There is sufficient information supplied by the applicant to show that there exist quantities of aggregate material that would warrant the overlay;

(3) The proposed overlay is located at least 1,000 feet from properties zoned for residential use or designated on the Comprehensive Plan for residential;

(4) Adequate screening, either natural or man-made, is available for protecting the site from surrounding land uses.

(5) The site complies with OAR 660-023-0180.

(B) If the Planning Commission finds that the proposed site meets all of the above criteria, it shall approve the AR Overlay.
(Ord. 83-4, passed 5-9-83; Ord. 2003-14, passed 9-22-03)

§152.488 MINING REQUIREMENTS.

(A) All work done in an AR Overlay Zone shall conform to the requirements of the Department of Geology and Mineral Industries or its successor, or the applicable state statutes.

(B) In addition to those requirements, an aggregate operation shall comply with the following standards:

(1) For each operation conducted in an AR Overlay Zone the applicant shall provide the Planning Department with a copy of the reclamation plan that is to be submitted under the county's reclamation ordinance;

(2) Extraction and sedimentation ponds shall not be allowed within 25 feet of a public road or within 100 feet from a dwelling, unless the extraction is into an area that is above the grade of the road, then extraction may occur to the property line;

(3) Processing equipment shall not be operated within 500 feet of an existing dwelling at the time of the application of the overlay zone. Dwellings built after an AR Overlay Zone is applied shall not be used when computing this setback.

(4) All access roads shall be arranged in such a manner as to minimize traffic danger, nuisance to surrounding properties and eliminate dust.
(Ord. 83-4, passed 5-9-83; Ord. 2003-14, passed 9-22-03)

§ 152.489 ZONING PERMIT REQUIRED.

Prior to commencement of any work in an AR Overlay Zone, a zoning permit shall be obtained from the County Planning Office.
(Ord. 83-4, passed 5-9-83)

§ 152.490 FUTURE USES.

Upon exhaustion of aggregate material in an AR Overlay Zone, the Planning Commission may consider the site for other appropriate uses where the unique characteristic of the site may be used. These uses may include fish rearing ponds, parks, open spaces, landfills or commercial agricultural uses. Applicable regulations listed in this chapter shall apply.
(Ord. 83-4, passed 5-9-83)

§ 152.491 EFFECT OF OVERLAY ZONE.

The AR Overlay Zone shall overlay an existing zone and the AR Overlay Zone requirements and standards shall apply in addition to those specified for the underlying zone. If a conflict in regulations or standards occurs, the provisions of the AR Overlay Zone shall take precedence.
(Ord. 83-4, passed 5-9-83)

FI, FUTURE INDUSTRIAL OVERLAY ZONE

Sub-Sections

152.500	Purpose
152.501	Applicability
152.502	Criteria for establishing FI Overlay
152.503	Effect of overlay zone

§ 152.500 PURPOSE.

The purpose of the FI Future Industrial Zone is to identify lands for future industrial use. The lands are presently under resource protection, but due to their proximity to major industrially developed land and major transportation facilities, it is likely that these lands could be converted to industrial use should the supply of industrial designated lands be exhausted or insufficient for major developments. This overlay zone is to provide a means of identifying land for industrial developers if additional lands are necessary.
(Ord. 83-4, passed 5-9-83)

§ 152.501 APPLICABILITY.

The FI Overlay Zone may apply to areas that are adjacent to other industrial designated lands and would be likely for future industrial expansion. The landowner, County Planning Commission or County Board of Commissioners may initiate a request for a FI Overlay. Upon receipt of a request for a FI Overlay, the Planning Commission shall hold a public hearing within 40 days pursuant to § 152.771 of this chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.502 CRITERIA FOR ESTABLISHING FI OVERLAY.

At the public hearing the Planning Commission shall determine if the following criteria can be met:

(A) The proposed overlay zone is adjacent to other developed or designated industrial land.

(B) The proposed overlay zone is adjacent to required transportation facilities such as rail facilities, highways or roads.

(C) Necessary public facilities and services such as electricity, gas, water, fire protection and/or telephone services are available.
(Ord. 83-4, passed 5-9-83)

§ 152.503 EFFECT OF OVERLAY ZONE.

The FI Overlay Zone shall overlay the existing underlying zone but shall not impair any of the uses allowed by the underlying zone. The intent and purpose of this overlay is only to identify lands for future industrial use and may be removed by the Planning Commission upon request at any time pursuant to the requirements of § 152.771 of this chapter. Any change in the underlying zone to an industrial designation will require that the requirements of ORS 197.732 and OAR 660-04-020 and OAR 660-04-022 be met.
(Ord. 83-4, passed 5-9-83)

SS, STEEP SLOPE OVERLAY ZONE

Sub-Sections

152.515 Purpose
152.516 Applicability
152.517 Criteria for review

§ 152.515 PURPOSE.

The purpose of the Steep Slope Sub-district is to protect the public health, safety and welfare by assuring that development in hazardous or potentially hazardous steep slope areas is appropriately planned to mitigate the threat to man's life and property.
(Ord. 83-4, passed 5-9-83)

§ 152.516 APPLICABILITY.

This sub-district is intended to be applied to all multiple use exceptions areas in the Blue Mountains which might be subject to landslide/steep slope hazards.
(Ord. 83-4, passed 5-9-83)

§ 152.517 CRITERIA FOR REVIEW.

Prior to development the following measures shall be utilized:

(A) A signed and written certification from the applicant be submitted at the time of permit application approval stating that the proposed development will not occur in areas of 25% or greater slope.

(B) If the applicant proposes development on slopes greater than 25%, development shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For the purposes of this section, ***DEVELOPMENT*** shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerial reviewing the development proposal.

(C) In approval of a zoning permit or a conditional use request, the following conditions may be imposed at the time of approval to ensure site and area stability:

(1) Maintain vegetation and eliminate widespread destruction of vegetation.

(2) Carefully design new roads and buildings with respect to:

(a) Placement of roads and structures on the surface topography;

(b) Surface drainage on and around the site;

(c) Drainage from buildings and road surfaces;

(d) Placement of septic tank disposal fields.

(3) Careful construction of roads and buildings.

(a) Avoid cutting toe slopes of slump blocks.

(b) Careful grading around the site, especially avoiding over steepened cut

banks.

(c) Revegetating 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. (Ord. 83-4, passed 5-9-83)

LU, LIMITED USE OVERLAY ZONE

Sub-Sections

152.530	Purpose
152.531	Applicability
152.532	Procedures
152.533	Permitted uses
152.534	Use limitations
152.535	Adoption
152.536	Site plan requirements; approval

§ 152.530 PURPOSE.

The purpose of the LU Overlay Zone is to limit the list of permitted uses and general activities allowed in the underlying zone when a plan amendment and zone change rezones a parcel to that underlying zone through the taking of an exception to a statewide land use planning goal under ORS 197.732.
(Ord. 94-19, passed 8-18-94)

§ 152.531 APPLICABILITY.

The LU Overlay Zone is an overlay zone which may be applied, where appropriate, to plan amendments/zone changes affected by either a "physically developed" exception under ORS 197.732(1)(a), an "irrevocably committed" exception under ORS 197.732(1)(b), or a "reasons" exception under ORS 197.732(1)(c).
(Ord. 94-19, passed 8-18-94)

§ 152.532 PROCEDURES.

The LU Overlay Zone shall be applied through the plan amendment and rezoning process at the time the underlying plan and/or zone designation is being changed.
(Ord. 94-19, passed 8-18-94)

§ 152.533 PERMITTED USES.

The LU Overlay Zone, when adopted, shall carry out the requirement of Oregon Administrative Rules 660-04-018 that where a goal exception is taken, permitted uses shall be limited to those uses justified by the exception statement.
(Ord. 94-19, passed 8-18-94)

§ 152.534 USE LIMITATIONS.

The following limitations shall apply to the underlying zone when the LU Overlay Zone is applied:

(A) In all cases, the hearings body shall establish that:

(1) The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the goal exception taken.

(2) A review of all zones in the most current version of this chapter demonstrates that no existing zone adequately limits the uses and general activities.

(3) The requirements and standards of this section shall apply in addition to those specified in this chapter for the underlying zone and any other applicable overlay zones.

(B) The requirements and standards of this section shall apply in addition to those specified in this chapter for the underlying zone and any other applicable overlay zone.
(Ord. 94-19, passed 8-18-94)

§ 152.535 ADOPTION.

The ordinance adopting the underlying zone and the LU Overlay Zone shall set forth those specific uses and general activities which will be permitted or conditional uses. The description of the permitted and conditional uses may be qualified as necessary to achieve the purpose of the LU Overlay Zone.
(Ord. 94-19, passed 8-18-94)

§ 152.536 SITE PLAN REQUIREMENTS; APPROVAL.

(A) In addition to limiting the uses in the underlying zone where the LU Overlay Zone is applied, the county may also require approval of the location of buildings, access, parking, screening and other site planning considerations in order to assure the compatibility of the permitted uses within the area.

(B) The process for reviewing the site plan shall be described at the time of the LU Overlay Zone application. Site plan requirements may be added by specific reference in the LU adopting ordinance. Specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval. Separate site plan approval shall not be required for any uses subject to a conditional use permit.
(Ord. 94-19, passed 8-18-94)

UDR, UMATILLA DEPOT REFUGE ZONE

Sub-Sections:

152.537	Purpose
152.538	Uses permitted with a zoning permit
152.539	Conditional uses permitted
152.540	Dimensional standards

§ 152.537 PURPOSE.

The purpose of the Umatilla Depot Refuge Zone is to provide a dedicated zoning classification to preserve the natural shrub-steppe desert landscape and contribute to the preservation of wildlife and wildlife habitat. It is also designed to retain a natural landscape and open space resource of regional significance, and to provide for low impact recreation, natural and historic heritage interpretation, and environmental education opportunities. Uses are limited to those that will provide for the protection, restoration and management of wildlife and wildlife habitat resources within the zone.

§ 152.538 USES PERMITTED WITH A ZONING PERMIT

In a UDR Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.007, 152.025 and supplementary regulations in § 152.010 through § 152.016 and § 152.545 through § 152.562.

(A) Ecotype Preserve/Wildlife Refuge/Open Space Preserve and associated accessory uses including but not limited to wildlife observation facilities, plant propagation facilities for on-site restoration, natural heritage interpretive displays, and public restrooms.

(B) Interpretive/visitor center not to exceed 15,000 square feet (larger facilities require conditional use approval). Said uses can include facilities such as natural and historic heritage displays, exhibit areas, gallery, small theater, administrative offices, classrooms, dining areas/café, planetarium, subsidiary gift/book shop, public conveniences, and associated parking.

(C) Low impact recreation facilities including but not limited to non-motorized uses such as hiking trails, bicycling paths, equestrian trails, and picnic facilities.

(D) Observatory.

(E) Utility facilities and roads including the construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, sewage collection lines, road development and maintenance, construction and maintenance of railroad lines, and related facilities, but excluding commercial facilities for the purpose of generating power for public use.

(F) Commercial storage in existing structures with existing access. Use shall be limited to igloos that have direct access to a roadway.

§ 152.539 CONDITIONAL USES PERMITTED.

In the UDR Zone, the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this Section , the applicable criteria in § 152.061, § 152.010 through § 152.016 and § 152.545 through § 152.562. and findings that the proposed use:

complies with the Comprehensive Plan, Development Code, and other relevant County policies; will serve a useful purpose to the area and to the purpose of the UDR Zone as stated herein; and will be designed and built so as to reduce potential negative impacts to both neighboring parcels and the primary purpose of the UDR Zone. All conditional use applications associated with an established UDR Zone shall submit as part of the application a general land-use plan schematic for the Refuge/Preserve indicating the longer range management and facilities vision for the Zone, and a more detailed site plan for the specific conditional use request sufficient to evaluate design and land-use considerations associated with the permit request. A zoning permit will be issued following final approval of a conditional use

(A) Interpretive/visitor center with accessory uses, not including parking, in excess of 15,000 square feet.

(B) Commercial operations conducted for the mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources.

(C) Short term stay (14 days or less) commercial campground with associated support facilities.

(D) Farm use, as defined in ORS 215.203, excluding livestock feedlots and sale yards, hog and poultry farms.

(E) The propagation or harvesting of a forest product.

(F) Commercial solar power generation for sale for public use.

(G) Private cemetery or burial site.

§ 152.540 DIMENSIONAL STANDARDS.

In a UDR Zone, the following dimensional standards shall apply;

(A) *Minimum Parcel*. The minimum lot size shall be one acre unless written proof, from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be permitted, or the minimum lot size shall be the minimum necessary to carry out the intent and purpose of the proposed use and is also consistent with the purpose and intent of the DR Zone.

(B) *Setback*. No building shall be located closer than 20 ft. from a property line, street or road.
(Ord. 2014-06, passed 7-2-14)

SIGN REGULATIONS

Sub-Sections

152.545	Zoning permit required to erect, move, or alter signs; exemptions; permitted signs
152.546	Types of signs
152.547	Limitations on signs
152.548	Material to be submitted with application for permit

§ 152.545 ZONING PERMIT REQUIRED TO ERECT, MOVE, OR ALTER SIGNS; EXEMPTIONS; PERMITTED SIGNS.

(A) No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 1 and Type 3 sign, and without being in conformity with the provisions of this chapter. Official signs of the state, county or municipalities are exempt from all provisions of this chapter. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise.

(B) Allowed signs in the various zones are indicated by the following tables (for types of signs, see § 152.546):

Zone	***Types Allowed***
EFU-10, EFU-20, EFU-40, EFU, GF	1, 2, 3, 4, 5, 6
UC	1, 2, 3, 4, 5, 8, 9
RR-2, RR-4, RR-10	1, 2, 3, 4, 5, 6
MUF, FR, MR	1, 2, 3, 4, 5, 6
RSC, RRSC, CRC	1, 2, 3, 4, 5, 7, 8, 9, 10, 11
TC, RTC	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
AB	1, 3, 4, 5, 7, 8, 9, 11
LI	1, 3, 4, 5, 7, 8, 9, 10, 11, 12
RLI, LRLI	1, 3, 4, 5, 7, 8, 9, 10, 11
HI, RHI, LRHI	1, 3, 4, 5, 8, 9, 11
FU-10	1, 2, 3, 4, 5, 6
DI	1, 3, 5, 6, 7, 8, 9, 11

(Ord. 83-4, passed 5-9-83 updated via Ord. 2008-09, passed 6-16-08, Ord. 2009-09, passed 12-8-09; Ord. 2012-02 passed 1-26-12; Ord. 2014-06, passed 7-2-14)

§ 152.546 TYPES OF SIGNS.

(A) *Type 1*. Signs permitted in all zones and exempt from zoning permit requirements. One name plate or sign not exceeding two square feet in area for each dwelling, providing that the name plate or sign is attached to the house or incorporated with a mail box, paper box or fence gate.

(B) *Type 2*. One name plate not exceeding six square feet in area for each dwelling unit, indicating the name of the home site, or the name of the occupant, or the home occupation providing that the name plate or sign is attached to the house or is set back from the property line at least 10 feet.

(C) *Type 3*.

(1) Signs permitted in all zones and exempt from zoning permit requirements. Type 3 signs include:

(a) Building plaques, cornerstones, name plates and similar building identifications attached to the building, but not of a commercial nature;

(b) House and building numbers;

(c) Temporary signs in connection with political and civic campaigns, provided that such signs are

removed within 15 days following the conclusion of the campaign;

(d) Temporary signs identifying proposed or existing construction;

(e) Signs indicating property or structures for sale, lease or rent;

(f) Signs for the purpose of protection of property, such as no hunting, trespassing, or dumping signs; or signs warning of potential danger due to physical or health hazards;

(2) Type 3 signs shall not exceed 32 square feet in area and shall not be placed or extend into a road right-of-way. Type 3 signs shall not require a zoning permit.

(D) *Type 4.* One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots, and not exceeding 50 square feet in area nor 12 feet in height providing that the sign is located at least 10 feet from the property line.

(E) *Type 5.* Signs not exceeding 12 square feet in area, directing vehicular traffic to places of interest which would otherwise be difficult to find, or directing vehicular traffic so as to avoid traffic safety problems. The Planning Director may allow a maximum of three such signs provided that no more than two signs are located on the property. The Planning Director may allow two of the three signs to be off-premise signs provided that the signs face opposite traffic directions. A Type 5 sign shall be setback 10 feet from property lines.

(F) *Type 6.* One sign not exceeding 60 square feet in area for buildings other than dwellings, provided that such sign shall be attached to and parallel with the front wall of the building.

(G) *Type 7.* One sign facing each bordering street, not exceeding 32 square feet in area nor eight feet in height above the roof line of the building for buildings other than dwellings providing that the sign is attached to the building and does not project into a road right-of-way.

(H) Type 8. Signs identifying the use of the premises or the sale of products produced on the premises, provided that any such sign shall be attached to, parallel with, and no larger than the wall on which it is mounted. In the RSC zone and for properties zoned LI with frontage on Highway 395 the total face area of Type 8 wall-mounted signs must not exceed 20 percent of the wall area of the wall on which the sign(s) are mounted.

(I) *Type 9.* One projecting or free-standing sign not to exceed 20 feet in height nor 65 square feet in area for each face. The minimum setback for any part of a sign shall be 10 feet, or shall be at the discretion of the Planning Director and shall be measured horizontally from the lot line to the nearest part of the sign. A projecting or freestanding sign shall be allowed only by a ruling of the Planning Director and shall be limited to those businesses for which an attached flat sign is not suitable due to the nature of the business or the characteristics of the lot. Signs mounted to fences are classified as free-standing signs. The following additional standards apply to Type 9 signs on properties in the RSC zone and in the LI zone where the subject property has frontage on Highway 395:

(a) Large Properties. When the lineal frontage of a property exceeds 300 feet, an additional freestanding sign shall be permitted for each 300 feet of lineal property frontage. Each freestanding sign

must be at least 150 feet from any other freestanding sign on the same site along the lineal property frontage.

(b) Combined Signs. Two or more owners of adjacent separate properties may combine their respective frontages and erect one freestanding sign with combined square footage per face of 100 square feet. No other freestanding signs shall be permitted on the premises and agreement between property owners for this purpose shall be recorded for posterity.

(c) Sign Construction. A free-standing sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.

(d) Temporary Signs. One temporary banner sign, balloon sign, or A-frame sign shall be permitted for each principal use and shall be limited to a display period of a maximum of 30 continuous days twice during the calendar year. Maximum sign area shall not exceed 50 square feet.

(J) *Type 10.* One off-premise free-standing sign (billboard) not to exceed 600 square feet in area for each face nor 20 feet in height from the bottom of the sign face to the ground level below the sign or the level of the abutting roadway surface, whichever is higher. No billboard shall be allowed to have more than four steel exposed supports and all illumination devices shall be concealed within the non-structural trim. The minimum setback for any part of a sign shall be 10 feet and shall be measured horizontal from the lot line to the nearest part of the sign. Billboards allowed in the county shall be subject to the requirements of ORS Chapter 377 and shall be approved by the Planning Director.

(K) *Type 11.* One on premise sign identifying two or more businesses that may occupy one building or one off-premise sign identifying two or more businesses that may be located so as that another sign allowed by this chapter would not be visible from main travelled routes. The total square footage of the sign shall not exceed six square feet per business described on the sign, and the sign shall be setback 10 feet from the property line.

(L) *Type 12.* Any number of signs for businesses along I-82 and I-84 for which the total area for all signs (including wall signs, roof signs and free-standing signs) shall not exceed 8% of the total square footage of the principal building on the lot and all utilized parking area, or a total of 2,000 square feet, whichever is less. The display area for one face of any one sign shall not exceed 825 square feet or one-half of the total allowable sign area specified above, whichever is less. Signs attached to or placed on a building shall not extend more than 15 feet above the roof line or 15 feet above the freeway grade, whichever is higher. A free-standing sign shall not exceed 65 feet above the grade of the freeway or the grade of the premise, whichever is higher. All signs authorized by this sign type must be within 2,000 feet of the right-of-way for I-82 and/or I-84. Signs located farther than 2,000 feet from either freeway right-of-way must comply with the sign regulations for the Type 1 through Type 11 signs of this chapter as those sign types apply to the specific zoning districts. (Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12; Ord. 2014-04, passed 7-2-14; Ord. 2019-09, passed 11-6-19;)

§ 152.547 LIMITATIONS ON SIGNS.

(A) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

(B) No sign shall be illuminated by flashing lights. Any sign that contains or is illuminated by a light source that produces a brilliant flash and darkness on an alternating basis, resulting in a pulsating effect designed primarily to attract attention, or any sign that produces apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation, or any similar effect of animation that is designed or operated in a manner primarily to attract attention is prohibited.

(C) No sign shall contain, include, or be composed of any conspicuous animated part.

(D) Light from signs shall be directed away from and not be reflected upon adjacent premises.

(E) Signs shall be maintained in a neat, clean and attractive condition.

(F) Signs shall be removed by the property owner within 60 days after the advertising business, product or service is abandoned or no longer in use.

(G) In addition to the limitations on signs as provided by divisions (A) through (C) of this section, additional sign restrictions may be required as determined by the Hearings Officer in approving conditional uses, as provided by §§ 152.610 through 152.616 of this chapter or by the Planning Director in approving a Type 5, Type 9, Type 10 or Type 11 sign.
(Ord. 83-4, passed 5-9-83; Ord. 2019-09, passed 11-6-19)

§ 152.548 MATERIAL TO BE SUBMITTED WITH APPLICATION FOR PERMIT.

An applicant shall submit with his application for a zoning permit for a sign, in addition to the site plan required for the zoning permit, a plan and four elevations of the sign itself.
(Ord. 83-4, passed 5-9-83)

OFF-STREET PARKING AND LOADING

Sub-Sections

152.560	Off-street parking requirements
152.561	Off-street loading requirements
152.562	Additional off-street parking and loading requirements

§ 152.560 OFF-STREET PARKING REQUIREMENTS.

(A) Each use shall provide the following minimum off-street parking spaces. Each parking space shall be a minimum of nine feet wide and 20 feet in length.

(B) Off-street parking requirements.

(1) Single-family residential: one space per dwelling unit.

(2) Commercial-residential: one space per guest room, plus one space per employee.

(3) Rest home, hospital, convalescent home: one space per bed.

(4) Church or auditorium: one space per four seats or eight feet of bench length in the main auditorium.

(5) Club, lodge, grange hall, community center: one space per 100 square feet of floor space.

(6) Preschool, nursery, kindergarten: two spaces per teacher.

(7) Elementary or junior high school: one space per classroom, plus one space per administrative and support employee.

(8) High school: two spaces per classroom, plus one space per administrative and support employee.

(9) Commercial uses: one space per 200 square feet of public space, plus one space per employee.

(10) Industrial uses: one space per 200 square feet of public space, plus one space per employee.

(11) Conditional uses: additional spaces may be required by the Hearings Officer in the approval of a conditional use.

(C) Bicycle parking requirements.

(1) Applicability. Bicycle parking spaces are required for new development, or changes of use, under the following conditions:

(a) A site with 10 or more off-street vehicle parking spaces.

(b) All properties zoned RSC or LI that have frontage on Highway 395.

(2) Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.

(3) Standards. A minimum of two bicycle spaces for the first 10 motorized vehicle parking areas is required, plus one additional bicycle space for each additional 10 motorized vehicle parking spaces thereafter.

(4) Design. Unless otherwise identified in (3), bicycle parking shall consist of staple-design steel racks or other County-approved racks, lockers, or storage bins providing a safe and secure means of storing a bicycle.

(5) Location. For institutional, employment, and commercial uses, the designated area for bicycle parking shall be within 50 feet of a public entrance.

(6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with vision clearance standards of Section § 152.011**.**
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2019-09, passed 11-6-19;)

§ 152.561 OFF-STREET LOADING REQUIREMENTS.

(A) *Passengers.* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(B) *Merchandise.* Off-street parking areas used to fulfill the requirements of this chapter shall not be used for loading and unloading operations except during periods they are not required for parking.
(Ord. 83-4, passed 5-9-83)

§ 152.562 ADDITIONAL OFF-STREET PARKING AND LOADING REQUIREMENTS.

(A) Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this chapter to begin such altered use until the required increase in off-street parking or loading is provided;

(B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission or Hearings Officer, based upon the requirements of comparable uses listed;

(C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately;

(D) Owner of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts to establish the joint use;

(E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building;

(F) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use;

(G) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard;

(H) Plans shall be submitted as provided in § 152.767 of this chapter;

(I) Design requirements for parking lots:

(1) Areas used for standing and maneuvering of vehicles shall have paved surfaces maintained adequately for all weather use and so drained as to avoid flow of water across public sidewalks;

(2) Except for parking to serve residential use, parking and loading areas adjacent to residential use shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet in height except where vision clearance is required;

(3) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail;

(4) Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling;

(5) Service drives to off-street parking areas of four or more spaces shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives;

(6) Service drives shall have a minimum vision clearance area bounded by the driveway centerline, the street right-of-way line, and a straight line joining said lines 20 feet from their intersection.

(7) Except for parking to serve a single-family residential use, parking and loading areas must meet State Building Code Accessible Parking requirements. (Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16;)

UDM, UMATILLA DEPOT MILITARY ZONE

Sub-Sections:

152.563	Purpose
152.564	Uses permitted with a zoning permit
152.565	Conditional uses permitted
152.566	Dimensional standards

§ 152.563 PURPOSE.

The purpose of the Umatilla Depot Military Zone is to recognize the area in the Umatilla County portion of the Army Depot that will be utilized by the National Guard Bureau (NGB), Oregon National Guard (ONG) and the Oregon Military Department (OMD). Umatilla County is applying this zone to be available at the point in time that these agencies depart this property and it becomes available for reuse.

§ 152.564 USES PERMITTED WITH A ZONING PERMIT.

In the UDM Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to § 152.007, § 152.025 and supplementary regulations in § 152.010 through § 152.016 and § 152.545 through § 152.562.

(A) Building and structures that are existing and used for warehousing and related uses.

(B) Rail oriented warehousing and railroad related industries.

(C) Support facilities for on-site staff.

(D) Offices for administrative and transportation activities.

(E) Vehicle and railroad repair facilities.

(F) Refueling and transportation service centers.

(G) Container storage and trans-shipment facilities.

(H) Farming (EFU).

(I) Wildlife Reserve/Agriculture Wildlife.

(J) Police/Fire training.

§ 152.565 CONDITIONAL USES PERMITTED.

In the UDM Zone, uses allowed in the Depot Industrial Zone may be permitted conditionally via administrative review as provided by § 152.769, subject to the requirements of this Section , the applicable criteria in § 152.061, § 152.610 through § 152.616 and § 152.545 through § 152.562 and findings that the proposed use: complies with the Comprehensive Plan, Zoning Ordinance, and other relevant County policies; will serve a useful purpose to the area and to the purpose of the UDM Zone as stated herein; and will be designed and built so as to reduce potential negative impacts to both neighboring parcels and the primary purpose of the UDM Zone. All conditional use applications associated with an established UDM Zone shall submit as part of the application a general land-use plan schematic for the Zone, and a more detailed site plan for the specific conditional use request sufficient to evaluate design and land-use considerations associated with the

permit request. A zoning permit will be issued following final approval of a conditional use

§ 152.566 DIMENSIONAL STANDARDS.

In the UDM Zone, the following dimensional standards shall apply;

(A) *Minimum Parcel.* The minimum lot size shall be one acre unless written proof, from the Department of Environmental Quality is provided which shows that an approvable subsurface disposal system can be permitted, or the minimum lot size shall be the minimum necessary to carry out the intent and purpose of the proposed use and is also consistent with the purpose and intent of the UDM Zone.

(B) *Setback*: No building shall be located closer than 20 ft. from a property line, street or road.
(Ord. 2014-06, passed 7-2-14)

EXCEPTIONS

Sub-Sections

152.570	Yard exceptions
152.571	Permitting More than One Dwelling or Principal Structure on a Lot or Parcel
152.572	Boundary adjustments
152.573	Home occupations
152.574	Conversion of easement to tax lot
152.575	Special exceptions to minimum area requirements
152.576	Special exceptions for temporary mobile home placement
152.577	Use of existing agricultural buildings in residential zones

§ 152.570 YARD EXCEPTIONS.

Architectural features such as cornices, eaves, sunshades, gutters, chimneys and flues may project into a required yard by not more than 10 feet. Also, steps, terraces, platforms, and porches having no roof covering may also project into a required yard area by not more than 10 feet. Fences may be located in a yard area or on a property line provided that vision clearance requirements are met. Signs conforming to the requirements of this chapter and all other applicable ordinances shall be permitted in required yards.
(Ord. 83-4, passed 5-9-83)

§152.571 PERMITTING MORE THAN ONE DWELLING OR PRINCIPAL STRUCTURE ON A LOT OR PARCEL.

In a rural residential zone, more than one allowed dwelling may not be erected (excluding special exceptions for temporary hardship homes approved under **§**152.576) on a single parcel or lot unless a partition, subdivision or replat approval has been finalized. In a commercial or industrial zone each principal structure or use shall be on an individual parcel or lot unless the second principal structure or use is approved by a conditional use permit, and processed as 'other uses similar' to the uses permitted (allowed) in the underlying commercial or industrial zone and before a zoning permit will be issued.

(Ord. 83-4, passed 5-9-83; Ord. 2005-17, passed 11-23-05; Ord. 2016-02, passed 3-16-16;)

§ 152.572 BOUNDARY ADJUSTMENTS.

(A) Land parcels of less than the minimum allowed in a zone may be transferred by legal document from one tax lot to another, on approval of the Planning Director and the Department of Environmental Quality, provided that no resulting tax lot is less than the minimum allowed in that zone;

(B) Adjoining parcels of land under one ownership but on two or more Assessor's maps may be considered as separate parcels or as one combined parcel, at the option of the owner. Once the owner of contiguous parcels has made declaration that the parcels are to be considered as one, that declaration shall be final, irrevocable, and binding on all future owners, heirs and assigns, and shall be filed for record in the Office of the County Records and shall be considered for all purposes a covenant attached to and running with the land and binding on subsequent interests.
(Ord. 83-4, passed 5-9-83)

§ 152.573 HOME OCCUPATIONS.

(A) A ***HOME OCCUPATION*** is a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged.

(B) A home occupation shall be allowed in any zone, provided that:

(1) The residential character of the building is maintained;

(2) The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term, not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(3) Outside storage of materials, equipment, or products related to the home occupation shall not be allowed.

(4) There shall be no display except for a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(5) No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes, or for dispatch to other locations.

(6) Retail sales are not to be offered as part of the home occupation.

(7) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12)

§ 152.574 CONVERSION OF EASEMENT TO TAX LOT.

A recorded easement of a specific size on the date of this chapter may be converted to a tax lot of record only if it is immediately dedicated to the public irrevocably and forever, and such public dedication is approved by the Board of Commissioners.
(Ord. 83-4, passed 5-9-83)

§ 152.575 SPECIAL EXCEPTIONS TO MINIMUM AREA REQUIREMENTS. [Section Deleted]

(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.576 SPECIAL EXCEPTIONS FOR TEMPORARY HARDSHIP DWELLING PLACEMENT.

(A) *Purpose.* The purpose of this section is the establishment of a temporary hardship dwelling. (Temporary hardship dwellings, as provided in this section, includes manufactured dwellings and the placement of a temporary Park Model Home. The Park Model Home used as a temporary hardship dwelling must have been manufactured within ten years of the approval of the temporary hardship dwelling.) ***UNDUE HARDSHIP*** shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel such as a dwelling for aged or disabled family members or similar dwelling needs of a temporary nature that relate to the use of the

principal use on the property in question. Nothing in this section shall be construed to require the granting of such special exception.

(B) *Circumstances for granting a temporary hardship dwelling exception.* A manufactured dwelling or park model home may be temporarily located on a property where the resident of the property, or the resident's family member, has a medical need, is disabled, or the hardship is for the care of an aged family member. The temporary hardship dwelling is not necessarily for the purpose of a financial hardship suffered by the resident or the resident's family member.

(C) *Conditions.* The following conditions shall be applied in evaluating an application for special exception for temporary hardship dwelling:

(1) The temporary manufactured dwelling or park model home shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;

(2) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship. The manufactured dwelling or park model home shall be removed within 90 days after the original need has ceased;

(3) The Planning Director or designated authority may require doctor's certification for applications based upon family member dependency due to medical reasons;

(4) The location of a temporary hardship manufactured dwelling or park model home on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;

(5) In granting a special exception for temporary hardship manufactured dwelling or park model home placement, the Planning Director or designated authority may impose additional reasonable conditions to meet the purposes of this section and the goals and policies of the Comprehensive Plan. Guarantees and evidence of compliance with conditions may be required.
(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2012-02 passed 1-26-12; Ord. 2016-05, passed 4-13-16; Ord. 2019-03, passed 4-3-2019)

§ 152.577 USE OF EXISTING AGRICULTURAL BUILDINGS IN RESIDENTIAL ZONES.

(A) Agricultural buildings (barns, sheds, and the like) no longer used for agricultural purposes and located in residential zoning districts may be used for other uses such as, but not limited to, storage, warehouse, home occupations (in accordance with § 152.573 (B)(2)), or very limited commercial or manufacturing uses, as a conditional use in accordance to §§ 152.610 through 152.613 of this chapter.

(B) The Hearings Officer shall approve said conditional use if it is determined that:

(1) The use does not contravene the goals of the Comprehensive Plan;

(2) The use would be in keeping with the general purpose and intent of the zoning

district involved.

(3) The residential quality of the area is protected by conditions including, but not limited to:

(a) Any storage shall be contained entirely within the building;

(b) Stored material shall not be in view of the general public from any street, road or easement used for residential access;

(c) A site-obscuring fence or hedge may be required to provide an attractive setting;

(d) The traffic generated by the use should not exceed a weekly average of five trips per day and on no one day exceed 10 trips;

(e) Artificial lighting shall be discouraged, but if a need is shown for lighting, then it shall be directed away from surrounding residences;

(f) No sign shall be allowed except for one freestanding sign that conforms to a Type 5 sign as outlined by § 152.546 of this chapter and by a ruling of the County Hearings Officer;

(g) DEQ noise regulations that may apply.
(Ord. 83-4, passed 5-9-83)

NON-CONFORMING USES

Sub-Sections

152.590	Existing structures; continuance of non-conforming use
152.591	Changes in non-conforming use
152.592	Vested rights
152.593	Discontinuance of non-conforming use
152.594	Unlawful use not a non-conforming use
152.595	Restoration of non-conforming building, structure or lot
152.596	Conveyance of non-conforming use
152.597	Alterations or repairs of non-conforming use
152.598	Non-conforming lots
152.599	Setbacks on non-conforming lots of record
152.600	Verification of non-conforming uses

§ 152.590 EXISTING STRUCTURES; CONTINUANCE OF NONCONFORMING USE.

Except as is hereinafter provided in this chapter, the lawful use of a building or structure or of any land or premises lawfully existing 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 chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.591 CHANGES IN NONCONFORMING USE.

(A) A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use;

(B) A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot, which portion was arranged or designed for such nonconforming use at the time of the passage of this chapter, may be granted as a variance to the provisions of this chapter;

(C) A nonconforming mobile home may be replaced or altered if the new mobile home or alteration does not deviate further from the standards of this chapter.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

§ 152.592 VESTED RIGHTS.

Nothing contained in this chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this chapter, provided the structure, if nonconforming or intended for a non-conforming use, is completed and in use within two years from the time construction was commenced.
(Ord. 83-4, passed 5-9-83)

§ 152.593 DISCONTINUANCE OF NONCONFORMING USE.

When a nonconforming use of a structure or property is discontinued for a period in excess of one year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.

(Ord. 83-4, passed 5-9-83)

§ 152.594 UNLAWFUL USE NOT A NONCONFORMING USE.

No unlawful use of property existing at the time of passage of this chapter shall be deemed a non-conforming use.
(Ord. 83-4, passed 5-9-83)

§ 152.595 RESTORATION OF NONCONFORMING BUILDING, STRUCTURE OR LOT.

(A) A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored upon the issuance of a zoning permit per § 152.025, and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction, may be resumed, provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion;

(B) The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater non-conformance than existed at the time of damage or destruction;

(C) Nothing in this chapter shall be construed to prevent the reconstruction or replacement of a preexisting 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 chapter.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.596 CONVEYANCE OF NONCONFORMING USE.

Nothing in this chapter 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 chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.597 ALTERATIONS OR REPAIRS OF NONCONFORMING USE.

(A) Alterations or repairs of a nonconforming use may be permitted to continue the use in a reasonable manner subject to the provisions of § 152.025 of this chapter and consistent with the intent of ORS 215.130(5) - (8). Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use;

(B) Any proposal for the alteration or repair of a nonconforming use, pursuant to § 152.025 of this chapter, may be permitted to reasonably continue, restore or replace the use.

(C) As used in this section, ***ALTERATION OF A NONCONFORMING USE*** includes:

(1) A change in the use of no greater adverse impact to the neighborhood; and

(2) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.
(Ord. 83-4, passed 5-9-83)

§ 152.598 NONCONFORMING LOTS.

(A) Any lot which is smaller than the minimum area required in any zone except any Exclusive Farm Use or Grazing/Farm Zone may be occupied by an allowed use in that zone, provided that:

(1) The lot was a tax lot as shown on the Assessor's Rolls on the date of this chapter or a lot in a recorded subdivision; and

(2) The use conforms to all other requirements of that zone; and

(3) Approval of the Department of Environmental Quality is obtained.

(B) A nonconforming lot of record may not be redivided or reduced in area unless it is rezoned to become legally dividable, except where it can be shown by a survey form a surveyor licensed in Oregon that the survey lines do not correspond with physical boundary markers (such as fences) thought to be the true property lines by adjoining property owners, when these physical boundary markers have existed for at least 10 years, proof of which shall be provided by the person seeking the change of the lot.
(Ord. 83-4, passed 5-9-83)

§ 152.599 SETBACKS ON NONCONFORMING LOTS OF RECORD.

Any structure built on a nonconforming lot of record 100 feet or less in width shall be exempt from the side yard setback requirements of the various zones, except that no structure shall be located less than five feet from a side property line or 10 feet from a structure on an adjoining lot unless the facing wall of the new structure is a noncombustible masonry fire-wall without openings or roof overhang.
(Ord. 83-4, passed 5-9-83)

§ 152.600 VERIFICATION OF NON-CONFORMING USE

(A) A property owner may make application to the Planning Department to verify the lawful use of a building or a structure or of any land or premises lawfully existing at the time of a change in the official zoning maps or ordinances.

(B) The Planning Director, or its designee, will review the application and make a recommendation if the use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use complies with all other requirements to constitute a nonconforming use, with the initial decision to be made in a public hearing established under Section 152.771 after proper notice.

(C) The application may be approved if the applicant proves either of the following:

(1) The use lawfully existed at the time of a change in the official zoning maps or ordinances, and that the use has continued uninterrupted until the date of application, or

(2) If the presumption under Section 152.600 (D) is not rebutted, that the use continually existed for the ten-year period immediately preceding the date of application, and that the use was first established prior to January 1, 1990.

(D) If the applicant submits evidence providing the existence, continuity, nature and extent of the use for the 10-year period, a rebuttable presumption is created that the use, as proven, existed at the time the

applicable zoning map or ordinance was adopted and has continued uninterrupted until the date of application.

(E) In no event will the applicant be required to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately preceding the date of application.

(F) Conditions may be imposed under Section 152.776 on the non-conforming use to the extent provided by this Umatilla County Development Code and Oregon State law. If conditions may not be imposed under state law, this Section 152.600 shall be deemed void and revoked.
(Ord. 2000-04, passed July 26, 2000)

CONDITIONAL USES AND LAND USE DECISIONS

Sub-Sections

152.610	Definition
152.611	New or altered conditional uses and land use decisions; conformance with requirements; performance bonds
152.612	Procedure for taking action on a conditional use and land use decision application
152.613	Time limit on a conditional use and land use decision permit
152.614	Limit on reapplication
152.615	Additional conditional use permit restrictions
152.616	Standards for review of conditional uses and land use decisions
152.617	Standards for review of conditional uses and land use decisions on EFU zoned land

§ 152.610 DEFINITION.

The definition of Conditional Use and Land Use Decision are found in § 152.003. (Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-02, passed 3-17-11)

§ 152.611 NEW OR ALTERED CONDITIONAL USES AND LAND USE DECISIONS; CONFORMANCE WITH REQUIREMENTS; PERFORMANCE BONDS.

(A) Conditional uses and land use decisions listed in this chapter may be permitted, enlarged or altered contingent upon appropriate authorization, in accordance with the standards and procedures set forth in this subchapter.

(B) In permitting a new or the alteration of an existing conditional use or land use decision, the designated planning authority may impose conditions, which are considered necessary to protect the best interests of the surrounding area or the county as a whole.

(C) In the case of a use existing prior to the effective date of this chapter and classified in this chapter as a conditional use or land use decision, any change in use or in lot area or an alteration of structure shall conform to the requirements for a conditional use or land use decision.

(D) The County may require an applicant to furnish the County with a performance bond or such other form of assurance that the County deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use or land use decision.
(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-02, passed 3-17-11)

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.

The procedure for taking action on a conditional use or land use decision application shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a conditional use or land use decision by filing an application using forms prescribed

pursuant to § 152.767;

(B) A conditional use or land use decision application shall be processed via administrative review per § 152.769;

(C) A conditional use permit or land use decision will not be approved unless the proposed use of the land will be in conformance with the County Comprehensive Plan;

(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before establishing the approved use and/or commencing construction.

(E) A conditional use may have annual reviews conducted by County Planning to ensure compliance with the conditions of approval. Annual review fees may be assessed.

(F) A conditional use or land use decision may be referred to the Planning Commission if the Planning Director deems circumstances warrant such additional review and consideration.

(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-02, passed 3-17-11; Ord. 2016-02, passed 3-16-16;)

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(A) A final decision for a conditional use permit or land use decision shall expire after two years from the date the final findings are signed, unless all applicable conditions have been met and a zoning permit is obtained.

(B) If delay in establishing the use is demonstrably due to a delay by a state or federal agency in issuing a required permit, at no fault of the applicant, the Planning Director or a designee of the Planning Director may extend the time limit imposed by division (A) of this section for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish that state or federal permits have not yet been issued, and that the delay has not been caused by the applicant.

(C) Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed two years.

(D) Time Limitation on Utility Related Conditional Use Permits and Land Use Decisions. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on market conditions, right-of-way acquisition, and other pertinent factors. This period shall not exceed two years.

(E) Amendments made to paragraphs A through D by Ordinance No. 2014-04 shall apply to applications submitted after July 2, 2014.

(F) The County may void a conditional use permit or land use decision under the following circumstances:

(1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30-days written notice and opportunity to correct or cure the

compliance issue and the property owner/applicant failed to correct or cure the compliance issue within said notice period; or

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

(3) If the County intends to void a conditional use permit or land use decision under subsection (l) or (2) above, it shall do so pursuant to a public process set forth in § 152.769 and § 152.771. The County bears the burden of proving the elements set forth in subsections (1) and (2) above.
(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-02, passed 3-17-11; Ord. 2014-04, passed 7-2-14; Ord. 2016-02, passed 3-16-16;)

§ 152.614 LIMIT ONE APPLICATION.

No application for a conditional use permit or land use decision shall be considered within one year of the denial of such a request, unless in the opinion of the Hearings Officer, Planning Director or designated planning authority new evidence and/or a change of circumstances warrant it.
(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-02, passed 3-17-111)

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

(B) Establishing a special yard, other open space or lot area or dimension;

(C) Limiting the height, size or location of a building or other structure;

(D) Designating the size, number, location and nature of vehicle access points;

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

(J) Designating the size, height, location and materials for a fence;

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural

resources;

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.
(Ord. 83-4, passed 5-9-83; Ord. 2005-02, passed 1-5-05; Ord. 2011-05 passed 6-28-11)

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

Quick links to each listed use:

(A) Agricultural commodity, collection, sorting or processing establishment.
(B) Airport or landing strips.
(C) Asphalt plants.
(D) Automobile service station.
(E) Automobile wrecking yard or junkyard.
(F) Blacksmith machine shod or welding shop.
(G) Boarding of horses for profit; stables.
(H) Boarding, lodging or rooming house.
(I) [Item Deleted]
(J) Cemetery.
(K) Churches.
(L) Church Camp.
(M) Cold storage.
(N) [Item Deleted]
(O) Commercial activity (to support multiple use areas).
(P) Commercial amusement facilities.
(Q) Mining
(R) Commercial greenhouse or nursery.
(S) Commercial recreation use.
(T) Commercial utility facilities.
(U) Concrete manufacturing plant or concrete block or dice manufacturing plant.
(V) Day care or nursery.
(W) Drug paraphernalia shop, adult bookstore or adult movie theater (criteria needed here).
(X) Dwellings (as an accessory use) for the owner or operator of each existing permitted use.
(Y) Eating or drinking establishment.
(Z) Facility for the primary processing of forest products.
(AA) Farm machinery or irrigation system equipment sales, service and storage.
(BB) Fertilizer and agricultural chemical sales.
(CC) [Item Deleted]
(DD) Grain elevator.
(EE) Grange hall or community center.
(FF) Handling or storage of hazardous chemicals or flammable liquids.
(GG) Handling and storage of radioactive waste.
(HH) Hauling, freighting or trucking yard or terminal.
(II) Home occupations/cottage industry.
(JJ) Livestock feedlots or sale yards, hog or poultry farms, or the raising of fur-bearing animals.
(KK) Kennels or dog pounds.
(LL) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries.
(MM) Mini warehouses.
(NN) Mobile home parks or travel trailer parks.
(OO) Model home.
(PP) Petroleum products sales and storage.
(QQ) Public or private parks or playgrounds or community center owned and operated by a govern-mental agency or a non profit community organization.
(RR) Personal use airports and helipads, and related structures.
(SS) Public or semi public use.
(TT) Recreational resort facilities.
(UU) Rest home, home for the aged, nursing home or convalescent home.
(VV) Retail and service commercial.
(WW) Roadside stands for the sale of agricultural products grown by the owner.
(XX) Sand or gravel storage yard.
(YY) Schools
(ZZ) Slaughter house.
(AAA) Tire recapping.
(BBB) Truck stop or trucking terminal.
(CCC) Utility facility.
(DDD) Veterinary clinic or animal hospital.
(EEE) Wholesale business, storage building or warehouse.
(FFF) [Item Deleted]
(GGG) Wood processing facilities.
(HHH) Commercial Wind Power Generation Facility

The following standards shall apply for review by the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below:

(A) *Agricultural commodity, collection, sorting or processing establishment*.

(1) The activity has direct access to a major state, county or public road;

(2) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties appropriate to reduce detrimental effects

may be required. The establishment of a buffer shall consider such factors as prevailing wind, drainage, expansion potential and other factors that may affect the livability of such proposed use of the area;

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

(4) The operation complies with all applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdiction and all applicable permits are obtained.

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(B) *Airport or landing strips*.

(1) The proposed use will not be hazardous to the safety and general welfare of surrounding properties;

(2) The location of the airport or landing strip will not unnecessarily restrict existing or future development of surrounding lands as indicated in the Comprehensive Plan;

(3) The airport or landing strip is located 500 feet from the existing dwellings on adjacent lands;

(4) A site plan is submitted with the application showing topography of the surrounding area, especially those areas in the flight path.

(C) *Asphalt plants*.

(1) Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(2) Processing equipment shall not be located or operated within 500 feet from a residential dwelling;

(3) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration;

(4) The operation complies with all applicable air, noise, and dust regulations of all county, state or federal jurisdictions; and all state and federal permits are obtained before the activity begins;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(D) *Automobile service station*.

(1) The proposed use will not create a traffic hazard;

(2) Access points are well marked and designated through the use of bumper rails or landscaping;

(3) Adequate fire protection measures are taken to limit the danger of fire or explosion such as using buried tank and shut off valves and keeping flammable materials stored on the place in fire resistant storage containers;

(4) Landscaping around the perimeter of the site, to help screen the use from other adjacent uses, may be required;

(5) Additional setbacks may be

required to protect adjacent land uses.

(E) *Automobile wrecking yard or junkyard.*

(1) The proposed use is compatible with the existing surrounding land uses;

(2) The site is entirely enclosed by a site obscuring fence high enough to block view into the automobile wrecking yard or junkyard from adjacent public rights of-way, but in any case is not lower than six feet in height;

(3) Landscaping shall be provided around the perimeter of the site;

(4) Lighting shall be directed away from adjacent properties;

(5) Access points shall be clearly defined through the use of additional landscaping or bumper rails;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(F) *Blacksmith machine shod or welding shop.*

(1) The activity is conducted wholly within a building;

(2) Outside storage is confined behind a site obscuring fence;

(3) Lighting is directed away from adjacent properties;

(4) Limitation on the hours of operation may be necessary to be compatible with surrounding land uses.

(G) *Boarding of horses for profit; stables*.

(1) The activity is compatible with the existing surrounding land uses;

(2) Adequate area is provided for trucks and trailers to turn around, load and unload;

(3) Access roads are of a durable and dustless surface so as to avoid creating dust on adjacent properties;

(4) Adequate fencing and corrals are provided to keep horses on the applicant's property;

(5) Barns, outbuildings, sheds and corrals are kept free of accumulation of manure and other animal wastes that would attract flies and other vermin;

(6) Outside lighting be directed away from adjacent properties, if provided;

(7) Other requirements may be necessary to protect the health, safety, and welfare of the citizens of the county, including location of the use in relation to existing and potential development, the prevailing wind patterns, and limitations on the number of animals to be kept on the property.

(H) *Boarding, lodging or rooming house*.

(1) The activity will be compatible with existing adjacent land uses;

(2) The residential characteristic of the building is maintained;

(3) Adequate off street parking is

provided and in such a manner as to not detract from the residential characteristic of the area;

(4) Suitable methods for fire escape are available for each sleeping room in the house;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(I) *Bunkhouse or farm or forest related dwellings*. [Item Deleted]

(J) *Cemetery*.

(1) Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for internment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies;

(2) In establishing a new cemetery, adequate room for expansion shall be provided;

(3) The site has direct access to a dedicated public or county right of way or state highway;

(4) All roads within the cemetery shall be, at a minimum, an oil mat surface;

(5) The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements;

(6) Landscaping may be required around the perimeter of the site.

(K) *Churches*.

(1) Such uses may be authorized only upon a finding that sufficient area is provided for the building, required yards, and off street parking. Related structures and uses such as a manse, parochial school, or parish house are considered separate uses and additional lot areas shall be required therefore.

(2) The applicant shall address the following issues in the application:

(a) Location of the site relative to the service area;

(b) Probable growth and needs thereof;

(c) Site location relative to land uses in the vicinity;

(d) Adequacy of access to and from principle street and the probable effect of the proposal on the traffic volume of abutting and nearby streets.

(3) Such uses or related buildings shall be at least 30 feet from a side or rear lot line;

(4) Such uses may be built to exceed the area and the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

(L) *Church Camp.*

(1) Adequate off street parking is provided for personal owners and users as

prescribed in § 152.560;

(2) The development has access to a dedicated state, county, or public road;

(3) Recorded easements and interior roads shall be improved to a standard approved by the Public Works Director;

(4) Fire prevention measures shall be considered which may include, but are not limited to:

(a) The area surrounding buildings be kept free from litter and debris;

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures.

(5) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the use;

(6) Development plans consider surrounding land uses and be designed to minimize conflicts with scenic values, and other multiple use area development;

(7) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(8) Ingress and egress are provided and designed not to create traffic hazards;

(9) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(10) Complies with other conditions as deemed necessary provided in § 152.615.

(M) *Cold storage*.

(1) The activity has direct access to a major state, county or public road;

(2) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential. A buffer or setback area from adjacent properties, appropriate to reduce detrimental effects, may be required. The establishment of a buffer shall consider such proposed use of the area;

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

(4) The operation complies with all applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(N) *Commercial activities that are in conjunction with farm use*. [Item Deleted]

(O) *Commercial activity (to support multiple use areas).*

(1) Use has access to a dedicated state highway, county or public road;

(2) Ingress and egress are provided and designed not to create traffic hazards;

(3) Development plans consider surrounding land uses and be designed to

minimize conflicts with scenic values and other multiple use development;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) The location is conveniently and centrally located to serve multiple use designated areas and the traveling public;

(6) Adequate off street parking is provided for employees and customers as prescribed in § 152.560;

(7) Fire protection measures shall be considered which may include, but are not limited to:

(a) The area surrounding buildings be kept free from litter and debris;

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures.

(8) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the business.

(9) Where adjacent to the F or GF Zone, buildings shall be setback at least 200 feet.

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(11) Complies with other conditions as deemed necessary provided in § 152.615.

(P) *Commercial amusement facilities*.

(1) The activity is compatible with existing surrounding land uses;

(2) Adequate off street parking is provided;

(3) All parking areas shall be of a paved surface;

(4) Lighting shall be directed away from adjacent properties;

(5) The commercial amusement facility shall be completely fenced and may require landscaping around the perimeter of the site to protect adjacent properties;

(6) The site shall have direct access onto a dedicated public or county right of way or state highway;

(7) Access points shall be clearly defined by the use of landscaping or bumper rails;

(8) Litter and debris shall be hauled away within 24 hours after each business day to an approved landfill site;

(9) Limited hours of operation may be required.

(Q) *Mining*

Commercial gravel pits or extraction, surface mining and processing and the operations conducted for the exploration, mining and processing of geothermal resources, other mineral resources, or other subsurface resources.

(1) Extraction holes and sedimentation ponds shall comply with the

following restrictions and regulations under the following circumstances:

(a) In an existing pit.

(i) They shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over 75% of the total land mass and shall be centered on the property.

(ii) They shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling.

(b) In a new pit.

They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and not exceed 75% of the total land mass.

(2) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

(i) Equipment shall not be located within 50 feet of a public road, county road or utility right of way or located further if deemed necessary.

(ii) Equipment shall not be located within 100 feet from any part of a property line which is adjacent to a residential dwelling or further if deemed necessary.

(b) In a new pit.

Where the use of processing equipment such as crushers, batch plants, and the like, the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback.

(3) All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(4) The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If fencing and/or walls are required, they shall be of a type and color that will blend with the surrounding landscape and existing uses. In all instances above, the placement and design shall effectively screen and site from the public;

(5) Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than one inch equals 400 feet and shall show, but not be limited to, the corners and boundaries of the mining areas; the area to be mined; the location and names of all streams, natural areas, roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and

range). If aerial photographs are used as a base, the scale shall be shown;

(6) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas;

(7) A reclamation plan has been submitted to the County Public Works Director pursuant to the Department of Geology and Mineral Industries;

(8) The operation complies with all applicable air, noise and water quality regulations of all county, state or federal jurisdictions and all applicable state or federal permits are obtained;

(9) Rehabilitation of landscape after the extraction operations are completed. A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation.

(10) All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project;

(11) The activity complies with other conditions deemed necessary which may include, but are not limited to:

(a) Limitations on lighting;

(b) Restrictions on the hours of operations;

(c) Fencing of open pit areas;

(d) An increase or decrease in required setbacks;

(e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping.

(f) Off site stockpiling and/or processing if located adjacent to concentration of residential dwellings.

(R) *Commercial greenhouse or nursery.*

(1) The site has direct access to a dedicated public or county right of way or a state highway, and access points are clearly marked through the use of landscaping or fencing;

(2) Buildings will be set back 30 feet from property lines;

(3) Adequate area for parking and loading;

(4) Lighting shall be directed away from adjacent residential properties;

(5) Limitation of the hours of operation and deliveries to the use may be required;

(6) Machinery and other equipment used in the operation of the greenhouse or nursery shall be packed and store in an enclosed building;

(7) Complies with other conditions

as deemed necessary provided in § 152.615.

(S) *Commercial recreation use.*

Commercial recreation use shall include marina, riding stable, gun club, resort, motel, lodge, recreational camp, dude ranch, or similar resort type establishment, provided that:

(1) Sufficient off street parking for employees, owners, and patrons is provided according to § 152.560;

(2) Development has access to a dedicated public or county road or to a state highway;

(3) Ingress and egress are provided and designed not to create traffic hazards;

(4) The use is designed to minimize conflicts with scenic values, forestry, farm or grazing, and/or other recreational residential developments by requiring buffers and/or screens to reduce noise and visual conflicts;

(5) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the business;

(6) Fire prevention measures be considered which may include, but are not limited to:

(a) Area surrounding buildings be kept free from litter and debris.

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures.

(7) The location is conveniently and centrally located to serve multiple use designated areas and traveling public;

(8) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(9) Easements and interior roads be improved to a standard and follow grades approved by the Public Works Director;

(10) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;

(11) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(12) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(13) A site plan shall be submitted with the conditional use application and drawn or certified by an Oregon licensed architect or registered engineer;

(14) Certification from an Oregon licensed engineer that adequate water supplies are available for both domestic and fire suppression use;

(15) A favorable site suitability report from the Department of Environmental Quality is obtained for the proposed use(s) and is submitted with the conditional use application;

(16) Certification from an Oregon licensed engineer that surface water runoff will be directed so as not to adversely impact adjacent lands;

(17) The facility be associated with a unique scenic, historic, or recreational value;

(18) Complies with other conditions as deemed necessary provided in § 152.615.

(T) *Commercial utility facilities*.

Commercial utility facilities for the purposes of generating and distributing power for public use by sale. Such facilities shall include, but are not limited to, fire stations, electrical substations, power trams, water storage tanks, sewage disposal facilities, water treatment facilities, towers or transmitting facilities for radar and television, and dams. This does not include Commercial Wind Power Generation Facility (See specific criteria, Section 152.616 (HHH), or local distribution lines for sewer, water, gas, telephone, and power and similar minor facilities. These uses are allowed provided that:

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(2) Facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a recreational residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a Mountain Recreational or Forest Residential Zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site be maintained free of litter and debris;

(b) Use of non-combustible or fire retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

(5) Major transmission towers, poles and similar gear shall consider locations within or adjacent to existing rights-of way in order to take the least amount of timber land out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum a soil disturbance to maintain water quality;

(6) Facility shall not alter accepted timber management operations on adjacent forest land;

(7) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil

disturbance and help maintain water quality;

(10) Complies with other conditions as deemed necessary provided in § 152.615.

(U) *Concrete manufacturing plant or concrete block or dice manufacturing plant.*

(1) The activity is compatible with the existing surrounding land uses;

(2) Adequate area is available for the activity and expansion of the activity in the future;

(3) Areas used for stockpiling, storing and parking of vehicles are constructed of a durable, all weather surface;

(4) Measures are taken to eliminate dust created by the activity conducted on the site;

(5) Measures are taken to minimize dust and vibration caused by the activity;

(6) Haul roads are constructed on an oil mat surface, at a minimum, and are maintained by the applicant in good repair, as determined by the County Public Works Director;

(7) Complies with other conditions as deemed necessary provided in § 152.615.

(V) *Day care or nursery*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) At least 100 square feet of outdoor play area per child is provided;

(4) A sight obscuring fence at least four feet high shall separate the play area form abutting lots;

(5) Landscaping may be a requirement around the site, to buffer it from adjacent uses;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(W) *Drug paraphernalia shop, adult bookstore or adult movie theater (criteria needed here).*

(1) The lot on which a drug paraphernalia shop, adult bookstore or adult movie theater, as defined within this chapter, is proposed to be located is not within 500 feet of a church, school, park, playground, nursery, day care center or residential zone.

(2) The lot on which the use is located shall not be closer than 1,500 feet from any lot upon which there is located another such similar use.

(3) The distances prescribed in this division shall be measured along the most direct route on established public ways, including streets, sidewalks and other public passageways, from outer property line to outer property line of the concerned lots.

(4) Such other conditions relating to the exhibition of advertisements, displays, or other promotional or advertising materials visible to the public from the outside of the structure may be necessary to prevent the use from creating an attractive nuisance or blight on the surrounding neighborhood.

(X) *Dwellings (as an accessory use) for the owner or operator of each existing permitted use*.

(1) If a mobile home or park model home is to be used, the mobile home or park model home shall be skirted and set up to have the appearance of a residential dwelling;

(2) A yard area, including landscaping, shall be maintained around the dwelling;

(3) Any mobile home or park model home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;

(4) Complies with other conditions necessary as provided in § 152.615.

(5) Park model homes used as a caretaker dwelling must have been manufactured within ten years of the approval of the care taker dwelling.

(Y) *Eating or drinking establishment*.

(1) The activity will primarily serve the needs of the employees and clientele within the industrial area;

(2) The activity is the most compatible with adjacent land uses;

(3) The site has direct access to a dedicated public or county road or a state highway;

(4) The use is buffered from other adjacent land uses through the use of landscaping or fencing;

(5) Additional setback requirements may be necessary to protect existing adjacent land uses from the activity;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(Z) *Facility for the primary processing of forest products*.

(1) The facility is located on the parcel of land or contiguous land where the timber to be processed is grown;

(2) The facility is located away from existing recreational residential development by more than 200 feet;

(3) Where possible, haul roads will avoid existing recreational residential developments.

(4) Within an EFU Zone, the following additional standards as set forth in ORS 215.283(2) (j) shall apply:

(a) Provided that such a facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2), such a facility may be approved for a one year period which is renewable.

(b) These facilities are intended to be only portable or temporary in nature.

(c) The PRIMARY PROCESSING OF A FOREST PRODUCT, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. FOREST PRODUCTS, as used in this section, means timber grown upon a parcel of land or contiguous land where the

primary processing facility is located.

(AA) *Farm machinery or irrigation system equipment sales, service and storage.*

(1) The site has direct access to a county, public or state highway;

(2) Ingress and egress are designed so as not to create a traffic hazard;

(3) The activity will provide a service to the agricultural operations located in the area;

(4) The activity is buffered from other adjacent land uses through the use of landscaping or fencing;

(5) Areas for outdoor storage shall be screened from any adjacent residential dwellings;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(BB) *Fertilizer and agricultural chemical sales.*

(1) The activity is compatible with existing land use on the surrounding properties;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Haul roads leading to the site shall not be through residential areas unless it is the only available road, and then the hours of operation may be limited;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions necessary to protect adjacent land uses as provided in § 152.615.

(CC) *Golf courses and their related services and facilities.* [Item Deleted]

(DD) *Grain elevator*.

(1) The activity is compatible with the existing land use on the surrounding properties;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Haul roads leading to the elevator shall not be through residential areas unless it is the only available road, and then it may be necessary to limit hours of operation;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions necessary to protect adjacent land uses as provided in § 152.615.

(EE) *Grange hall or community center*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) There is adequate area for parking;

(4) Landscaping is provided between the use and surrounding residential uses;

(5) Adequate building and site design provisions are provided to minimize noise and glare from the building and site;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(FF) *Handling or storage of hazardous chemicals or flammable liquids*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has adequate access to and from major transportation facilities, built to a standard that can handle the anticipated traffic generated by the use;

(3) If the site is located within a fire district, adequate firefighting equipment and water for firefighting purposes is available as determined by the fire district.

(4) The use is entirely fenced by a security fence of at least six feet in height and landscaping may be required;

(5) The site is located at least one-quarter mile away from any residential dwelling;

(6) Information shall be provided on what type of security will be used to protect the site from break ins and vandalism. This information shall be reviewed by the appropriate local and state police agencies;

(7) Complies with other conditions as deemed necessary provided in § 152.615.

(GG) *Handling and storage of radioactive waste.*

(1) The site will be the most appropriate location for the handling or storage of radioactive waste considering land and soil conditions, geological hazards, potential for groundwater contamination, the water table in the area, prevailing winds and the surrounding land uses;

(2) The site has adequate access to and from major transportation facilities, built to a standard that can handle the anticipated traffic generated by the use;

(3) The site shall be at least one mile from the nearest residence;

(4) The entire site shall be fenced and security measures shall be provided and approved by the appropriate local and state police agencies;

(5) Monitoring equipment shall be installed and maintained in perpetuity by the operator of the facility or any successor of the operator;

(6) A map of the drainage area where the facility is to be located shall accompany the application along with information as to the volume of water that the drainage can handle and the measures necessary to protect the site from flooding, soil erosion, or inundation by water from these drainages;

(7) The request shall comply with all applicable state and federal regulations that may now or hereafter exist concerning the disposal or storage of radioactive waste;

(8) Complies with other conditions as deemed necessary provided in § 152.615.

(HH) *Hauling, freighting or trucking yard or terminal*.

(1) The activity is compatible with adjacent land uses;

(2) The site has direct access to a dedicated public or county road or a state highway;

(3) Limited hours of operation may be imposed if residential uses are adjacent or along the main travel route to the use;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(II) *Home occupations/cottage industry*.

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident of the property on which the business is located,

(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

(3) There shall be no more than five people employed, including both full and part time employees;

(4) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(5) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(6) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(7) Retail sales shall be limited or accessory to a service;

(8) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(9) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(10) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

(11) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone

change.

(12) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. No more than 10 vehicles from customers/ visitors/ employees of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time.

(JJ) *Livestock feedlots or sale yards, hog or poultry farms, or the raising of fur-bearing animals*.

(1) The activity is compatible with adjacent farm, forest, rural residential or multiple use uses;

(2) The activity is situated upon generally unsuitable land for production of farm crops considering, but not limited to, vegetation, location, terrain, adverse soil or land conditions, drainage and flooding, and size of the tract;

(3) Does not materially alter the stability of the overall land use pattern of the area;

(4) Be located at least one-quarter mile from the nearest residential dwelling;

(5) Be of a size and design to help reduce noise, odor or other detrimental effects when located near residential dwellings or to rural or multiple use zones and complies with the following standards:

(a) Adequate structures, adequate corrals, or adequate fencing shall be provided for all animals;

(b) In all cases the structures and enclosures must be kept reasonably free and clean of flies and accumulated materials and shall obtain all necessary permits from and be subject to applicable federal, state and local Health Department regulations;

(c) Design the activity so it shall direct surface runoff in a manner that will not adversely impact adjacent lands;

(d) Be located 500 feet from an adjacent landowner's property line and be limited to 75% of the total parcel;

(6) The activity and related structures are a minimum of 100 feet from a stream, river, or irrigation canal;

(7) Takes the least possible amount of agricultural land out of production;

(8) Complies with other conditions as deemed necessary provided in § 152.615.

(KK) *Kennels or dog pounds*.

(1) The activity is compatible with the existing surrounding land uses;

(2) Building and site design provisions are adequate to minimize noise and odors caused by the activity;

(3) The site has direct access to a dedicated public or county right of way or state highway;

(4) A site-obscuring fence or hedge may be required to protect adjacent land uses;

(5) Adequate area is provided for parking and the loading and unloading of animals, especially those large animals

requiring trucks to transport them;

(6) All kennels, runs, or pens shall be completely enclosed and shall constructed of masonry, concrete or other such materials as shall provide for cleanliness, ease of maintenance and sound and noise control. Fencing to be used will be of an industrial grade quality and not aluminum.

(7) All kennels, runs and other facilities shall be designed, constructed and located on the site in a manner that will minimize and adversely effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences on nearby properties, and other similar factors.

(8) The owner or operator to the kennel or pound shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be maintained in such a manner that they will provide a breeding place for insects, vermin or rodent.

(9) The advice of the County Health Officer, officials of humane societies and veterinarians may be requested before approving a dog kennel or pound.

(10) Meet the requirements of Oregon Administrative Rules 603, Division 15 (Care of Pets and Captive Animals).

(11) The kennel shall be at least 100 feet from a property line and 500 feet from the nearest residence other than the owner's or applicant's home, provide it is on the same lot as the proposed kennel.

(12) No dog kennel shall occupy a front yard area of a lot.

(13) The kennel shall be enclosed by a perimeter fence.

(14) Complies with other conditions as deemed necessary provided in § 152.615.

(LL) *Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industries.*

(1) The site has adequate access to and from major transportation facilities, built to a standard that can handle the anticipated traffic generated by the use;

(2) Adequate areas for parking of employees and visitors is available and provided;

(3) The industry shall address the impact to the public facilities in the area, including:

(a) Number of employees plus anticipated family members that will reside in the county;

(b) Number of school age children that could be expected to be added to the school district where the plant is located;

(c) Amount of water available for firefighting if the activity is located within a rural fire district;

(d) What type of security will be provided and the impact it will have on state and county police protection;

(e) Provision for first aid and methods of evacuating injured personnel;

(f) Type of sewage disposal system to be used with a preliminary report from the DEQ on the suitability of the soils for sewage disposal; and if an existing community sewage system is to be used, the impacts on that system;

(g) The impact the activity will have on storm drainage and how storm drainage will be removed;

(h) What effect the activity will have on existing energy providers (i.e. electricity, gas, oil, coal);

(i) What effect the activity will have on communication networks in the area (i.e. telephone, telegraph, radio, phone).

(4) Complies with other conditions as deemed necessary provided in § 152.615.

(MM) *Mini warehouses*.

(1) There shall be a minimum of two acres for the use;

(2) Parking requirements shall require one parking space for each 10 storage cubicles;

(3) A minimum six-foot high fence shall be required around the entire perimeter of the site;

(4) Outdoor lighting shall be directed away from residentially zoned areas;

(5) Landscaping may be required around part or all of the site;

(6) The site shall have direct access to a dedicated public or county road or state highway;

(7) All outdoor storage shall be screened from view to surrounding properties;

(8) All parking areas and travel lanes shall be, at a minimum, constructed of an oil mat surface;

(9) A minimum of 25 feet shall be provided between buildings to allow room for off-loading and travel lanes.

(NN) *Mobile home parks or travel trailer parks.*

(1) The request shall comply with all the rules and regulations of the State of Oregon set forth in ORS Chapter 446 and the Department of Commerce Building Codes Division Mobile Home Park Standards, prior to the construction of the proposed park;

(2) In addition to the above requirements, an applicant shall comply with the following regulations:

(a) Location of development. Each mobile home park or travel trailer park shall have direct access to a dedicated public or county road or state highway.

(b) Dimensional standards:

(i) Development. No mobile home park or travel trailer park shall be created on a parcel of less than five acres in area;

(ii) Spacing. Each mobile home site shall be large enough to accommodate the mobile home and maintain a minimum of 15 feet side to side and end to end between mobile homes; 10 feet between a mobile home and a building; five feet

between a mobile home and a property line; and 10 feet between a mobile home and awning, carport, cabana or Ramada of an adjacent space;

(iii) Density. The gross density of each mobile home park or subdivision shall be that required to receive Oregon State Health Division and Department of Environmental Quality approval, but in no event shall the density exceed six mobile homes per gross acre;

(iv) Minimum lot area. Mobile homes, 3,000 square feet per mobile home; travel trailer, 1,200 square feet per travel trailer;

(v) Minimum lot width. Mobile homes, 40 feet per lot; travel trailers, 30 feet per lot;

(c) Parking space requirements.

(i) Two parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof inside the development, which shall be not less than nine by 20 feet in size and surfaced with at least four inches of screened gravel or crushed rock, size 1½" 0;

(ii) Guest parking shall also be provided in every mobile home park based on a ratio of one parking space for each four mobile home sites. Such parking shall be surfaced with at least four inches of screened gravel or crushed rock, size 1½" 0 and shall be clearly defined and identified.

(d) Signs.

(i) One sign conforming to the underlying zone may be allowed to designate the name of the mobile home park. The sign shall conform to all applicable standards listed in this chapter;

(ii) Incidental signs for the information and convenience of tenants and the public, relative to parking, traffic movement, office, lavatories, and the like, are allowed, providing such signs do not exceed three square feet in size;

(iii) No advertising signs of any other character shall be permitted;

(e) Fencing and landscaping.

(i) There shall be suitable landscaping provided along all boundaries of the mobile home park site that abut on public roads or property lines that are common to other owners of property, except for points on ingress and egress;

(ii) All plantings shall be maintained in a healthy living condition for the life of the mobile home park. All initial walls, fences and evergreen planting shall be approved by the Planning Commission at the time of approval of the development;

(iii) There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used;

(iv) The entire perimeter of the park, except driveway, shall be enclosed by a minimum six-foot high site obscuring fence.

(f) Access, park streets and walkways.

(i) Access. A mobile home park or subdivision shall not be established on any site that does not have frontage on and access to a county or public road which has a minimum right of way width of 50

feet;

(ii) Park streets. A private street shall connect each mobile home site to a county road;

(iii) Walkways. Gravel walkways of not less than three feet in width shall be provided from each mobile home site to any service buildings and recreation area;

(iv) Surfacing. All streets within a mobile home park or subdivision shall be surfaced to County Road Department Standards, and the width of the paved surface shall be 20 feet for any way streets with parking or two way streets without parking, or shall be 30 feet for two way streets with parking on one side only;

(v) Curbs and gutters. Curbs and gutters shall be provided as needed on both sides of all streets within a mobile home park or subdivision.

(g) Other site requirements.

(i) Recreational area. Two hundred square feet of recreational area shall be provided for each mobile home site. This area may be in one or more locations in the park and shall be suitably improved and maintained for recreational purposes;

(ii) Pad improvements. Mobile home pads or stands shall be paved with asphalt or concrete surfacing or with crushed rock contained with concrete curbing;

(iii) Accessories. Structures located on a mobile home site, in addition to the mobile home, shall be limited to the normal accessories such as an awning, cabana, Ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner;

(iv) State requirements. Rules and regulations governing mobile home facilities as contained in ORS Chapter 446, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers Accommodations and Tourist Parks," adopted by the Oregon State Board of Health, shall be applicable in the development and operation of a mobile home park; provided, however, that the provisions of this chapter shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

(h) Site plan submission requirements. The application for a conditional use permit to construct a new mobile home park shall be accompanied by a reproducible print and four copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park and should be drawn to a scale not smaller than one inch representing 50 feet. The drawing shall show the following information:

(i) Name of the person who prepared the plan;

(ii) Name of the mobile home park and address;

(iii) Scale and north point of the plan;

(iv) Vicinity map showing relationship of mobile home park to adjacent properties;

(v) Boundaries and

dimensions of the mobile home park;

(vi) Location and dimensions of each mobile home site (designate each site by number, letter, or name);

(vii) Location and dimensions of each exiting or proposed building;

(viii) Location and width of park streets;

(ix) Location and width of walk-ways;

(x) Location of each lighting fixture, if any, for lighting the mobile home park;

(xi) Location of recreational areas and building, and area of recreational space;

(xii) Location and type of landscaping plantings;

(xiii) Location of water source and subsurface disposal system;

(xiv) Location of available fire and irrigation hydrants;

(xv) Location of public telephone service for the park;

(xvi) Enlarged plot plan of a typical mobile home site, showing the pad, patio, storage space, a parking sidewalk, utility connections and landscaping.

(g) General.

(i) All mobile homes in a park shall be skirted around their entire perimeter by a fire resistant siding and shall have an "Insignia of Compliance" seal form the Department of Commerce;

(ii) Overnight spaces. Not more than 5% of a mobile home park area may be use to accommodate persons wishing to park their mobile homes or camping vehicles overnight;

(iii) Bond requirements. The posting of a bond for the fulfillment of any requirements of these standards may be required. The bond shall be posted, determined, and used if necessary, according to the provisions of this chapter;

(iv) An occupied, abandoned or unoccupied home may by abated if it constitutes a menace to the public health, safety and welfare, thereby rendering it as a public nuisance.

(OO) *Model home*.

(1) The residential characteristic of the area shall be maintained;

(2) The exterior of the house shall maintain a residential appearance;

(3) Yard areas shall be landscaped and maintained;

(4) No sign shall be allowed except for one freestanding sign that conforms to a Type 5 sign as described in § 152.546 of this chapter and by a ruling of the appropriate planning;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(PP) *Petroleum products sales and storage.*

(1) The activity is compatible with the existing land use on the surrounding properties;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Haul roads leading to the site shall not be through residential areas unless it is the only available road and then the hours of operation may need to be limited;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(QQ) *Public or private parks or playgrounds or community center owned and operated by a govern-mental agency or a non-profit community organization*.

(1) Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

(2) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(3) The use is sited where a unique scenic or recreational value exists or is documented or conveniently serves the rural or regional populace;

(4) Road construction be consistent with the intent and purposes set forth in the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(5) Fire protection measures be considered which may include, but are not limited to:

(a) Area surrounding use be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(6) Facility is designed not to materially alter the stability of the overall land use pattern of the area;

(7) Adequate off street parking is provided for users as prescribed in § 152.560;

(8) Is situated upon generally unsuitable land for the production of farm crops, considering the terrain, soil or land conditions, flooding, vegetation, location of the tract;

(9) Has an adequate quantity and quality of water and approved surface or sanitary disposal system from the DEQ, and adequate provisions of solid waste disposal;

(10) Complies with other conditions as deemed necessary provided in § 152.615.

(RR) *Personal use airports and helipads, and related structures.*

(1) No aircraft shall be based on a

personal use airport other than those owned or controlled by the owner of the airstrip;

(2) A site plan is submitted with the application showing topography of the surrounding area;

(3) The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(6) Facility be located 500 feet from existing dwellings on adjacent properties;

(7) The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;

(8) Complies with other conditions as deemed necessary provided in § 152.615.

(SS) *Public or semi-public use*.

(1) New access roads and easements shall be improved to a standard recommended by the Public Works Director;

(2) Road construction shall be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;

(3) Development plans shall consider surrounding land uses and be designed to minimize conflicts with scenic values, forest, farm or grazing, and/or other recreational residential development;

(4) The development is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Fire prevention measures shall be considered which may include, but are not limited to:

(a) Area surrounding buildings be kept free from litter and debris;

(b) Construction materials be fire resistant or treated with a fire retardant substance;

(c) Removal of forest fuels within 30 feet of structures;

(6) Structural design shall consider visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the use;

(7) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(8) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(9) The development has access to a dedicated state, county or public road;

(10) Adequate off street parking is provided for employees, owners and users as prescribed in § 152.560;

(11) Complies with other conditions as deemed necessary provided in § 152.615.

(TT) *Recreational resort facilities.*

Recreational resort facilities including, but not limited to, ski and winter sports facilities, dude ranches, hot springs, resorts, and their related services and facilities (e.g. overnight accommodations and lodges, riding stables and horse trails, gift shops, eating facilities):

(1) Sufficient off street parking for employees, owners, and patrons is provided according to § 152.560;

(2) The development has access to a dedicated state, county, or public road;

(3) Easements and interior roads shall be improved to a standard and follow grades approved by the Public Works Director;

(4) Road construction shall be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;

(5) Facility shall be designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(6) Facility shall be of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest, and grazing dwelling(s) or recreational residential or forest residential zones;

(7) Facility does not alter accepted timber management operations on adjacent forest land, nor farm practices on adjacent farm or grazing lands;

(8) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(9) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(10) Facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site shall be maintained free of litter and debris;

(b) Use of non-combustible or fire retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

(11) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the use;

(12) The location is conveniently or centrally located to serve the traveling public;

(13) Ingress and egress are provided and designed not to create traffic hazards;

(14) A site plan shall be submitted with the application and drawn or certified

by an Oregon licensed architect or registered engineer;

(15) Certification from an Oregon licensed engineer shall be submitted showing that adequate water supplies are available for both domestic and fire suppression use;

(16) A favorable site suitability report from the Department of Environmental Quality shall be obtained for the proposed use(s) and shall be submitted with the application;

(17) The facility be associated with a unique, scenic, historic or recreational value;

(18) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(19) Certification from an Oregon licensed engineer shall be submitted showing that surface runoff will be directed so as not to adversely impact adjacent land;

(20) Complies with other conditions as deemed necessary provided in § 152.615.

(UU) *Rest home, home for the aged, nursing home or convalescent home*.

(1) The activity is compatible with existing adjacent land uses;

(2) Adequate area for off street parking is provided for both employees and visitors;

(3) Landscaping shall be provided and maintained around the perimeter of the activity and through the open area;

(4) Suitable methods for fire escape are available for each room in the home;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(VV) *Retail and service commercial*.

(1) The activity is compatible with existing adjacent land uses;

(2) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. All commercial activities shall cater to local needs;

(3) The site has direct access to a dedicated public or county road or a state highway;

(4) Fencing or landscaping to screen the activity from other adjacent land uses may be required;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(WW) *Roadside stands for the sale of agricultural products grown by the owner*.

(1) Adequate off-street parking is available on the site;

(2) Access points are clearly marked through the use of bumper rails or landscaping;

(3) Buildings on the site are designed so as to be aesthetically pleasing and to fit into the residential characteristics of the neighborhood;

(4) Outside lighting, if used, shall be directed away from adjacent residential uses;

(5) Landscaping around the stand to screen the use from other adjacent residential uses may be required;

(6) Sales shall be limited to products raised on the owner's property, not other retail items brought in from other sources;

(7) Complies with other conditions as deemed necessary provided in § 152.615.

(XX) *Sand or gravel storage yard*.

(1) The activity is the most appropriate use of the site and is compatible with adjacent land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Access points into the site are clearly marked through the use of fencing, bumper rails or landscaping;

(4) The site may be required to be completely fenced;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(YY) *Schools*

(1) The site has direct access to a dedicated public or county road or a state highway;

(2) Adequate off street area is available for the loading and unloading of vehicles and buses carrying school children;

(3) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

(4) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;

(5) Complies with other conditions as deemed necessary provided in § 152.615.

(6) Expansion of existing school facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990.

(ZZ) *Slaughter house*.

(1) The activity is compatible with the existing land use on the surrounding properties;

(2) The activity is located no closer than 1,000 feet from an existing residential dwelling;

(3) The site has direct access to a dedicated public or county road or state highway;

(4) Landscaping or buffer is provided around the use;

(5) All structures and enclosures designed to handle animals or fowls, dead or alive, shall be kept reasonably free and clear of flies and accumulated materials and shall be required to obtain all necessary local, state and federal permits relating to health regulations;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(AAA) *Tire recapping*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a public or county road or state highway;

(3) All equipment and materials shall be kept within a building or behind a site obscuring fence;

(4) The applicant shall make provision to eliminate, as far as practical, odors, noise and dust which emanate from the activity;

(5) Additional setbacks from property lines may be required to ensure compatibility with adjacent land uses;

(6) The area around the building has, as a minimum, an oil mat surface;

(7) Complies with other conditions as deemed necessary provided in § 152.615.

(BBB) *Truck stop or trucking terminal*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The activity will not create a traffic hazard;

(3) Access points are well marked and designated through the use of bumper rails or landscaping;

(4) Landscaping around the perimeter of the site may be required to help screen the use from other adjacent uses;

(5) Additional setback requirements may be required to protect adjacent land uses;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(CCC) *Utility facility*.

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

(2) The facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to recreational residential dwellings;

(3) The facility may be required to be fenced, landscaped or screened;

(4) The facility does not materially alter the stability of the overall land use pattern of the area;

(5) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non-combustible or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustible materials within 30 feet of structures;

(6) Major transmission tower, poles and similar gear shall consider locations within or adjacent to existing rights of way in order to take the least amount of timberland out of production and maintain

the overall stability and land use patterns of the area, and construction methods consider minimum soil disturbance to maintain water quality;

(7) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(8) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(11) Complies with other conditions as deemed necessary provided in § 152.615.

(DDD) *Veterinary clinic or animal hospital.*

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Adequate area is available for off street parking, the unloading of animals, and the maneuvering of large vehicles;

(4) Access points are clearly marked through the use of bumper rails, fencing or landscaping;

(5) Landscaping may be required to buffer the lot from adjacent and uses;

(6) Complies with other conditions as deemed necessary provided in § 152.615.

(EEE) *Wholesale business, storage building or warehouse*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) Access points to the road are well marked through the use of bumper rails, fencing or landscaping;

(4) Additional setbacks from property lines may be required if the use is adjacent to residential property;

(5) Limited hours of operation may be imposed if residential uses are adjacent or along the main travel route to the use;

(6) Complies with other conditions as provided in § 152.615.

(FFF) *Wineries*. [Item Deleted]

(GGG) *Wood processing facilities*.

(1) The site has direct access to a dedicated public or county road or state highway;

(2) Access roads are durable, dustless and adequate to handle the traffic generated by the activity as determined by

the County Public Works Director;

(3) Log decks and equipment storage shall be set back at least 20 feet form property lines;

(4) The activity shall address the impacts to public facilities in the area, including:

(a) Amount of water available for fire-fighting if the activity is located in a rural fire district;

(b) What type of security will be provided and the impacts it will have on state and county police protection;

(c) Type of sewage disposal system to be used together with a preliminary report from the DEQ on the suitability of the soils for sewage disposal; and if a community sewage system is to be used, the impacts on that system;

(d) Provisions for first aid and methods of evacuating injured workers;

(e) The impact the activity will have on storm drainage and how storm drainage will be removed;

(5) Complies with other conditions deemed necessary.

(HHH) *Commercial Wind Power Generation Facility.*

(1) County Permit Procedure
(2) Pre-application Meeting
(3) Conditions of Approval
(4) Permits
(5) Application Requirements
(6) Standards/Criteria of Approval
(7) Dismantling/Decommissioning
(8) Decommissioning Fund
(9) Annual Reporting
(10) Permit Amendments
(11) Walla Walla Watershed

(1) *County Permit Procedure.*

The procedure for taking action on the siting of a Wind Power Generation Facility is a request for a conditional use. A public hearing pursuant to Section 152.771 shall be held to determine if the applicant meets the siting requirements for a Wind Power Generation Facility. Notice of the hearing shall be provided to all landowners within the setback areas of the project site.

The County procedural requirements set forth in Section 152.616(HHH) (1)-(5), including the requirement for a hearing, will not apply to proposed Wind Power Generation facilities for which Energy Facility Siting Council is making the land use decision.

(2) *Pre-application Meeting.*

A pre-application meeting(s) is required. The applicant will be expected to bring preliminary information about the application components described in Application Requirement (5) below. County staff will arrange the meeting and will invite local, state, federal and other agency representatives and individuals with pertinent expertise. The purpose of the pre-application meeting will be to identify potential impacts and opportunities and to advise on the level of detail required in each of the application components described in (5) below, and establish technical oversight requirements for monitoring plans.

(3) *Conditions of Approval.*

Umatilla County may impose clear and objective conditions in accordance with the County Comprehensive Plan, County Development Code and state law, which Umatilla County considers necessary to protect the best interests of the surrounding area, or Umatilla County as a whole.

(4) *Permits.*

Prior to commencement of any construction, all other necessary preconstruction permits shall be obtained, including but not limited to a conditional use permit, zoning permit, and road access permit from Umatilla County and other permits from state agencies with the requisite jurisdiction.

(5) *Application Requirements.*

The following information shall be provided as part of the application, or subject to the County's discretionary authority, be required prior to the construction or operation of the Wind Power Generation Facility through a condition of approval:

(a)(1) A general description of the proposed Wind Power Generation Facility;

(2) A tentative construction schedule;

(3) The legal description of the property on which the Wind Power Generation Facility will be located; and

(4) Identification of the general area for all components of the proposed Wind Power Generation Facility,

(b) A map showing the location of components.

(c) (1) Nonproprietary evidence of wind monitoring data qualifying the wind resources within the project boundary, such as a description of procedures and process for wind study.

(2) Evidence of active utility transmission interconnect requests and/or process and description of same.

(3) Route and plan for transmission facilities connecting the project to the grid.

(d) (1) Demonstrate compliance with § 152.061.

(2) Identify potential conflicts, if any, with neighboring rural homes. Explain how conflicts could be mitigated and the steps to mitigate such conflicts, e.g., noise easement.

(e) A Transportation Plan, with proposed recommendations, if any, reflecting the guidelines provided in the Umatilla County Transportation System Plan (TSP) and the transportation impacts of the proposed Wind Power Generation Facility upon the local and regional road system during and after construction, after consultation with Umatilla County Public Works Director. The plan will designate the size, number, location and nature of vehicle access points.

(f) A Re-vegetation and Erosion Control Plan, developed in consultation with the Umatilla County Public Works Department, Soil and Water Conservation District, and appropriate Watershed Council. At a minimum, the plan shall include the seeding of all road cuts or related bare road areas as a result of all construction, demolition and restoration with an

appropriate mix of native vegetation or vegetation suited to the area. The plan shall also address monitoring during and post construction. Reimbursement to agencies for their time on review shall be the responsibility of the developer

(g) A Fish, Wildlife and Avian Impact Monitoring Plan. The monitoring plan shall be designed and administered by the Wind Power Generation Facility owner/operator's wildlife professionals. [See § 152.616 (HHH) (2), above] The plan shall include the formation of a technical oversight committee to review the plan, and consist of the following persons:

(1) The landowner/farm tenant.

(2) Wind Power Generation Facility owner/operator representative. (Chair)

(3) Oregon Department of Fish and Wildlife representative, if the agency chooses to participate.

(4) Two Umatilla County residents with no direct economic interest in the project and recommended by the applicants for appointment by the Umatilla County Board of Commissioners.

(5) U.S. Fish and Wildlife representative, if the agency chooses to participate.

(6) Umatilla County Planning Commission member.

At the request of Wind Power Generation Facility owner/operator, this committee requirement may be waived or discontinued by the County.

(h) An Emergency Management Plan for all phases of the life of the Wind Power Generation Facility. The plan shall address the major concerns associated with the site, including but not necessarily limited to terrain, dry conditions, fire hazards, access, available water, and emergency response.

(1) The plan shall verify the fire district and/or contract fire department responsible for providing emergency services. High rise rescue is the responsibility of the Wind Power Generation Facility owner/operator with local emergency responders providing ground level assistance.

(2) A Spill Prevention, Control and Counter Measure Plan (SPCC) shall be provided. The plan shall include verification that a local emergency service provider has equipment, training and personnel to respond to spills.

(3) An Operations and Maintenance Plan detailing expected work force, local response capability (contract or otherwise), controlled access, and in the case of transmission lines proof of emergency response capability in accordance with OPUC rules governing operation and maintenance of such lines.

(4) An Emergency Response Plan for responding to natural and/or man-made emergencies or disasters.

(i) A Weed Control Plan addressing prevention and control of all Umatilla County identified noxious weeds, directly resulting from the Wind Power Generation Facility during preparation, construction, operation and demolition/restoration.

(j) A Socioeconomic Impact Assessment of the Wind Power Generation Facility, evaluating such factors as, but not limited to, the project's effects upon the social, economic, public service, cultural, visual, and recreational aspects of affected communities and/or individuals. These effects can be viewed as either positive or negative. In order to maximize potential benefits and to mitigate outcomes that are viewed as problematic, decision makers need information about the socioeconomic impacts that are likely to occur.

(k) Information pertaining to the impacts of the Wind Power Generation Facility on:

(1) Wetlands and streams, including intermittent streams and drainages;

(2) Fish, avian and wildlife (all species of concern, as well as threatened and endangered species);

(3) Fish, avian and wildlife habitat;

(4) Criminal activity (vandalism, theft, trespass, etc.). Include a plan and proposed actions to avoid, minimize or mitigate negative impacts.

(5) Open space, scenic, historic, cultural and archaeological resources as identified and inventoried in the Comprehensive Plan. The applicant shall consult with the Confederated Tribes of the Umatilla Indian Reservation on developing an inventory of these resources.

(l) A Dismantling, Decommissioning and Restoration Plan of all components of the Wind Power Generation Facility, as provided in §152.616 (HHH) (7).

(6) *Standards/Criteria of Approval.*

The following requirements and restrictions apply to the siting of a Wind Power Generation Facility:

(a) Setbacks. The minimum setback shall be a distance of not less than the following:

(1) From a turbine tower to a city urban growth boundary (UGB) shall be two miles. The measurement of the setback is from the centerline of a turbine tower to the edge of the UGB that was adopted by the city as of the date the application was deemed complete.

(2) From turbine tower to land zoned Unincorporated Community (UC) shall be 1 mile.

(3) From a turbine tower to a rural residence shall be 2 miles. For purposes of this section, "rural residence" is defined as a legal, existing single family dwelling meeting the standards of §152.058 (F)(1)-(4), or a rural residence not yet in existence but for which a zoning permit has been issued, on a unit of land not a part of the Wind Power Generation Facility, on the date a Wind Power Generation Facility application is submitted. For purposes of this section, the setback does not apply to residences located on properties within the Wind Power Generation Facility project application. The measurement of the setback is from the centerline of the turbine tower to the center point of the rural residence.

(4) From a turbine tower to the boundary right-of-way of County Roads, state and interstate highways, 110% of the

overall tower-to-blade tip height. Note: The overall tower-to-blade tip height is the vertical distance measured from grade to the highest vertical point of the blade tip.

(5) From tower and project components, including transmission lines, underground conduits and access roads, to known archeological, historical or cultural sites shall be on a case by case basis, and for any known archeological, historical or cultural site of the Confederated Tribes of the Umatilla Indian Reservations the setback shall be no less than 164 feet (50 meters).

(6) New electrical transmission lines associated with the wind project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way.

Note: The wind project associated transmission lines and substation(s) are subject to a separate land use permit. The applications for the wind project and the associated transmission line and substation(s) shall be submitted together for processing.

(7) The turbine/towers shall be of a size and design to help reduce noise or other detrimental effects. At a minimum, the Wind Power Generation Facility shall be designed and operated within the limits of noise standard(s) established by the State of Oregon. A credible noise study may be required to verify that noise impacts in all wind directions are in compliance with the State noise standard.

(b) Reasonable efforts shall be made to blend the wind turbine/towers with the natural surrounding area in order to minimize impacts upon open space and the natural landscape.

(c) The development and operation of the Wind Power Generation Facility will include reasonable efforts to protect and preserve existing trees, vegetation, water resources, wildlife, wildlife habitat, fish, avian, resources, historical, cultural and archaeological site.

(d) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.

(e) Private access roads established and controlled by the Wind Power Facility shall be gated and signed to protect the Wind Power Generation Facility and property owners from illegal or unwarranted trespass, illegal dumping and hunting and for emergency response.

(f) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.

(g) Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on site if:

(1) The building is designed and constructed generally consistent with the character of similar buildings used by commercial farmers or ranchers, and

(2) The building will be removed or converted to farm use upon decommissioning of the Wind Power

Generation Facility consistent with the provisions of §152.616 (HHH) (7).

(h) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Energy Facilities delineated in OAR 345 024 0010 (as adopted at time of application).

(i) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS 30.930. . The Wind Power Generation Facility owner/operator shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.

(j) Roads.

(1) County Roads.
A Road Use Agreement with Umatilla County regarding the impacts and mitigation on county roads shall be required as a condition of approval.

(2) Project Roads.
Layout and design of the project roads shall use best management practices in consultation with the Soil Water Conservation District. The project road design shall be reviewed and certified by a civil engineer. Prior to road construction the applicant shall contact the State Department of Environmental Quality and if necessary, obtain a storm water permit ((National Pollution Discharge Elimination System).

(k) Demonstrate compliance with the standards found in OAR 660-033-0130 (37).

(l) Submit a plan for dismantling of uncompleted construction and/or decommissioning and/or re-powering of the Wind Power Generation Facility as described in §152.616 (HHH) (7).

(m) A surety bond shall be established to cover the cost of dismantling uncompleted construction and/or decommissioning of the Wind Power Generation Facility, and site rehabilitation pursuant to §152.616 (HHH) (7) and (8). The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the county budget from unanticipated, unwarranted burden to decommission wind projects. For projects sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.

(n) The actual latitude and longitude location or Stateplane NAD 83(91) (suitable for GPS mapping) coordinates of each turbine tower, connecting lines, O & M building, substation, project roads and transmission lines, shall be provided to Umatilla County on or before starting electrical production.

(o) An Operating and Facility Maintenance Plan shall be submitted and subject to County review and approval.

(p) A summary of as built changes to the original plan, if any, shall be provided by the Wind Power Generation Facility owner/operator 90 days of starting electrical production.

(q) Submit a Socioeconomic Assessment of the Wind Power Generation Facility.

(7) *Dismantling/Decommissioning.*

A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the Wind Power Generation Facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.

(a) A description of actions the Wind Power Generation Facility owner/operator proposes to take to restore the site to a useful, non-hazardous condition, including options for post dismantle or decommission land use, information on how impacts on fish, wildlife, avian populations and the environment would be minimized during the dismantling or decommissioning process, and measures to protect the public against risk or danger resulting from post decommissioning site conditions in compliance with the requirements of this section.

(b) A current detailed cost estimate, a comparison of that estimate with present funds, the bond for dismantling or decommissioning, and a plan for the availability of adequate funds for completion of dismantling or decommissioning. The cost estimate will be reviewed and be updated by the Wind Power Generation Facility owner/operator on a 3-year basis, unless material changes have been made in the overall Wind Power Generation Facility that would materially increase or decrease these costs. If so, the report must be revised within 120 days of completion of such changes.

(c) Restoration of the site shall consist of the following:

(1) Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment. All concrete turbine pads shall be removed to a depth of at least three feet below the surface grade.

(2) The underground collection and communication cables need not be removed if at a depth of three feet or greater. These cables at a depth of three feet or greater can be abandoned in place if they are deemed not a hazard or interfering with agricultural use or other resource uses of the land.

(3) Gravel shall be removed from areas surrounding turbine pads.

(4) Private access road areas shall be restored by removing gravel and restoring the surface grade and soil, unless the landowner directs otherwise.

(5) After removal of the structures and roads, the area shall be graded as close as is reasonably possible to its original contours and the soils shall be restored to a condition compatible with farm uses or consistent with other resource uses. Re vegetation shall include planting by Wind Power Generation Facility owner/operator of native plant seed mixes, planting by Wind Power Generation Facility owner/operator of plant species suited to the area, or planting by landowner of agricultural crops, as appropriate, and shall be consistent with the weed control plan approved by Umatilla County.

(6) Roads, cleared pads, fences, gates, and improvements may be left in place if a letter from the land owner is submitted to Umatilla County indicating said land owner will be responsible for, and will maintain said roads and/or facilities for farm or other purposes as permitted under applicable zoning.

(8) *Decommissioning Fund*.

The Wind Power Generation Facility owner/operator shall submit to Umatilla County a bond acceptable to the County, in the amount of the decommissioning fund naming Umatilla County beneficiary or payee.

(a) The calculation of present year dollars shall be made using the U. S. Gross Domestic Product Implicit Price Deflator as published by the U. S. Department of Commerce, Bureau of Economic Analysis, or any successor agency (the "index"). The amount of the bond account shall be changed up or down if the change in the Index moves by more than 10 percent from the last change, and then the amount shall be increased or decreased by the cumulative percentage change. If at any time the Index is no longer published, Umatilla County and the Wind Power Generation Facility owner/operator shall select a comparable calculation of present year dollars.

(b) The bond shall not be subject to revocation or unjustified reduction before decommissioning of the Wind Power Generation Facility and rehabilitation of the site/s.

(c) The Wind Power Generation Facility owner/operator shall describe the status of the bond in the annual report submitted to the Umatilla County.

(9) *Annual Reporting*.

Within 120 days after the end of each calendar year the Wind Power Generation Facility owner/operator shall provide Umatilla County a written and oral annual report including the following information:

(a) Energy production by month and year.

(b) Non-proprietary information about wind conditions,
(e. g., monthly averages, high wind events, bursts).

(c) A summary of changes to the Wind Power Generation Facility that do not require amendments.

(d) A summary of the fish, wildlife and avian monitoring program – bird injuries, casualties, positive impacts on area wildlife and any recommendations for changes in the monitoring program.

(e) Employment impacts to the community and Umatilla County during and after construction.

(f) Success or failures of weed control practices.

(g) Status of the bond.

(h) Summary of erosion control activities and its effectiveness.

(i) Summary comments –

(1) Problems with the projects, any adjustments needed, or any suggestions.

(2) The annual report requirement may be modified by the County as warranted by project conditions, circumstances and compliance. The reporting requirement and/or reporting schedule shall be reviewed, and possibly altered, at the request of the Wind Power Generation Facility owner/operator. For Wind Power Generation Facilities under

EFSC jurisdiction and for which an annual report is required, the annual report to EFSC satisfies this requirement.

(10) (a) *Permit Amendments.*

The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the Wind Power Generation Facility does not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed.

(b) An amendment to the conditional use permit shall be subject to the standards and procedures found in §152.611. Additionally, any of the following would require an amendment to the conditional use permit:

(1) Expansion of the established Wind Power Generation Facility boundaries;

(2) Increase the number of towers;

(3) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the re-powering or upgrading of power generation capacity; or

(4) Changes to project private roads or access points to be established at or inside the project boundaries.

(c) In order to assure appropriate timely response by emergency service providers, Notification (by the Wind Power Generation Facility owner/operator) to the Umatilla County Planning Department of changes not requiring an amendment such as a change in the project owner/operator of record, a change in the emergency plan or change in the maintenance contact are required to be reported immediately. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by ESC.

(11) *Walla Walla Watershed.*

Lands located within the Walla Walla Sub-basin east of Highway 11 shall be subject to additional standards. The purpose of these criteria is to prevent impacts to the following: highly erodible soils (as defined by the Oregon Department of Agriculture) and federally listed threatened and endangered species. The standards are also designed to protect sensitive streams and to be consistent with the Clean Water Act.

(a) There shall be no construction of project components, including wind turbines, transmission lines and access roads on soils identified as highly erodible. The highly erodible soils are those soils identified by the Oregon Department of Agriculture as highly erodible.

(b) The application shall demonstrate that the Wind Power Generation Facility and its components will be setback a minimum of two miles from streams and tributaries that contain federally listed threatened and endangered species, and, that the project will generate no runoff or siltation into the streams.

(Ord. 83-4, passed 5-9-83; Ord. 2002-02, passed 5-20-03; Ord. 2005-02, passed 1-5-05; Ord. 2009-09, passed 12-8-09; Ord. 2011-02, passed 3-17-11; Ord. 2011-05 passed 6-28-11; Ord. 2011-06 passed 6-28-11; Ord. 2011-07 passed 6-28-11; Ord. 2012-02 passed 1-26-12; Ord. 2012-04 passed 2-28-12; Ord. 2012-05 passed 2-28-12; Ord. 2012-13 passed 8-16-12; Ord. 2014-04, passed 7-2-14; Ord. 2016-02,

passed 3-16-16; Ord. 2019-03, passed 4-3-2019)

§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU AND GF ZONED LANDS.

Two sections:

(I) EFU AND GF ZONE CONDITIONAL USES
(II) EFU AND GF ZONE LAND USE DECISIONS

The following standards shall apply for review by the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below:

(I) EFU AND GF ZONE CONDITIONAL USES

Quick links to each listed use:

(A) Asphalt plants.
(B) Commercial Activities in Conjunction with Farm Use.
(C) Commercial Utility Facilities.
(D) Community Centers.
(E) Composting Facilities.
(F) Destination Resorts.
(G) Golf courses and their related services and facilities.
(H) Home Occupations/Cottage Industry.
(I) Kennels.
(J) Living History Museum.
(K) Mining
(L) Onsite Filming Activities (more than 45 days).
(M) Operations for the Extraction and Bottling of water.
(N) Personal Use Airport or Airstrip.
(O) Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.
(P) Propagation, Cultivation, Maintenance and Harvesting of Aquatic Species.
(Q) Public parks.
(R) Residential Home or Facility (in existing homes).
(S) Site for Disposal of Solid Waste.
(T) Transmission or Communication Towers over 200 feet in height.
(U) Public or Private Schools
(V) Temporary Hardship Dwelling
(W) Commercial Wind Power Generation Facility
(X) Agri-Tourism or other commercial event or activity
(Y) Permanent Facility for the primary processing of forest products

(A) *Asphalt plants*.

(1) Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(2) Processing equipment shall not be located or operated within 500 feet from a residential dwelling;

(3) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration;

(4) The operation complies with all applicable air, noise, and dust regulations of all county, state or federal jurisdictions; and all state and federal permits are obtained before the activity begins;

(5) New plants proposed on EFU zoned lands. Plants that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted Vineyard totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

(6) Complies with other conditions deemed necessary.

(B) *Commercial Activities in Conjunction with Farm Use*.

Commercial activities that are in conjunction with farm use, including but not

limited to, processing of farm crops into biofuel, public grain elevators, commercial use feedlots, livestock sale yards, commercial agricultural chemical storage tanks and agricultural products for sale commercially, provided that:

(1) The activity is compatible with adjacent farm, forest, rural residential or multiple use uses;

(2) The activity is situated upon generally unsuitable land for production of farm crops considering, but not limited to, vegetation, location, terrain, adverse soil or land conditions, drainage and flooding, and size of the tract;

(3) Does not materially alter the stability of the overall land use pattern of the area;

(4) The activity has access to a major state, county or public road which is improved to an acceptable county standard or has access to a rail line;

(5) Be located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to farm dwellings or rural or multiple use zones. A buffer or setback area from adjacent properties may be required to reduce possible detrimental effects. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factors that may affect the livability of such proposed use of the agriculture of the area;

(6) Ingress and egress are provided and designed not to create traffic hazards;

(7) Takes the least possible amount of agricultural land out of production;

(8) The operation complies with all applicable air, noise and water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained;

(9) Explain how the proposed commercial activity complies with the following standards:

(a) The activity must enhance the farming activities of the local agricultural community,

(b) The agricultural and commercial activity must occur together in the local community, and

(c) The product or service must be essential to the practice of agriculture. Additional activity that is incidental to and supportive of the primary purpose does not disqualify the commercial activity.

(C) *Commercial Utility Facilities*.

Commercial utility facilities for the purposes of generating and distributing power for public use by sale. Such facilities shall include, but are not limited to, electrical substations, power trams, water storage tanks, sewage disposal facilities, water treatment facilities, towers or transmitting facilities for radar and television, and dams. This does not include Wind Power Generation Facility (See specific criteria, Section 152.616 (HHH), or local distribution lines for sewer, water, gas, telephone, and power and similar minor facilities. These uses are allowed provided that:

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as

outlined in policies of the Comprehensive Plan;

(2) Facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a recreational residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a Mountain Recreational or Forest Residential Zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) The site be maintained free of litter and debris;

(b) Use of non-combustible or fire retardant treated materials for structures and fencing;

(c) Removal of all combustible materials within 30 feet of structures.

(5) Major transmission towers, poles and similar gear shall consider locations within or adjacent to existing rights-of way in order to take the least amount of timber land out of production and maintain the overall stability and land use patterns of the area, and construction methods consider minimum a soil disturbance to maintain water quality;

(6) Facility shall not alter accepted timber management operations on adjacent forest land;

(7) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(8) Access roads or easements be improved to the County's Transportation Plan standards and follow grades recommended by the Public Works Director;

(9) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(10) Complies with other conditions deemed necessary.

(D) *Community Centers*.

(1) The activity is compatible with the existing surrounding land uses;

(2) The site has direct access to a dedicated public or county road or state highway;

(3) There is adequate area for parking;

(4) Landscaping is provided between the use and surrounding residential uses;

(5) Adequate building and site design provisions are provided to minimize noise and glare from the building and site;

(6) Complies with other conditions deemed necessary.

(E) *Composting Facilities.*

Composing facilities for which a permit has been granted by the Department of

Environmental Quality under ORS 459.245 and OAR 340-96-020, and which are not facilities that are a "farm use" as defined OAR 660-033-0020 (7), or proposed to be located on farmland meeting the definition of high-value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3).

(1) Buildings and facilities used for the composting operation shall only be those required for the operation of the subject facility.

(2) On site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

(3) Complies with other conditions deemed necessary.

(F) *Destination Resorts.*

Destination resorts consistent with the requirements of Goal 8 and the following:

(1) Sufficient off street parking for employees, owners, and patrons is provided according to § 152.560;

(2) Development has access to a dedicated public or county road or to a state highway;

(3) Ingress and egress are provided and designed not to create traffic hazards;

(4) The use is designed to minimize conflicts with scenic values, forestry, farm or grazing, and/or other recreational residential developments by requiring buffers and/or screens to reduce noise and visual conflicts;

(5) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, and the like. This provision shall also apply to signs associated with the business;

(6) Fire prevention measures may include, but are not limited to:

(a) Area surrounding buildings, kept free from litter and debris;

(b) Fire resistant construction materials or materials treated with a fire retardant substance;

(c) Removal of combustible fuels within 30 feet of structures.

(7) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(8) Easements and interior roads shall be improved to the County's Transportation Plan standards and follow grades approved by the Public Works Director;

(9) Road construction in multiple use areas shall be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to help minimize soil disturbance and help maintain water quality;

(10) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;

(11) Facility shall adequately protect fish and wildlife resources by meeting Oregon State Department of Forestry regulations;

(12) A site plan shall be submitted with the conditional use application and drawn or certified by an Oregon licensed architect or registered engineer;

(13) Certification from an Oregon licensed engineer that adequate water supplies are available for both domestic and fire suppression use;

(14) A favorable site suitability report from the Department of Environmental Quality is obtained for the proposed use(s), submitted with the conditional use application;

(15) Certification from an Oregon licensed engineer that surface water runoff will be directed so as not to adversely impact adjacent lands;

(16) The facility be associated with a unique scenic, historic, or recreational value;

(17) Buildings shall be set back at least 200 feet from lands zoned GF;

(18) Complies with other conditions deemed necessary.

(G) *Golf courses and their related services and facilities*.

(1) There is sufficient off street parking for employees, owners and patrons;

(2) The use has access to a dedicated public or county road or state highway;

(3) Interior access roads shall be improved to a standard and follow grades approved by the Public Works Director;

(4) Ingress and egress are provided and designed not to create traffic hazards;

(5) The location is conveniently or centrally located to serve local uses;

(6) Fencing and landscaping shall be required around the perimeter of the use to reduce trespass and litter onto adjacent farm, forest, rural residential and forest or mountain residential use;

(7) A site plan shall be submitted with the application drawn or certified by an Oregon licensed landscape architect or registered engineer;

(8) Certification from an Oregon licensed engineer shall be submitted showing that adequate water supplies are available for domestic (includes water for fairways and greens) and fire suppression use;

(9) A favorable site suitability report from the DEQ is obtained for related services requiring sanitation facilities and is submitted with the application.

(H) *Home Occupations/Cottage Industry*.

(1) The home occupation/cottage industry shall be secondary to the main use of the property as a residence and shall be operated by the resident or employee of a resident of the property on which the business is located;

(2) The home occupation/cottage industry must be operated completely within the dwelling or in other buildings normally associated with uses permitted within the zone in which the property is located;

(3) There shall be no more than five people employed, including both full and

part time employees;

(4) No structural alterations shall be allowed to accommodate the home occupation/cottage industry except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved. Such structural alterations shall not detract from the outward appearance of buildings as an accessory structure to a residence;

(5) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors;

(6) Retail sales shall be limited or accessory to a service;

(7) Outside storage of materials, equipment or products related to the home occupation/cottage industry shall not be allowed;

(8) There shall be no display other than a Type 2 sign that will indicate from the exterior that the building is used in whole or part for any purpose other than a dwelling;

(9) A home occupation/cottage industry approved under this division shall be reviewed after one year for compliance with the above conditions and each subsequent year that the home occupation/cottage industry exists.

(10) The existence of a home occupation/ cottage industry shall not be used as justification for any future zone change.

(11) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer vehicles in a manner of frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking;

(12) Customers visiting the home occupation/cottage industry must use an approved off-street parking area. No more than 10 vehicles from customers/visitors of the home occupation/cottage industry can be present at any given time on the subject parcel. All off-street parking must be provided on the subject parcel where the home occupation/cottage industry is operated. Parking on public roads or easements must not occur at any time.

(I) *Kennels.*

(1) The activity is compatible with the existing surrounding land uses;

(2) Building and site design provisions are adequate to minimize noise and odors caused by the activity;

(3) The site has direct access to a dedicated public or county right of way or state highway;

(4) A site-obscuring fence or hedge may be required to protect adjacent land uses;

(5) Adequate area is provided for parking and the loading and unloading of animals, especially those large animals requiring trucks to transport them;

(6) All kennels, runs, or pens shall be

completely enclosed and shall constructed of masonry, concrete or other such materials as shall provide for cleanliness, ease of maintenance and sound and noise control. Fencing to be used will be of an industrial grade quality and not aluminum.

(7) All kennels, runs and other facilities shall be designed, constructed and located on the site in a manner that will minimize and adversely effects upon the surrounding properties. Among the factors that shall be considered, are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences on nearby properties, and other similar factors. Kennels are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(8) The owner or operator to the kennel or pound shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be maintained in such a manner that they will provide a breeding place for insects, vermin or rodent.

(9) The advice of the County Health Officer, officials of humane societies and veterinarians may be requested before approving a dog kennel or pound.

(10) Meet the requirements of Oregon Administrative Rules 603, Division 15 (Care of Pets and Captive Animals.)

(11) The kennel shall be at least 100 feet from a property line and 500 feet from the nearest residence other than the owner's or applicant's home, provide it is on the same lot as the proposed kennel.

(12) No dog kennel shall occupy a front yard area of a lot.

(13) The kennel shall be enclosed by a perimeter fence.

(14) Complies with other conditions deemed necessary.

(J) *Living History Museum.*

(1) A living history museum shall be related to resource based activities and shall be owned and operated by a government agency or a local historical society.

(2) A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary.

(3) The site has direct access to a dedicated public or county road or state highway;

(4) There is adequate area for parking;

(5) Landscaping shall be provided between the use and any surrounding residential uses;

(K) *Mining*

Commercial gravel pits or extraction, surface mining and processing and the

operations conducted for the exploration, mining and processing of geothermal resources, other mineral resources, or other subsurface resources.

(1) Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

(i) They shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over 75% of the total land mass and shall be centered on the property.

(ii) They shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling.

(b) In a new pit. They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and not exceed 75% of the total land mass.

(2) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

(a) In an existing pit.

(i) Equipment shall not be located within 50 feet of a public road, county road or utility right of way or located further away if deemed necessary.

(ii) Equipment shall not be located within 100 feet from any part of a property line, which is adjacent to a residential dwelling or further if deemed necessary.

(b) In a new pit. Where the use of processing equipment such as crushers, batch plants, and the like, the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback.

(3) All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

(4) The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If, fencing and/or walls are required, they shall be of a type and color that will blend with the surrounding landscape and existing uses. In all instances above, the placement and design shall effectively screen and site from the public;

(5) Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than one inch equals 400 feet and shall show, but not be limited to, the corners and boundaries of the mining areas; the area to be mined; the location and names of all streams, natural areas, roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such

operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and range). If aerial photographs are used as a base, the scale shall be shown;

(6) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas;

(7) A reclamation plan has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance;

(8) The operation complies with all applicable air, noise and water quality regulations of all county, state or federal jurisdictions and all applicable state or federal permits are obtained;

(9) Rehabilitation of landscape after the extraction operations are completed. A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation.

(10) All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project;

(11) The activity complies with other conditions deemed necessary, which may include, but are not limited to:

(a) Limitations on lighting;

(b) Restrictions on the hours of operations;

(c) Fencing of open pit areas;

(d) An increase or decrease in required setbacks;

(e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping.

(f) Off site stockpiling and/or processing if located adjacent to concentration of residential dwellings.

(12) Within an Exclusive Farm Use Zone, the requested site must be included on an inventory included in the acknowledged Comprehensive Plan in order for a permit for mining of aggregate to occur.

(L) *Onsite Filming Activities* (more than 45 days).

Onsite filming and activities accessory to onsite filming that exceed 45 days on any site within a one-year period or involve erection of sets that would remain in place for longer than 45 days may be conducted by the approval of the local government in any area zoned for exclusive farm use subject to §152.062.

(M) *Operations for the Extraction and Bottling of water*.

(1) The activity has direct access to a

major state, county or public road;

(2) The activity is located to reduce any detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties may be required to reduce any detrimental effects.

(3) Ingress and egress are provided and designed so as not to create a traffic hazard;

(4) The operation complies with all applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdiction and all applicable permits are obtained.

(5) Complies with other conditions deemed necessary.

(N) *Personal Use Airport or Airstrip.*

PERSONAL USE AIRPORT, as used in this division, means an airstrip restricted, except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural operation.

(1) No aircraft shall be based on a personal use airport other than those owned or controlled by the owner of the airstrip;

(2) A site plan is submitted with the application showing topography of the surrounding area;

(3) The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;

(4) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

(5) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.

(6) Facility be located 500 feet or more from existing dwellings on adjacent properties;

(7) The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;

(8) Complies with other conditions deemed necessary.

(9) The personal use landing strip lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Aviation.

(10) Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances.

(O) *Private parks, private playgrounds, private hunting and fishing preserves and private campgrounds on a parcel or tract not meeting the definition of high value farmland.*

(1) Private campgrounds shall be located on a lot or parcel contiguous to a lake or reservoir and shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. A private campground is an area devoted to overnight temporary use for vacation, recreational or emergency

purposed, but not for residential purposed 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 private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects vegetation or other natural features between campsites. 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-month period.

(2) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by (3) below;

(3) Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. Not more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the Commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this section, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

(4) Facility is designed to minimize conflicts with scenic values and adjacent farm, forest, rural and recreational residential uses as outlined in policies of the Comprehensive Plan and shall not alter accepted farming or forest practices on adjacent lands;

(5) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(6) Fire protection measures be considered which may include, but are not limited to:

(a) Area surrounding use is to be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(7) Adequate off street parking is provided for users as prescribed in §152.560;

(8) Has an adequate quantity and quality of water and approved surface or sanitary disposal system from the DEQ, and adequate provisions of solid waste disposal;

(9) Complies with other conditions deems necessary.

(P) *Propagation, Cultivation, Maintenance and Harvesting of Aquatic Species*.

(1) Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.

(2) Notice of all applications under this section shall be made to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations and shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(Q) *Public parks*.

A public park may be established consistent with the provisions of ORS 195.120, which includes only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable.

(R) *Residential Home or Facility (in existing homes).*

(1) "Residential facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed or registered under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(2) "Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(S) *Site for Disposal of Solid Waste*.

(1) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;

(2) Facility is of a size and design to help reduce noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone;

(3) Facility be fenced when located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening be provided;

(4) Facility does not constitute an unnecessary fire hazard and consideration be made of minimum fire safety measures if located in a forested area, which can include, but is not limited to:

(a) Area surrounding use is to be kept free from litter and debris;

(b) Fencing around use, if deemed appropriate to protect adjacent farm crops or timber stand;

(c) If proposed to be located in a forested area, construction materials be fire resistant or treated with a fire retardant substance and be required to remove forest fuels within 30 feet of structures.

(5) Facility shall not alter accepted timber or farm management operations on adjacent forest or farm lands;

(6) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(7) Access roads or easements shall be improved to the county's Transportation Plan standards and follow grades recommended by the Public Works Director;

(8) Road construction must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality;

(9) Comply with other conditions deemed necessary.

(T) *Transmission or Communication Towers over 200 feet in height*.

(1) The facility is designed to minimize conflicts with scenic values and adjacent recreational residential, forest, grazing and farm uses as outlined in policies of the Comprehensive Plan;

(2) The facility does not constitute an unnecessary fire hazard, and consideration be made for minimum fire safety measures which can include, but are not limited to:

(a) The site be maintained free of litter and debris;

(b) Using non-combustible or fire retardant treated materials for structures and fencing;

(c) Clearing site of all combustible materials within 30 feet of structures;

(3) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;

(4) Take the least amount of timber or farm land out of production and maintain the overall stability of the land use patterns of the area.

(5) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;

(6) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act or the 208 Water Quality Program to minimize soil disturbance and help maintain water quality;

(7) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;

(8) Complies with other conditions deemed necessary.

(U) *Public or Private Schools*

(1) The site has direct access to a dedicated public or county road or a state

highway;

(2) Adequate off street area is available for the loading and unloading of vehicles and buses carrying school children;

(3) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;

(4) Landscaping on the grounds and a fence to enclose the entire school property may be required to separate it from other uses;

(5) Schools shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004.

(6) Complies with other conditions deemed necessary.

(7) Maintenance, enhancement or expansion standards for existing school facilities may be approved pursuant to OAR 660-033-0130 (2, 5) or (18).

(8) New School facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(V) *Temporary Hardship Dwellings.*

(1) *Purpose*. The purpose of this section is to establish temporary hardship dwellings in the EFU Zone. A hardship dwelling is one manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. UNDUE HARDSHIP shall refer to unique and temporary conditions that exist which justify the need for temporary housing on a given lot or parcel. The aged or disabled person must require direct personal care in order to qualify for a temporary hardship dwelling. If the hardship is suffered by the existing resident, then a non-relative caregiver may live in the temporary hardship dwelling. Nothing in this section shall be construed to require the granting of such temporary hardship dwelling.

(2) *Conditions*. The following conditions shall be applied in evaluating an application for a Temporary Hardship Dwelling:

(a) The temporary hardship dwelling shall be connected to the same subsurface sewage disposal system used by the existing dwelling. If the temporary hardship dwelling will use a public sanitary sewer system, such condition will not be required;

(b) Approval shall be for a period of two years, which may be renewed; additional doctor's certification may be required to confirm the continued existence of a medical hardship.

(c) The Planning Director or designated authority may require doctor's certification based upon family member dependency due to age and/or medical reasons.

(d) The location of a temporary hardship dwelling on a parcel of land shall not be considered a separate dwelling site and the lot area, frontage and access requirements of the applicable zoning district shall not apply;

(e) Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use.

(f) A temporary hardship dwelling approved under this sub-section is not eligible for replacement.

(W) *Commercial Wind Power Generation Facility.*

See Commercial Wind Power Generation Facility criteria listed in § 152.616 (HHH).

(X) *Agri-Tourism or other commercial event or activity.*

The County may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities. However, the temporary structures must be removed at the end of the agri-tourism or other commercial event or activity. The County may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized,

The authorizations provided are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use. Only one type of event (single, single expedited, multiple 6 events) can be authorized at a time on a tract of land.

(1) *Single Event.* The County may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

(a) The agri-tourism or other commercial event or activity is related to and supportive of agriculture as well as incidental and subordinate to existing farm use on the tract;

(b) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

(c) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

(d) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

(e) The agri-tourism or other commercial event or activity complies with §152.061;

(f) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

(g) The agri-tourism or other commercial event or activity complies with conditions established for:

(i) Planned hours of operation;

(ii) Access, egress and parking;

(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(iv) Sanitation and solid waste.

(2) *Multiple Events (6 events).* The County may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(a) Must be incidental and subordinate to existing farm use on the tract;

(b) May not, individually, exceed a duration of 72 consecutive hours;

(c) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(d) Must comply with §152.061;

(e) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(f) Must comply with conditions established for:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v) Sanitation and solid waste.

(g) The County may issue the limited use permits for two calendar years. When considering an application for renewal, the County shall ensure compliance with these provisions, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(3) *Multiple Events (18 events).* The County may authorize agri-tourism or other commercial events or activities that occur

more frequently or for a longer period if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(a) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(b) Comply with these requirements:

(i) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(ii) Must comply with §152.061;

(iii) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(iv) Must comply with conditions established for:

1. The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

2. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

3. The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

4. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

5. Sanitation and solid waste.

(c) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(d) Do not exceed 18 events or activities in a calendar year.

(e) A holder of a permit authorized by the County under this subsection must request review of the permit at four-year intervals. Upon receipt of a request for review, the County shall:

(i) Provide public notice and an opportunity for public comment as part of the review process; and

(ii) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit.

(Y) Permanent Facility for the primary processing of forest products that is:

(1) Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or

(2) Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or

(3) Located in a combination of indoor and outdoor areas described in paragraphs (1) and (2); and

(4) Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

(II) EFU AND GF ZONE LAND USE DECISIONS

Quick links to each listed use:

(1) Agricultural Processing Facility.
(2) Cemeteries in conjunction with churches.
(3) Churches
(4) Facility for Processing Forest Products.
(5) Firearms Training Facility.
(6) [Item Deleted]
(7) Utility Facility Necessary for Public Service.
(8) Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard.

(1) *Agricultural Processing Facility*.

(a) The activity has direct access to a major state, county or public road;

(b) The activity is located and of a size and design to help reduce noise, odor, or other detrimental effects when located adjacent to residential areas. A buffer or setback area from adjacent properties may be required to reduce detrimental effects. The establishment of a buffer shall consider such factors as prevailing wind, drainage, expansion potential and other factors that may affect the livability of such proposed use of the area;

(c) Ingress and egress are provided and designed so as not to create a traffic hazard;

(d) The operation complies with all applicable air, noise, water quality and other applicable regulations of all county, state or federal jurisdiction and all applicable permits are obtained;

(e) The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;

(f) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use;

(g) A processing facility shall comply with all applicable siting standards;

(h) A land partition shall not be approved by the County to separate the processing facility from the farm operation.

(2) *Cemeteries in conjunction with churches*.

(a) Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for internment and that the nature of the subsoil and drainage will not have a detrimental effect on ground or domestic water supplies;

(b) In establishing a new cemetery, adequate room for expansion shall be provided;

(c) The site has direct access to a dedicated public or county right of way or state highway;

(d) All roads within the cemetery shall be, at a minimum, an oil mat surface;

(e) The site shall be entirely enclosed by a fence of at least six feet in height, and set back accordingly to meet vision clearance requirements;

(f) Cemeteries in conjunction with a church shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(g) On EFU zoned lands cemeteries are allowed in conjunction with churches consistent with ORS 215.441 and are processed as a land use decision.

(h) The cemetery may be required to have landscaping around the perimeter of the site.

(3) *Churches*

(a) Such uses may be authorized only upon a finding that sufficient area is provided for the building, required yards, and off street parking. Related structures and uses such as a manse, parochial school, or parish house are considered separate uses and additional lot areas shall be required therefore.

(b) The applicant shall address the following issues in the application:

(1) Location of the site relative to the service area;

(2) Probable growth and needs thereof;

(3) Site location relative to land uses in the vicinity;

(4) Adequate access to and from a principle street and the probable effect of the proposal on the traffic volume of abutting and nearby streets.

(c) Such uses or related buildings shall be at least 30 feet from a side or rear lot line;

(d) Such uses may be built to exceed the area and the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

(e) Churches shall not be approved within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 004. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

(f) Expansion of existing church facilities is allowable up to a cumulative 50% increase based on the habitable floor area existing on March 6, 1990. New church facilities are not allowed to be located on farm zoned land that is predominately composed of high value farm soils.

(g) Churches must be consistent with ORS 215.441 and are processed as a land use decision.

(4) *Facility for Processing Forest Products*.

The PRIMARY PROCESSING OF A FOREST PRODUCT, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. FOREST PRODUCTS, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(a) The facility is located on the parcel of land or contiguous land where the timber to be processed is grown;

(b) The facility is located away from existing recreational residential development by more than 200 feet;

(c) Where possible, haul roads will avoid existing recreational residential developments.

(d) Within an EFU Zone, the following additional standards as set forth in ORS 215.283(2) (j) shall apply:

Provided that such a facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2), such a facility may be approved for a one year period. These facilities are intended to be only portable and temporary in nature.

(5) *Firearms Training Facility*.

Any firearms training facility in existence on September 9, 1995, shall be allowed to continue operating until such time as the facility is no longer used as a firearms training facility and to be maintained, enhanced, or expanded as provided for in this section.

(For purposes of this section a FIREARMS TRAINING FACILITY is an indoor or outdoor facility that provides training courses and issues certifications required for law enforcement personnel, by the State Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting and safety.)

(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 179.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of section, “tract” means a tract as defined by ORS 215.010 (2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements.
(Ord. 2015-03, passed 4-28-15).

(6) [Item Deleted]

(7) *Utility Facility Necessary for Public Service*.

(A) A utility facility established under ORS 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(1) Demonstrate that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(a) Information provided in the technical and engineering feasibility;

(b) The proposed facility is locationally dependent. (It must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.)

(c) Show a lack of available urban and non-resource lands;

(d) Due to availability of existing rights of way.

(e) Due to public health and safety concerns; and

(f) Show it must meet other requirements of state and federal agencies.

(2) Costs associated with any of the factors listed in subsection (A) above may be considered, but cost alone, including the cost of land, may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

(3) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

(4) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

(5) Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Off-site facilities allowed under this paragraph are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.

(6) In addition to the provisions of paragraphs (1) to (4) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

(7) The provisions of paragraphs (1) to (4) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

(B) An associated transmission line is necessary for public service and shall be approved by the governing body of a county or its designee if an applicant for approval under ORS 215.283(1)(c) demonstrates to the governing body of the county or its designee that the associated transmission line meets either the requirements of paragraph (1) of this subsection or the requirements of paragraph (2) of this subsection.

(1) An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:

(a) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;

(b) The associated transmission line is co-located with an existing transmission line;

(c) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or

(d) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad that is located above the surface of the ground.

(2) After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (3) and (4) of this subsection, two or more of the following criteria:

(a) Technical and engineering feasibility;

(b) The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(c) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;

(d) Public health and safety; or

(e) Other requirements of state or federal agencies.

(3) As pertains to paragraph (2), the applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost

of farm practices on the surrounding farmland.

(4) The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (B) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

(8) *Alteration, restoration or replacement of a lawfully established dwelling that has been removed or destroyed by fire or natural hazard.*

(a) A lawfully established dwelling may be altered, restored or replaced under this section if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:

(A) The dwelling to be altered, restored or replaced has, or formerly had:

(i) Intact exterior walls and roof structure;

(ii) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(iii) Interior wiring for interior lights; and

(iv) A heating system; and

(B) The dwelling was assessed as a dwelling on the tax roll for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time; and

(C) Notwithstanding paragraph (B), if the value of the dwelling was eliminated as a result of either of the following:

(i) The dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated by the destruction (i.e. by fire or natural hazard), or demolition for the restoration of the dwelling; or

(ii) The applicant establishes that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.

(b) The dwelling to be replaced must be:

(A) Removed, demolished or converted to an allowable nonresidential use within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055;

(B) The applicant must record in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

(c) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

(A) The replacement dwelling

must be sited on the same lot or parcel:

(i) Using all or part of the footprint of the replaced dwelling; or

(ii) near a road, ditch, river, property line forest boundary or another natural boundary of the lot or parcel; and

(iii) if possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

(d) A replacement dwelling permit that is issued under this section is not subject to the time to act limits of ORS 215.417. (Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2010-01, passed 3-11-10; Ord. 2011-02, passed 3-17-11; Ord. 2012-02 passed 1-26-12; Ord. 2014-04, passed 7-2-14; Ord. 2016-02, passed 3-16-16;).

VARIANCES

Sub-Sections

152.625	Authorization to grant or deny variances
152.626	Minor variances
152.627	Circumstances for granting a variance
152.628	Procedure for taking action on a variance application
152.629	Time limit on a variance
152.630	Limit on reapplication

§ 152.625 AUTHORIZATION TO GRANT OR DENY VARIANCES.

The Planning Director may grant a variance to the requirements of this chapter where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of this chapter would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Director may attach conditions which he finds necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purposes of this chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.626 MINOR VARIANCES. [Section Deleted]

(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

§ 152.627 CIRCUMSTANCES FOR GRANTING A VARIANCE.

A variance may be granted under some or all of the following circumstances:

(A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this chapter have had no control;

(B) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owner of other property in the same zone or vicinity;

(C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy;

(D) The variance requested is the minimum variance which would alleviate the hardship.

(E) At no time shall a setback from a property line or access easement be decreased below 5 feet in any zone.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.628 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION.

The procedure for taking action on an application for a variance shall be as follows:

(A) A property owner or the Planning Commission may initiate a request for a variance by filing an application with the Planning Department using forms prescribed pursuant to § 152.771;

(B) *Procedure.* A variance request shall be processed via administrative review, per § 152.769 of this chapter.

(C) *Zoning Permit*. An applicant granted a variance must also obtain a zoning permit per § 152.025.

(D) *Appeal.* A decision of the Planning Director may be appealed only to the Planning Commission. A decision of the Planning Commission may be appealed only to the Board of Commissioners. An appeal must be filed in writing with the Planning Department within 15 days of the decision being appealed, or that decision will be final.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

§ 152.629 TIME LIMIT ON A VARIANCE.

A variance shall be void after one year or such lesser time as the permit may specify. However, the Planning Director may extend authorization for an additional period, not to exceed one year, on the request of the applicant. The total time allowed shall not exceed two years form the original approved date.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.630 LIMIT ONE APPLICATION.

No application for a variance shall be considered by the Planning Director within one year of the denial of such a request, unless, in the opinion of the Planning Director, new evidence or a change or circumstances warrant it.
(Ord. 83-4, passed 5-9-83)

LAND DIVISIONS

Sub-Sections

PART 1	General Provisions
PART 2	Type I Land Division
PART 3	Type II Land Division
PART 4	Type III Land Division
PART 5	Type IV Land Division
PART 6	Type V Land Division
PART 7	Type VI Land Division

PART 1, GENERAL PROVISIONS

Sub-Sections

152.640	Purpose
152.641	Definitions
152.642	Prohibition of sales of lots or certain interests prior to recordation of plat, pursuant to ORS 92.025
152.643	Classification of lands; land division types
152.644	Surveying required
152.645	Delegation of authority for land divisions
152.646	Proposals designated to land division types
152.647	Improvement agreements
152.648	Creation of roads, easements and rights-of-way; minimum standards
152.649	Dedication of public land
152.650	Subdivision of land in certain zones prohibited unless requirements fulfilled
152.651	Variances
152.652	Previous approvals

§ 152.640 PURPOSE.

The purpose of the subdivision and partitioning regulations outlined in the following sections is to implement the County's Comprehensive Plan and to promote the orderly and economic division of land within the county by allowing the greatest flexibility for the landowners in the county when subdividing and partitioning is requested.
(Ord. 83-4, passed 5-9-83)

§ 152.641 DEFINITIONS. [Section deleted and combined with §152.003]
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02)

§ 152.642 PROHIBITION OF SALES OF LOTS OR CERTAIN INTERESTS PRIOR TO RECORDATION OF PLAT, PURSUANT TO ORS 92.025.

(A) No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot is situated.

(B) No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of such subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016 (1) and (2), a person may use the approved tentative plan for such subdivision or partition
(Ord. 83-4, passed 5-9-83)

§ 152.643 CLASSIFICATION OF LANDS; LAND DIVISION TYPES.

(A) The Comprehensive Plan, adopted in accordance with the Statewide Planning Goals, classifies certain county lands as within urban growth boundaries and therefore as suitable for intensive development, and other lands as within rural areas and therefore suitable for agricultural, forest, natural resource and other appropriate uses specially allowed in the Comprehensive Plan;

(B) Land division proposals within city urban growth boundaries, shall comply with requirements and procedures in the joint management agreements co-adopted by both the county and appropriate city. Land division proposals, within rural Umatilla County shall comply with the County Comprehensive Plan and zoning requirements;

(C) To allow the greatest flexibility, the county shall adopt and implement four different categories for land division proposals, those being Type I, Type II, Type III and Type IV Land Divisions and Type V, Property Line Adjustments;

(D) Determination of whether administrative or public hearing review should be required depends on the size, location and foreseeable impacts on the community of a given land division proposal. Type II and Type IV Land Division proposals, and replating of Type II and Type IV Land Divisions, as defined in this chapter, are appropriate for administrative review and decision due to their minor impacts on nearby properties and their consistency with the objectives of facilitating development in accordance with the Statewide Planning Goals, and with the County Comprehensive Plan.
(Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-2019;)

§ 152.644 SURVEYING REQUIRED.

(A) It is required that a survey prepared by a licensed Oregon land surveyor be prepared, filed, and recorded for the following types of requests:

(1) Final plats of Type I Land Division (subdivision plats).

(2) Final plats of Type II Land Divisions, for which the smallest parcel is 10 acres or less in size (partition plats in non-resource zones).

(3) Final plats of Type III Land Divisions (subdivision replats).

(4) Final plats of Type IV Land Divisions, for which the smallest parcel is 10 acres or less in size (partition plats in resource zones).

(5) Final plats of Type II and Type IV Land Divisions, if required as a condition of approval, for which the smallest parcel is more than 10 acres in size in accordance with ORS 92.055.

(6) Property line adjustment, Type V Land Divisions if;

(a) a parcel included in the adjustment is 10 acres or less in size; or,

(b) the amount of property being adjusted is 10 acres or less in size; or,

(c) a survey may be required if the property is larger than 10 acres in size

and the following circumstances apply:

(i) the adjusted property line(s) meanders along a unique geographical feature(s) requiring a more detailed survey of the adjustment area; or,

(ii) the location of existing features (i.e. structures, fences, easements) are uncertain in relation to the adjusted property line(s).

(7) Property line adjustment maps of Type V Land Divisions which are "survey corrections," as defined in § 152.003, or corrections to a recorded subdivision or partition plat.

(8) Parcels created in excess of 80 acres may need to be shown on a partition plat or surveyed.

(B) Preliminary surveys and legal descriptions may be required to be submitted for tentative plan approval, as part of an initial land division application. (Ord. 83-4, passed 5-9-83; Ord. 93-03, passed 6-3-93; Ord. 2013-02, passed 1-29-13; Ord. 2019-03, passed 4-3-2019)

§ 152.645 DELEGATION OF AUTHORITY FOR LAND DIVISIONS.

(A) The Planning Commission shall have the authority to approve, deny or modify tentative plans and final plats for Type I subdivisions and Type III subdivision replates.

(B) The Planning Director or designee shall have the authority to approve, deny or modify tentative plans and final plats of Type II and/or Type IV Land Divisions, partition replats and maps of Type V Land Divisions (property line adjustments).

(C) The Planning Director or designee shall have the authority to determine into which land division classification a land division proposal shall follow. Doubt as to the classification of a land division proposal shall be resolved in favor of a Type I classification. Disagreement on a classification determination of a land decision proposal can only be appealed to the Planning Commission. The Planning Commission shall make a final determination as to a disputed classification. (Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-2019;)

§ 152.646 PROPOSALS DESIGNATED TO LAND DIVISION TYPES.

(A) *Type I Land Division.*

(1) The following proposals are designated Type I Land Divisions:

(a) Subdivisions, as defined in §152.003;

(b) Other land division proposals determined by the Planning Director to have a substantial impact on the use or development of nearby property, and land division proposals the Planning Commission determines at a public hearing to follow the Type I Land Division requirements, considering:

(1) The nature of nearby land uses or the pattern of existing land division in relation to the applicable goals and policies of the Comprehensive Plan;

(2) Plans or programs for the extension of streets or utility systems on or near the proposed division;

(3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, landslides or other existing or potential hazards;

(2) Review and approval procedures for Type I Land Divisions are set forth in §§ 152.665 through 152.669 of this chapter.

(B) *Type II Land Division.*

(1) The following proposals are designated Type II Land Divisions:

(a) Major partitions, except in the EFU or GF Zones.

(b) Minor partitions, except in the EFU or GF Zones.

(c) Replats of partitions, where the original partition was a recorded partition plat, except in the EFU or GF Zones.

(2) Review and approval procedures for Type II Land Divisions are set forth in §§ 152.680 through 152.686 of this chapter.

(C) *Type III Land Division.*

(1) The following proposals are designated Type III Land Divisions: replats of subdivisions.

(2) Review and approval procedures for Type III Land Divisions are set forth in §§ 152.695 through 152.698 of this chapter.

(D) *Type IV Land Division.*

(1) The following proposals are designated Type IV Land Divisions:

(a) Partitions of land in an EFU Exclusive Farm Use Zone.

(b) Partitions of land in a GF Grazing Farm Zone.

(c) Replats of partitions in an EFU or GF Zone.

(2) Review and approval procedures for Type IV Land Divisions are set forth in §§ 152.710 and 152.711 of this chapter.

(E) *Type V Land Division – Property Line Adjustment.*

(1) The following proposals are designated Type V Land Divisions: property line adjustments.

(2) Review and approval procedures for Type V Land Divisions are set forth in §§ 152.720 through 152.725 of this chapter.
(Ord. 2019-03, passed 4-3-19;)

§ 152.647 IMPROVEMENT AGREEMENTS.

(A) Before approval of the final subdivision plat or cluster development map, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the Board of Commissioners an agreement between himself and the county specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the

required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the county may complete the work and recover the full cost and expense thereof from the applicant.

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

(C) To assure full performance of the improvement agreements, an applicant shall provide one of the following:

(1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the County Counsel. The bond shall be in effect until the completed improvements are accepted by the Public Works Director.

(2) Cash deposit with the County Finance Director.

(3) Escrow account. The subdivider or owner shall deposit cash, or collateral readily convertible to cash at face value, either with the County Commission or in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited, are subject to the approval of the Board of Commissioners. Where an escrow account is to be employed, the subdivider or owner shall file with the Board of Commissioners his agreement with the Board guaranteeing the following:

(a) That the funds in the escrow account are to be held in trust until released by the County Commission and may not be used or pledged by the subdivider or owner as security for any obligation during that period.

(b) That in the event that the subdivider or owner fails to complete the required improvements, the bank shall immediately make the funds in escrow available to the county or the completion of these improvements.

(4) Property escrow. The subdivider or owner may offer as a guarantee land or personal property, including corporate stocks or bonds. A qualified real estate appraiser shall establish the value of any real property so used, and in so doing, shall take into account the possibility of a decline in the value of said property during the guarantee period. The Board of Commissioners reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell, or when other factors exist which will inhibit the Board of Commissioners from exchanging the property for an amount of money sufficient to complete the required improvements plus 10%. When property is offered as an improvement guarantee, the subdivider or owner shall:

(a) Execute an agreement with the escrow agent when it is not the county, instructing the agent to release the property to the County Recorder.

(b) File with the Board of Commissioners a preliminary title report affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow.

(c) Execute and file with the Board of Commissioners an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the County Commission.

(5) Special improvement district. The County Commission may enter into agreement with the subdivider, and the owners of the property proposed for subdivision or cluster development of other than the person subdividing or cluster developing the land, that the installation of required improvements will be financed through a special improvement district created pursuant to Oregon law. This agreement must provide that no lots within the subdivision or cluster development will be sold, rented, or leased, and no contract for the sale of lots executed, before the improvement district has been created. An agreement to finance improvements through the creation of a special improvements district constitutes a waiver by the subdivider or owner of cluster development or the owner of the property of the right to protest or petition against the creation of the district.

(6) Letter of credit. Subject to the approval of the Board of Commissioners, the subdivider or owner of cluster development shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the County Commission and shall certify the following:

(a) That the creditor guarantees funds in an amount equal to 110% of the actual cost, as estimated by the Public Works Director and approved by the Board of Commissioners, of completing all required improvements;

(b) That if the subdivider or land partitioner fails to complete the specified improvements within the required period, the creditor will pay to the county immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;

(c) That this letter of credit may not be withdrawn, or reduced in amount, until released by the County Commission.

(D) Cost of improvements. All required improvements shall be made by the subdivider or owner of a cluster development, at his expense, without reimbursement by the county, except in the case of a creation of a special improvement district as provided in ORS 371.605 to 371.660 and subdivision (C)(5) of this section.

(E) Failure to complete improvements.

(1) For subdivision or cluster developments for which financial guarantees of performance have not been made, if the improvements are not completed within the period specified under said agreement in division (A) of this section, the county may either complete the work and recover the full cost and expense thereof from the subdivider including attorney fees or shall deem the approval of the tentative plan to have expired.

(2) In those cases where a guarantee of financial security has been made, if the subdivider fails to carry out provisions of the agreement and the county

has unreimbursed costs or expenses resulting from such failure, the county shall call on the financial security agreement for reimbursement. If the amount of financial security agreement deposit exceeds the cost and expense incurred by the county, the county shall release the remainder. If the amount of the financial security agreement deposit is less than the cost and expense incurred by the county, the subdivider or owner shall be liable to the county for the difference.

(F) Development phasing. If the preliminary subdivision plan approval pursuant to § 152.666 of this chapter provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in § 152.669 of this chapter for that phase only.

(G) Access improvements requirements.

(1) Any developer or partitioner applying for approval of any new Type I, Type II, or Type III Land Division or an amendment to a Type I, Type II, or Type III Land Division which increases traffic of any county or public road within or abutting the proposed subdivision or partition shall be required to do one of the following, if the subdivision or partition results in no more than 10 lots:

(a) Pay a pro rata share of the improvements necessary to bring the affected county or public road to the county standard required for that amount of traffic. The Public Works Director shall determine the amount of pro rata share by determining the total cost of improvement and then multiplying that total cost figure by the percentage of increased traffic directly attributable to the subdivision or partition. The Planning Commission, or the Planning Director, shall require that the amount be paid in full before the final plat or partition is approved. Or, upon request of the developer or partitioner, the developer or partitioner may pay a portion thereof, but not less than 30% before final plat or partition approval, and the remainder upon sale of lots in the subdivision or partition. In the event the latter method of payment is used, the total amount of the developer's contribution shall be paid within five years of the date of approval of the preliminary plat. Until the amount is paid in full, the county shall have a lien on the subject parcel(s) for the amount of the unpaid balance; or

(b) Each lot shall be subject to an agreement to pay the pro rata share of the improvements necessary to bring the affected county or public road to a county standard required for that amount. Upon sale or transfer of title of 75% of the lots, the total amount of the prorated share for all lots shall be due. The agreement shall be filed with the County Recorder and shall be binding on all successor's in interest to the property; or

(c) The developer or partitioner may, upon approval of the Planning Commission or Planning Director, allow the developer or partitioner to phase development. Phasing shall allow the developer or partitioner to sell off a portion of the total number of lots before the total amount of the pro rata share shall become due. The total amount of lots per phase shall be determined by the Planning Commission or Planning Director and the phasing plan shall be recorded in the County Records Office and shall be binding on the developer or partitioner, his heirs and assigns.

(2) Any developer applying for

approval of any new subdivision or an amendment to an approved subdivision which increases occupancy or traffic of any county or public road within or abutting the proposed subdivision shall be required to do the following if the subdivision results in 11 or more lots: pay a pro rata share of the improvements necessary to bring the affected county or public road to the county standard required for the amount of traffic. The Public Works Director shall determine the amount of pro rata share by determining the total cost of improvement and then multiplying that cost figure by the percentage of increased traffic directly attributed to the subdivision. The Planning Commission may require that the amount be paid in full before the final plat is approved. Or, upon request of the developer, the developer may pay a portion thereof, but not less than 30% before final plat approval, and the remainder upon sale of the lots in the subdivision. In the event the latter method of payment is used, the total amount of the developer's contribution shall be paid within five years of date of approval of the preliminary plat. Until the amount is paid in full, the county shall have a lien on the subject parcel(s) for the amount of the unpaid balance.

(3) In all cases, the developer shall be responsible for the dedication of rights-of-way on any abutting county or public road, if necessary, to bring that road to county standards. Any agreement to improve the affected roads to the required standard and to dedicate the required rights-of-way shall be a condition of granting a Type I or Type II Land Division, shall be binding on the developer, his heirs and assigns, and shall be filed by the developer with the County Recorder upon execution. Improvements shall be guaranteed through the provision set forth in division (C) of this section.

(4) As used in this section, the term ***ABUTTING*** shall mean adjoining with a common boundary line. The Planning Commission or Planning Director has the authority to require that the improvements be carried out when during the course of review, it is found that:

(a) The proposal would cause development which would increase traffic on abutting county or public roads in excess of their carrying capacity, as determined by the County Public Works Director, using nationally accepted standards that correlate traffic to road conditions; or

(b) The proposal would exceed other generally accepted national standards for design of public facilities; or

(c) The proposal would create a safety hazard that could be documented by the County Public Works Director or other state, federal or local official; or

(d) The proposal would create an on-going maintenance problem that could be documented by the County Public Works Director or other state, federal or local official.

(5) It is the proponent's burden of proof to show that the proposal will not adversely impact county or public roads, and thus not have to meet the requirements of this division.
(Ord. 83-4, passed 5-9-83)

§ 152.648 CREATION OF ROADS, EASEMENTS AND RIGHTS-OF-WAY; MINIMUM STANDARDS.

(A) *Creation of roads.* The creation of a road shall be in conformance with the

requirements of this chapter and the Transportation System Plan adopted by the county or other policy implementing the County's Comprehensive Plan. No street or road shall be established without the Planning Commission first reviewing the proposal and the Board of Commissioners accepting the road for public use. All streets and roads shall be dedicated. Any dedication of a road by deed is not effective and cannot be recorded without the consent and the acceptance of the Board of Commissioners. Streets cannot be dedicated by deed.

(B) *Creation of easements, private roads and public rights-of-way.* A private easement or right-of-way, or any other device created to provide access to property which is not otherwise described or controlled by this chapter, shall be submitted to and approved by the Planning Director and shall be described and recorded in the County Records Office. If, in the opinion of the Planning Director, the proposed easement, private road or right-of-way would involve new or modified standards of policy, the Planning Director may refer the matter to the Planning Commission for a decision.

(C) Cul-de-sacs or permanent dead-end roads may be used as part of a development plan; however, through roads are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting roads infeasible. Where cul-de-sacs are planned, easements or rights of way shall be provided, when deemed appropriate, connecting the end of cul-de-sacs to other roads, or to provide connectivity to adjacent properties.

TABLE 1: RURAL ROAD STANDARDS

Classification	**Surface Width**	**Right of Way Width**	**Minimum Posted** Speed
Private Roads and Public Right of Way			
Option 1	16 feet	**30 feet**	**n/a**
Option 2	22 feet	**60 feet**	**n/a**
Local Road[3]			
Option 1 – Residential	26-28 feet	**60 feet**	15-25 mph
Option 2 – Industrial	30 feet	**60 feet**	15-25 mph
Major and Minor Collector			
Option 1	32-40 feet	**60 feet**	25-35 mph
Option 2 – Urban	40 feet	**60 feet**	35-55 mph
Arterial Roads			

[3]To be used in new County Road construction and in areas of County Road improvements needed due to development.

Option 1	36-40 feet	**60 feet**	35-55 mph
Option 2 – Urban	40 feet	**60 feet**	35-55 mph

Note: The rural arterial road design standards above apply only to roadways that are under county jurisdiction, and do not apply to state highways.

TABLE 2: SHOULDER WIDTHS ON RURAL ROADS**

	MAJOR AND MINOR		
Road Use	Local Reds	**Collectors**	Arterial Roads
ADT under 400	2 feet	2 feet	4 feet
ADT over 400	2 feet	**4 feet**	6 feet
DHV* under 100			
DHV 100-200	4 feet	**6 feet**	6 feet
DHV 200-400	6 feet	**8 feet**	8 feet
DHV over 400	8 feet	**8 feet**	8 feet

* DHV (Design Hour Volume) is the expected traffic volume in the peak design hour (usually at commuter times).

Source: 1991 Oregon Bicycle and Pedestrian Plan.

*** Widths not provided for private roads and public rights of way*

(D) *Rural Road standards*

(1) Private Roads and Public Rights of Way. See Table 1. These roadways are established as ingress-egress easements to provide legal access to parcels. Although these are not roads in the County Road system, they are under County jurisdiction and are included to recognize their existence and to set standards for their creation. Unless otherwise stated in this Chapter, an easement for roadway purposes shall have a minimum width of 30 feet if the easement serves three or fewer lots. If the easement will serve more than three lots or has the potential of serving more than three lots to provide conductivity, then the easement shall have a minimum width of 60 feet, unless an exception is granted by the Board of Commissioners.

(a) Option 1 is to be used for easements serving 3 parcels or less and includes a 16-foot surface width with a minimum 30-foot easement width. Option 2 is to be used for easements serving 4 or more parcels. This standard includes a 22-foot surface width with a 60-foot easement width.

(b) The specific engineering and design standards for private roads and public rights of way are addressed and approved by the County Public Works Department. Option 2 may also apply to roads dedicated as public roads within a platted subdivision.

(2) Local Roads. See Table 1. Local roads shall have 12-13-foot travel lanes. The road may include shoulders (see Table 2); however, bikeways typically are not needed on rural local roads, since motor vehicle speeds shall be slow and population densities are low. If rural subdivision densities are greater than one dwelling per acre, or if a school or other neighborhood

attraction is located within walking (½ mile) or bicycling distance (2 miles) of a rural subdivision, then sidewalks, pathways, or 6-foot shoulders on both sides of the roadway shall be provided. A 10-foot separated multi-use path on one side of the road may be considered if conditions prohibit sidewalks, paths, or shoulders on both sides of the roadway.

(3) Rural Collectors. See Table 1. All rural collectors shall have two 12-foot travel lanes and include shoulders (see Table 2). In rural areas where rural subdivisions, schools, or commercial centers attract pedestrians, the shoulder shall be 6 feet, regardless of ADTs.

(4) Rural Arterials. See Table 1. All rural arterials shall have two 12-foot travel lanes and include shoulders (see Table 2). In rural areas where rural subdivisions, schools, or commercial centers attract pedestrians, the shoulder shall be 6 feet, regardless of ADTs.

(5) Corner Clearance

(a) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

(b) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.

(c) Where no other alternatives exist, the County may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

(6) Joint and Cross Access

(a) Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

(b) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

(1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

(2) A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

(3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;

(4) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

(c) Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

(d) Pursuant to this section, property owners shall:

(1) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

(2) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the County and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

(3) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

(e) The County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(1) Access driveways and cross access easements are provided in accordance with this section.

(2) The site plan incorporates a unified access and circulation system in accordance with this section.

(3) The property owner enters into a written agreement with the County, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

(f) The Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

(7) Access Connection and Driveway Design

(a) Driveways shall meet the following standards:

(1) If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one-way connection.

(2) For two-way access, each lane shall have a minimum width of 10 feet.

(b) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

(c) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

(8) Requirements for Phased Development Plans

(a) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations

shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

(b) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

(9) Nonconforming Access Features

(a) Legal access connections in place as of September 15, 2002 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

(1) When new access connection permits are requested;

(2) Change in use or enlargements or improvements that will increase trip generation.

(10) Reverse Frontage

(a) Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

(b) When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the County and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

(11) Flag Lot Standards

(a) Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

(b) Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:

(1) Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.

(2) The flag driveway shall have a minimum width of 10 feet and maximum width of 20 feet.

(3) In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots or more, whichever is greater.

(4) The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.

(5) No more than one flag lot shall be permitted per private right-of-way or access easement.

(12) Lot Width-to-Depth Ratios

(a) To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

(13) Cul-de-Sacs and Accessways

(a) Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 20-foot-wide right-of-way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep.

(b) Accessways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than 600 feet.

(c) The Hearings Body or Planning Director may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include but is not limited to:

(1) Physical or topographic conditions make an accessway connection impractical. Such conditions include but are not limited to freeways, railroads, extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonable be provided.

(2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.

(3) Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995 that preclude a required access way connection.

(14) Shared Access

(a) Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

(b) New direct accesses to individual one and two family dwellings shall be prohibited on all but District-level State Highways.

(15) Connectivity

(a) Road systems of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.

(b) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

(c) Minor collector and local

residential access roads shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

(16) Subdivisions

(a) A subdivision shall conform to the following standards:

(1) Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations.

(2) Each lot shall abut a public or private road for the required minimum lot frontage for the zoning district where the lots are located.

(3) If any lot abuts a street right-of-way that does not conform to the design specifications of this code, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

(b) Further subdivision of the property shall be prohibited unless the applicant submits a plat or development plan in accordance with requirements in this ordinance.

(17) Pedestrian Access and Circulation.

(a) Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.

(18) Commercial Development Standards

(a) Commercial buildings, particularly retail shopping and offices, shall be oriented to the road, near or at the setback line. A main entrance shall be oriented to the road. For lots with more than two front yards, the building(s) shall be oriented to the two busiest roads.

(b) Off-street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s).

(E) *Bikeways*

Bikeways shall be required along urban arterials and collector roads with ADTs greater than 3,000.
(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02, Ord. 2019-03, passed 4-3-2019)

§ 152.649 DEDICATION OF PUBLIC LAND.

If the county or a special district has land identified within a comprehensive plan, implementing ordinance or special district plan reviewed and co-adopted through a joint agreement between the county and the special district, as needed or desired to public purposes, and a Type I Land Division is proposed on the identified site, the Planning Commission may require that the portion of the land division identified by the plan or ordinance be dedicated or reserved

for dedication to that identified public purpose.
(Ord. 83-4, passed 5-9-83)

§ 152.650 SUBDIVISION OF LAND IN CERTAIN ZONES PROHIBITED UNLESS REQUIREMENTS FULFILLED.

The subdivision of land zoned EFU, EFU-20, EFU-10, and GF shall not be allowed.
(Ord. 83-4, passed 5-9-83 Ord. 2008-09, passed 6-16-08;)

§ 152.651 VARIANCES. **[Land Division Section Deleted]**
(Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-19;)

§ 152.652 PREVIOUS APPROVALS. [Section Deleted]
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12;)

PART 2, TYPE I LAND DIVISION

Sub-Sections

152.665	Review and approval procedure
152.666	Contents of tentative plan
152.667	Specific criteria for approval of subdivisions in multiple use areas
152.668	Public hearing and action
152.669	Final plat

§ 152.665 REVIEW AND APPROVAL PROCEDURE.

Review and approval of a Type I Land Division shall be as follows:

(A) An applicant seeking approval of a Type I Land Division shall first request the Planning Director to arrange a pre-filing conference. The request shall include five copies of a preliminary sketch of the proposal. The sketch shall have sufficient information to show the general location of the tract, general layout of lots and roads, general topography, existing land conditions and natural features, general information concerning existing conditions on surrounding properties, and other information that may be helpful to explain the applicant's desire to develop the property;

(B) Within five business days from receipt of a request for a pre-filing conference, the Planning Director shall schedule a time and place for the pre-filing conference to better afford an opportunity for the applicant to incorporate suggestions and requirements for complying with this chapter, the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land use practices, and techniques that will aid the applicant in preparing a tentative plan. For applications within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility, the Planning Director shall invite ODOT to participate in a pre-filing conference.

(C) Following the pre-filing conference, the applicant shall file with the Planning Director a completed application form and tentative plan, including 20 copies of the drawings required under § 152.666. The tentative plan shall be accompanied by the required fee. If the applicant does not file a tentative plan within six months after the pre-filing conference, the applicant shall request a new pre-filing conference per the requirements listed in divisions (A) and (B) of this section;

(D) Once the application is determined to be complete, the Planning Director shall schedule a public hearing before the Planning Commission. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility, the Planning Director shall provide written notification to ODOT;

(E) The Planning Director shall furnish a copy of the tentative plan to all affected city, county, state and federal agencies and special districts with a request for their review and comments;

(F) Failure of an agency or district to provide written comments to the Planning Director concerning the tentative plan within 10 business days after furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period, or the county and the agency

or district has a signed management agreement that allows for more time. (Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12; Ord. 2019-03, passed 4-3-2019)

§ 152.666 CONTENTS OF TENTATIVE PLAN.

(A) A tentative plan shall consist of maps, written information site review analysis and other supplementary materials adequate to provide the information required in this section.

(B) All applicable information requested in this section shall be provided and addressed, or the application for a tentative plan will not be accepted or processed.

(1) *General written information required.* A statement or statements describing the type of development the applicant intends to provide on the proposed land division, including, but not limited to:

(a) Type of housing to be provided;

(b) Occupancy status;

(c) Associated recreational improvements;

(d) Name, address and telephone number of the record owner(s), owner's representative (if any) and designer(s) of the proposed land division, and the name of the surveyor(s), and the date of the survey, if one was conducted;

(e) Proof of record ownership of the tract, (e.g., copy of the deed) and if a representative is acting in behalf of the owner, written authorization from the owner that the representative is acting in his behalf;

(f) Legal description of the tract;

(g) Present and proposed use of the tract, including any areas proposed to be dedicated to the public.

(h) If the tract of land has individual water rights, the applicant shall supply a description of how the water rights will be divided, and will submit an "acknowledged" Statement of Water Rights from the Oregon Department of Water Resources.

(i) If the tract of land has water rights through an irrigation district, a Statement of Water Rights will be filed with the tentative plan and the applicant will submit a letter of approval from the irrigation district indicating that a plan for the division of the water rights and for the distribution of irrigation water has been agreed upon by the applicant and the district.

(j) If the tract of land has no water rights, individually or through a district, a Statement of Water Rights to that effect will be filed with the tentative plan.

(2) *Tentative plan map information.* The following information shall be shown or drawn on the tentative plan:

(a) Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission;

(b) Date, north point and scale of drawing;

(c) The scale of the drawing shall be 1" = 100', or for areas over 100 acres, 1" = 200';

(d) Appropriate identification clearly stating the map is a tentative plan;

(e) Location of the subdivision sufficient to define the location and boundaries of the proposed tract;

(f) Names, addresses and telephone numbers of the owner, subdivider, and surveyor.

(3) *Existing conditions.* The following existing conditions shall be shown on the tentative plan:

(a) Location and width of any wet areas, marshes, springs, ponds, intermittent or perennial streams, rivers, lakes, and an indication of the direction of water flow on and abutting the tract;

(b) Location of any natural features such as open meadows, rock out crops, wooded areas, and agricultural lands which may affect the proposal;

(c) Location and direction of deer and elk migration routes, if applicable;

(d) Location of known or identified historic buildings, scenic views, archaeological sites or natural areas;

(e) Location, name or present width of existing roads;

(f) Location of steep slope areas over 25%;

(g) Location, width, and purpose of any easement of record on or serving the tract;

(h) Location and type identification of all utilities on or serving the tract;

(i) Ground elevations shown by contours at minimum intervals as follows (ground elevations shall be related to an established bench mark or other point of reference approved by the County Surveyor):

(1) Slopes of 0-15%, five foot intervals;

(2) Slopes of 15-20%, 10 foot intervals;

(3) Slopes of 20% or over, 20 foot intervals.

(j) Scaled location and present use of all existing structures proposed to remain on the property after division;

(k) The location of at least one temporary bench mark within the land division;

(l) The approximate location of areas subject to periodic flooding;

(m) Prevailing wind direction in summer and winter;

(n) Other restrictive features that are not listed above and which may in the future be identified.

(4) *Proposed improvements.* The following information shall be shown on the tentative plan:

(a) Changes to navigable streams, lakes or marshes, and natural drainage, if any;

(b) Location of the 100-foot setback of streams, lakes, or marshes. This shall be shown as a dashed line on the tentative plan;

(c) Scaled location of proposed facilities or buildings located within or adjacent to open meadows, known or identified deer or elk migration routes, and identified scenic views, archaeological sites or natural areas;

(d) Location, proposed name, right-of-way width and approximate radii of curves of each proposed road and any projected roads that connect with existing or proposed roads on adjacent property;

(e) Location, width and nature of all proposed easements;

(f) The location and nature of other utilities not requiring easements (e.g. street lighting, and the like).

(g) Location and approximate dimension of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivision, the proposed lot and block numbers;

(h) Proposed domestic or community water supply system, whichever is applicable;

(i) Proposed method of sewage disposal;

(j) Proposed methods of surface water disposal and any other proposed drainage easements;

(k) Location of areas proposed for landscaping and/or areas to be maintained for buffering or screening;

(l) Proposed methods of fire protection including water sources;

(m) Proposed considerations of solar or wind energy utilization, or other energy conservation techniques.

(5) *Supplementary material.* The following supplementary material may be required by the Planning Director, if after the pre-application conference the Planning Director finds that such information will further assist the Planning Commission:

(a) A vicinity map showing existing land parcels adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which proposed roads and utilities within the tentative plan map may be extended on through and connect with other roads or utilities located outside the tentative plan map area;

(b) Proposed deed restriction;

(c) Copy of the proposed by-laws and regulations for any proposed homeowner association;

(d) Management plan for timber or agricultural resources to be utilized on the property;

(e) Management plans for any buffer areas proposed;

(f) Management and maintenance plans for any landscaped areas;

(g) Statements on how water will be provided;

(h) Statements on how sewage disposal will be handled;

(i) Statements indicating provisions for firefighting protection measures, including facilities and any equipment planned and how they will be maintained;

(j) Measure to protect identified historic buildings, sites or natural and scenic sites and views;

(k) Methods of proposed land clearing;

(l) Statements on how identified big game migration routes and habitat, other animal habitat, and sports fishery streams will be protected, and conflicts minimized;

(m) Other reasonable materials the Planning Director requests to assist in the review and assessment of the proposed tentative plan by the Planning Commission.

(6) *Criteria for approval.* In granting approval of a tentative plan, the Planning Commission shall find that the tentative plan:

(a) Complies with applicable elements of the Comprehensive Plan, including, policies listed in the public facilities and services, and the transportation elements of the Comprehensive Plan.

(b) Complies with provisions of § 152.019, Traffic Impact Analysis.

(c) Complies with applicable provisions listed in the zoning regulations of this chapter;

(d) Complies with applicable provisions, including the intent and purpose of the Type I regulations listed in this chapter;

(e) The tentative plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets and public facility through the tentative plan;

(f) Complies with other specific requirements listed in § 152.667 for approval of certain types of subdivisions. (Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12; Ord. 2019-03, passed 4-3-2019)

§152.667 SPECIFIC CRITERIA FOR APPROVAL OF SUBDIVISIONS IN MULTIPLE USE AREAS.

In addition to the general requirements for approval of a tentative plan listed in § 152.666, the following specific criteria must be met to approve a subdivision in a multiple use area:

(A) Road alignment and construction within a multiple use area subdivision.

(1) Be improved to a standard and follow grades approved by the Public Works Director;

(2) Be designed to continue roads to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land. Where topography or other conditions make conformance to existing road patterns or continuance to an adjoining tract impractical, the road layout shall conform to an alternative arrangement authorized by the Planning Commission.

(3) Be designed so that all lots have access to a dedicated state, county or public road;

(4) Obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design and improvement standards of access points onto county roads or state highways;

(5) Be designed to consider the following fire safety considerations:

(a) Have at least two or more access routes to an improved dedicated public, county or state highway unless interior roads and designed to connect with an improved road on adjacent property that provides readily available access to a dedicated public, county or state highway, then only one dedicated access road need be required for emergency vehicles;

(b) Radius of curvature on centerlines of all dedicated roads shall be a minimum of 100 feet. Reduction down to 80 foot minimum radii can be made for severe topography;

(c) Grade of all dedicated roads shall be a maximum of 12%. All roads having centerline curves greater than 45º arc shall have a maximum of 6% grade along such curves. On straight line portions, reduction to 20% grade shall be allowed for a maximum of 200 feet in horizontal distance;

(d) Maximum length of cul-de-sac roads shall be 600 feet as measured on the centerline, and shall be terminated by a turn-around right-of-way not less than 100 feet in diameter;

(e) Dead-end streets (not including cul-de-sacs) shall not be permitted;

(f) Bridges shall be constructed to support a gross vehicle weight of 65,000 pounds to accommodate heavy fire-fighting equipment;

(g) Any roads not built to a county standard shall be maintained by the owners or homeowner association;

(h) All roads and streets shall have the entire width of their right-of-way cleared of flammable materials;

(i) Permanent and durable road signs shall be installed at all intersections in the subdivision and shall be of a type approved by the Public Works Director.

(6) All roads and signs shall be inspected and approved by the Public Works Director.

(B) A storm water plan shall be submitted and approved by the County Road Department or their representative, providing drainage of storm waters is by means of underground pipes or surface ditches unless an Oregon licensed engineer will certify that surface runoff can be directed into natural drainage ways so as not to adversely impact adjacent land or properties;

(C) Provision shall be made for the satisfactory disposal of sanitary sewage of each lot and shall comply with the requirements of ORS 92.090(5)(a) through (c) and as follows:

(1) If individual disposal systems are proposed, each lot shall be required to have a favorable site evaluation (suitability) report prior to final plat approval;

(2) If a community sewer system and treatment plant are proposed or

required, the subdivider shall install such facilities in accordance with plans approved by the Oregon Department of Environmental Quality.

(D) Provision shall be made for the satisfactory water supply to each lot and shall comply with the requirements of ORS 92.090(4)(a) through (c) and as follows: if a community water supply system and water distribution system is proposed or required, the subdivider shall install such facilities in accordance with plans approved by the Oregon State Health Division.

(E) Provisions for fire suppression and control shall be provided in the design and approval of the subdivision as follows:

(1) Adequate and reliable water supply for fire suppression shall be either:

(a) Incorporated within a community water system with the following considerations as recommended in *Fire Safety Considerations for Developments in Forested Areas Manual* authored by Northwest Inter-agency Fire Prevention Group — January 1978, or:

(1) A six-inch minimum pipe size for water distribution lines on which fire hydrants are located;

(2) Hydrant spacing shall not exceed 1,000 feet with a minimum fire flow of 500 gallons per minute for subdivisions or developments with a population density of two or less single-family units per acre. On subdivisions or developments where population density exceeds two single-family dwellings per acre, hydrant spacing shall not exceed 500 feet with a minimum fire flow of 750 gallons per minute. Where structural conditions warrant, additional requirements shall be considered;

(3) The size, type, and location of fire hydrants shall meet the approval of the appropriate state agency;

(4) Water source or storage shall have a capacity to support the required fire flow for a period of two hours in addition to maximum daily flow requirements for other consumer uses; or

(b) Provided in the form of a separate water supply and storage system when individual domestic water supplies are proposed, a water source and storage facility having the capacity to support a required fire flow for a period of two hours. Such fire flow requirements shall be determined by the agency in charge for fire suppression for the area.

A treated fire fuel break of 30 feet wide shall be maintained around the entire perimeter of the subdivision if located in a forested area. The fuel break shall be maintained by the subdivider or a homeowner association. All dead and downed materials shall be removed. The remaining vegetation shall be thinned so that fire cannot spread from tree to tree or bush to bush. A wider fuel break may be required for areas of steeper slope. Fire fuel breaks shall be on level or near flat areas whenever possible.

(F) A forest management plan shall be required; if the Planning Commission finds that the undeveloped portions of the property should be managed for timber production as a condition of approving the subdivision, or the subdivider desires to manage part of the land for timber production. In either case:

(1) The subdivider shall prepare his

own management plan;

(2) The completed management plan shall be reviewed by the Soil Conservation Service, the Soil and Water Conservation District, the Oregon Department of Forestry, and the Oregon State Extension Service, for their comments and recommendation;

(3) The forest management plan shall include the following:

(a) General information including name and address, tax lot number, location and size (in acres) of the property and a brief description of the land and its present use;

(b) An air photo copy with property boundaries clearly drawn on the air photo;

(c) A site plan of the property. This may be drawn onto the aerial photo, or onto a separate sheet of paper as an overlay. This site plan should show the following:

(1) The location of existing and proposed structures, roads and other improvements.

(2) Proposed farm and forestry "use areas," with approximate boundaries outlined, to coincide with the descriptions in the written text.

(d) The location of areas proposed for non-forest uses, such as gardens, lawns, and areas to be retained in natural vegetation;

(e) A written description of proposed management activities. This may be a general statement of proposed uses for each "use area" on the site plan, or it may be a more detailed outline of projected management activities. The written description shall include as much detailed information as is available. If there are any long-term plans and projects in mind, describe them. If assistance from any consultant or public service agency was obtained, they should be incorporated into the management plan or request them to sign a letter explaining their involvement in developing the plan. If the land is presently managed or has been harvested in the past, include receipts or other figures relating to the use. If projected dollar investments and returns for the timber or crops intended to grow have been prepared, include these projections.

(4) Forest management plans shall be reviewed and approved by the Planning Commission prior to submission of the final plat approval.

(G) Provision for recreational facilities or recreational assist improvements shall be provided in the design and approval of the subdivision as follows:

(1) If the Planning Commission determines that the size, nature, location, and impact of the sub-division requires on-site recreational improvements;

(2) The type of recreational improvements required shall be based on existing recreational activities occurring in the area or if the nature of the development requires other kinds of activities, such facilities shall be compatible with surrounding land uses;

(3) Recreational assist improvements including, but not limited to, off-road parking areas, snowmobile and ski trails, man-made ponds, swimming pools, hiking trails, picnic facilities, play parks,

which shall be designed and located to provide the most convenience for residents within the subdivision;

(4) If, in the opinion of the Planning Commission, the site of the subdivision is conveniently located to also serve the traveling public and area recreationalist and is located along a major highway, then the approval body may require an additional area for off-highway parking in the subdivision for public parking use;

(5) All recreational facilities and improvements shall be constructed and maintained by the subdivider or a homeowner association.

(H) Wires serving the interior of a multiple use area subdivision, including, but not limited to, electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(1) Is impractical due to topography, soil or subsurface conditions;

(2) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or

(3) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

(I) A buffer or landscaped area shall be provided along the borders of a recreational subdivision that fronts Highway 204, I-84, or any other major road if:

(1) The Planning Commission finds that such a buffer or landscaped area is necessary to maintain scenic views and area aesthetics within or adjacent to surrounding property;

(2) The Planning Commission finds that such a buffer area will provide movement of wildlife;

(3) If natural buffering cannot be provided, then landscaping shall be required, and a landscaping plan shall be included for review and approval by the Planning Commission;

(4) All roadside buffer or landscaped areas shall be installed and maintained by the subdivider or homeowner association.

(J) The design of the subdivision shall consider the effects on natural resources and fish and wildlife habitat. Excessive site clearing of top soils, trees and natural features before the beginning of construction operations shall be discouraged;

(K) The applicant shall submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the natural landscape;

(L) The applicant must provide a plan for disposal of solid waste.
(Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-19;)

§ 152.668 PUBLIC HEARING AND ACTION.

(A) Notice of a hearing on a Type I Land Division shall be given as required in § 152.771 of this chapter.

(B) The burden of proof is upon the applicant to show that the tentative plan complies with the requirements of this chapter;

(C) A decision on a Type I Land Division shall be noted on two copies of a tentative plan for a Type I Land Division, including reference to any attached documents describing conditions. One copy shall be returned to the subdivider, and the other shall be retained by the Planning Department;

(D) Approval or denial of the tentative plan by the Planning Commission shall be final unless the decision is appealed;

(E) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the county for purposes of the preparation of the final plat and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this chapter. (Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-19;)

§ 152.669 FINAL PLAT.

(A) *Submission.*

(A)(1) Within two years from the date of approval of a tentative plan, a subdivider or owner within a cluster development shall prepare a final plat in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

(A)(2) The final subdivision or cluster development plat shall be drawn on 18" x 24" Mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include one exact reproducible copy made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the Mylar and one copy required by this subsection.

(B) *Information on final plat.* In addition to that otherwise specified by county ordinance and state law, the following information shall be shown on the final plat, which shall be drawn on an 18" x 24" Mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy, leaving a three inch binding edge) and shall conform with the surveying standards of ORS 92.050:

(1) The date, scale, north point, legend, and existing road or railroad rights-of-way;

(2) Legal description of the tract boundaries;

(3) Name of the owner, subdivider and surveyor;

(4) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

(a) Stakes, monuments or other

evidence found on the ground and used to determine the boundaries of the subdivision;

(b) Adjoining corners of adjoining subdivisions or partition plats.

(c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this chapter.

(5) The exact location and width of streets and easements intersecting the boundary of the tract;

(6) Normal floodplain or high waterline for any creek or other minor body of water or natural drainageway and the floodway of streams, rivers or creeks where shown on Federal Emergency Management Administration Maps. If special setbacks are required according to § 152.666 (B) (4) (b) of this chapter, they shall be shown on the final plat;

(7) Tract, block and lot boundary lines and street rights-of-way and centerlines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract and lot boundaries and street bearings shall be shown to the nearest second with basis of hearings. Distances shall be shown to the nearest 0.01 foot. No ditto marks may be used. All curve data, including length of chord and chord bearings, shall be shown in tabular form.

(8) The width of the portion of any street being created and the width of any existing right-of-way. For a curved street, curve data shall be based on the street centerline. In addition to the centerline dimension, the radius and central angle shall be indicated (each public street shall be named).

(9) The location, dimensions, and purpose of all recorded and proposed public and private easements which shall be denoted by fine dotted lines, clearly identified and, if already on record, their recorded reference. If an easement is not definitely located of record, a statement of the easement, the width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(10) Lot numbers beginning with the number “1” and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

(11) Land tracts to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale;

(12) Building setback lines, if they are to be made a part of the subdivision restrictions;

(13) The following certificates, which may be combined, where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the plat;

(b) A certificate signed and acknowledged as above, dedicating all tracts

of land shown on the final map intended for any public use except those tracts which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;

(c) A certificate with the seal of and signed by the surveyor responsible for the survey and final map;

(d) Other certifications now or hereafter required by law.

(14) The area of each lot expressed in acreage, and also in square footage (in parentheses) for lots of less than one acre in size.

(15) Signature blocks for the signatures of those officials listed in subdivision (D) (4) of this section.

(C) *Supplemental information with final plat.* The following shall accompany the final plat of a Type I Land Division:

(1) Addresses of the owner, subdivider, surveyor and engineer, if one is used;

(2) A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interests in the premises;

(3) Sheets and drawings showing the following:

(a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any;

(b) The computation of all distances, angles and courses shown on the final map;

(c) Ties to monuments, adjacent subdivisions, partition plats, street corners and state highway stationing.

(4) A copy of any deed restrictions applicable to the subdivision or cluster development;

(5) A copy of any dedication requiring separate documents;

(6) Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract;

(7) A certificate by the County Public Works Director that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the tentative plan;

(b) An agreement has been executed as provided in this chapter to assure completion of required improvements.

(8) Copies of improvements and maintenance agreements, either proposed or required, involving landscaping plans, forest management plans or buffering plans. The Planning Commission shall determine which type of agreement(s) will be recorded with the subdivision or cluster development.

(9) A certificate of compliance with the monumentation standards of ORS 92.060, or an affidavit attesting to the

posting of a bond for later monumentation per ORS 92.065.

(D) *Technical review and standards for approval of final plat.*

(1) The subdivision or cluster development and all required materials shall be filed with the Planning Director. Within three business days, the Planning Director shall forward the final plat to the County Surveyor;

(2) The County Surveyor shall check the subdivision plat or cluster development for compliance with ORS Chapter 92 and county land division regulations. Within 10 working days, the County Surveyor shall so certify such compliance by signing the subdivision or cluster development plat. Before so certifying, the County Surveyor may make checks in the field to verify that the final plat is sufficiently correct on the ground, and may enter the property for this purpose. If it is determined that the final plat does not conform to the applicable laws or regulations, the applicant shall be so notified and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the County Surveyor. The County Surveyor shall, within three business days, return the final plat to the Planning Director. If it is determined that the plat does not conform to the requirements of the applicable laws or regulations and the applicant does not make the corrections to bring the plat into conformity with the inconsistencies, the final plat shall be referred to the Planning Commission for settlement of the inconsistencies by them. When the inconsistencies have been resolved, the final plat shall be returned to the County Surveyor for final approval and signature. The County Surveyor shall collect required fees relating to inspection and review of a subdivision or cluster development as provided by state law and county ordinance.

(3) Following review and signature of a subdivision or cluster development plat by the County Surveyor, the Planning Director shall determine whether the final plat and supplementary material substantially conform with the approved tentative plat and with the applicable requirements of this chapter, including any conditions imposed by the Planning Commission. If the Planning Director determines that the final plat does not conform with the approved tentative plan, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity after corrections are made by the subdivider or owner, it shall be signed and dated by the County Planning Director and County Planning Commission Chairman. If the owner or subdivider provides compelling reasons why a condition or requirement that the Planning Director finds inconsistent cannot be complied with, the Planning Director may elect to resubmit the plat back to the Planning Commission for further review. Upon scheduling a new hearing according to § 152.771, the Planning Commission shall either determine that the owner's or subdivider's reasons are not sufficient to rescind the conditions or requirements originally imposed, or that the new fact or reasons presented are sufficient to rescind or modify said conditions or requirements. When the matter of inconsistency is settled by the Planning Commission, the final plat shall be signed by the Planning Director and Planning Commission Chair-man indicating final approval. Approval of a final plat by the Planning Commission shall not constitute or effect an acceptance by the public of the dedication of any street, easement or public

road shown on the plat;

(4) Following review and approval of a subdivision or cluster development plat, the applicant or subdivider shall:

(a) Obtain the approval signatures thereof of the Board of Directors, or Board's delegate, or an irrigation district, drainage district, water control district or district improvement company, if the subdivision is within such district;

(b) Obtain the approval signatures thereon of a majority of the Board of County Commissioners or the Board's delegate, certifying that the plat is approved;

(c) Obtain the approval signature thereon from the County Assessor, certifying that all taxes on the property have been paid or bonded for in accordance with state law;

(d) Deliver the signed, approved subdivision or cluster development plat, a paper copy thereof (for the Assessor's Office), and a silver halide, Mylar reproducible copy of the plat, signed by the surveyor preparing the plat that it is a true copy thereof, and any accompanying documents to the Records Department of the County Records Office for recording, and pay the required recording fees;

(e) Deliver a silver halide, Mylar reproducible copy of the approved partition plat, signed by the surveyor preparing the plat that it is a true copy thereof, to the County Surveyor's Office for recording;

(f) Notify the Planning Director in writing that the approved partition plat and accompanying documents have been delivered to the Records Department and County Surveyor, and submit two paper copies of the recorded plat and all accompanying documents;

(E) *Development phasing.* If the preliminary subdivision plat approval pursuant to § 152.666 of this chapter provides for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in divisions (A) through (D) of this section, for that phase only.
(Ord. 83-4, passed 5-9-83; Ord. 99-10, passed 12-15-99; Ord. 2012-02 passed 1-26-12; Ord. 2016-02, passed 3-16-16; Ord. 2018-06, passed 12-5-18; Ord. 2019-03, passed 4-3-19;)

PART 3, TYPE II LAND DIVISION

Sub-Sections

152.680	Review and approval procedure
152.681	Pre-filing conference
152.682	Contents of tentative plans
152.683	Review and processing of tentative plan
152.684	Standards for approval
152.685	Decision on tentative plan
152.686	Final partition plat

§ 152.680 REVIEW AND APPROVAL PROCEDURE.

A review and approval of a Type II Land Division shall be as follows in §§ 152.681 through 152.686 of this chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.681 PRE-FILING CONFERENCE.

A pre-filing conference shall be required and held prior to the filing of a partition map for a Type II Land Division, in the manner provided below:

(A) Prior to the submission of a Type II Land Division, the owner or partitioner or his representative shall meet with the Planning Director and the County Public Works Director or their authorized agents to discuss preliminary work and development plans. At this time said departments shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the land division to be processed without delay.

(B) The conference shall take place prior to detailed work by a surveyor.

(C) Discussion topics at this time shall include such things as the Comprehensive Plan, road plans, zoning, availability of sewer and water, development concepts, other county requirements and permits, alternative energy considerations, and the possible environmental impact of the partition. If the applicant owns or controls adjacent land, the possibilities of future development shall also be discussed;

(D) Following preliminary consultation and discussion, the owner or partitioner may proceed to prepare a completed tentative plan for submission to the Planning Director.
(Ord. 83-4, passed 5-9-83)

§ 152.682 CONTENTS OF TENTATIVE PLANS.

(A) *General.* A tentative plan for a Type II Land Division shall consist not only of a map, but also of written information and supplementary material adequate to provide the following required information in divisions (B) and (C) which follow. All applicable information below shall be provided and/or addressed, or the application for a Type II Land Division will not be accepted or processed.

(B) *Written and supplementary information.*

(1) Proof of record ownership of the tract, and if a representative is acting in behalf of the owner, written authorization from the owner that the representative is acting on his behalf.

(2) Legal description of the tract.

(3) A list of present and proposed uses on parcels to be partitioned and those present uses on land immediately adjacent to partitioned land.

(4) Description of the water supply, condition of existing adjacent roads or easements and proposed roads or easements, methods of sewage disposal and storm water disposal, and the availability of other utilities. A Traffic Impact Analysis (TIA) may be required pursuant to § 152.019.

(5) Statement of required improvements to be made or installed and the time schedule therefore.

(6) Statements of the manner in which the criteria for approval listed in § 152.684 are satisfied.

(7) A general (site suitability) report from the Department of Environmental Quality as to the sewage disposal potential of each parcel (four acres or less size) pertaining to either the parcels partitioned or the remaining parcel.

(8) An overlay map showing future redivisions of parcels and extension of roads or easements that facilitates future redivision if in the opinion of the Planning Director, at the pre-application conference, that both of the following conditions exists:

(a) The parcel sizes proposed are large enough to be redivided (according to existing zoning densities).

(b) The subject property proposed for partitioning is likely to be redivided in the foreseeable future due to rapid development occurring in the area.

(9) Improvement agreements required by this chapter or other agreements specified by the Planning Director as a condition of approval of Type II Land Division in the manner specified in this chapter;

(10) If the tract of land has individual water rights, the applicant shall supply a description of how the water rights will be divided, and will submit an "acknowledged" Statement of Water Rights from the Oregon Department of Water Resources.

(11) If the tract of land has water rights through an irrigation district, a Statement of Water Rights will be filed with the tentative plan and the applicant will submit a letter of approval from the irrigation district indicating that a plan for the division of the water rights and for the distribution of irrigation water has been agreed upon by the applicant and the district.

(12) If the tract of land has no water rights, individually or through a district, a Statement of Water Rights to that effect will be filed with the tentative plan.

(C) *Map content.* A Type II Tentative Plan map shall be drawn at a scale which best utilizes the space of an 8½" x 11" or 18" x 24" sheet shall indicate the following:

(1) Date, north point and scale of drawing;

(2) A drawing showing all outside boundaries of the property which are to be partitioned. Adjacent properties may also be required to be on the map if in the opinion of the Planning Director such information will assist in the review and assessment of the land division proposal according to the provisions of this chapter;

(3) The proposed parcels, their dimensions and areas;

(4) Location, names, purpose and width of all existing and proposed roads, rights-of-way or recorded easements on or abutting the tract;

(5) Natural features, water courses or areas covered by water;

(6) The location and use of any buildings or structures proposed to remain after division;

(7) The location of wells, septic tanks, drainfields, and replacement drainfield sites;

(8) The width and location of all easements for drainage or public utilities;

(9) The names and addresses of the owner, partitioner and surveyor;

(10) Identification as a Type II Tentative Plan if separate form is used;

(11) Location of known surface or sub-surface irrigation drainage ditches or drainage lines.
(Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12)

§ 152.683 REVIEW AND PROCESSING OF TENTATIVE PLAN.

The tentative plan of a Type II Land Division will be reviewed and processed under the provisions of § 152.769 of this chapter, which for convenience, are restated as follows:

(A) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of any ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

(B) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and shall be made available to the public prior to issuance of the tentative decision.

(C) A tentative decision by the Planning Department to approve, modify or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.

(D) If the Planning Department determines that there are minor inconsistencies between the application and the criteria, the applicant shall be so advised in writing and afforded an opportunity to make corrections within 10 business days of written notification;

(E) If the applicant makes the necessary corrections as specified by the Planning Director, the Director shall then grant tentative approval of the partition, as provided in this section.

(F) Within two business days from a tentative decision by the Planning Director, a notice of the tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770 of this chapter. The

notice shall inform the applicant and the surrounding property owners that the Planning Director will issue final approval, approval with modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(G) The purpose of the notice is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they deem are significant. If a public hearing is requested, then the Planning Department shall schedule a public hearing before the County Hearings Officer within 45 days from the receipt of the request for a public hearing pursuant to § 152.771.

(H) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the mailing affidavit demonstrates that the notice was mailed to the address listed in the County Assessor's tax records.

(I) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become a final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(J) Notice of the final decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

(K) If the proposed final decision is significantly different from that proposed in the tentative findings and conclusions sent out per § 152.769 (E) of this chapter, then the process outlined in said section will be repeated.

(L) The final decision of the Planning Department on a land use request may be appealed within 15 days to the Hearings Officer pursuant to § 152.766 of this chapter;

(M) Conditions of approval, both precedent and subsequent, may be imposed pursuant to §§ 152.770 and 152.771 of this chapter.
(Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12; Ord. 2016-02, passed 3-16-16;)

§ 152.684 STANDARDS FOR APPROVAL.

In granting approval of a Type II Land Division, the Planning Director shall find that the Type II Tentative Plan and required supplementary material:

(A) Complies with applicable elements of the Comprehensive Plan, including, but not limited to, policies listed in the public facilities and services and the transportation elements of the Comprehensive Plan.

(B) If approved, will permit development on the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) Complies with the zoning requirements or a proposed change thereto associated with the partition map proposal;

(D) Complies with provisions of §

152.019, Traffic Impact Analysis, when applicable.

(E) Roads and recorded easements for access purposes are laid out so as to conform, within the limits of the development standards, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the Planning Director determines it is in the public interest to modify the road pattern;

(F) Recorded easements required as access to each parcel shall conform to right-of-way width and road improvement standards as follows:

(1) A recorded easement providing access to three or fewer parcels, and where the access easement will not potentially serve other parcels or lots due to existing conditions such as topography, shall be required to meet the Option 1 or "P-1" County Road Standard as provided in § 152.648 (D). The access easement or right-of-way width shall be a minimum of 30-feet wide and improved with a road surface width at least 16-feet wide, constructed with 4 inches of nominal compacted gravel thickness and with gravel size and grading conforming to ODOT specifications.

(2) Partitions located within a rural fire district or a hospital district providing emergency vehicle service to parcels where access will be provided from access easements which dead-end shall have either circle drives (cul-de-sac) or driveway turnarounds. The Planning Director or Public Works Director determines which type of emergency vehicle access plan is appropriate. Circle drives and turnarounds shall be improved to the same standard as the road they serve as provided in § 152.648 (D). Circle drives (cul-de-sac) and turnarounds shall be kept clear of objects, fences, and vehicles and shall be of adequate circumference (cul-de-sac are 100-feet in diameter) to provide turn around space for emergency vehicles.

(3) A recorded easement providing access to four or more parcels, or that potentially will serve additional parcels or lots, or will be an extension of a future road as specified in a future road plan, shall be required to meet the Option 2 or "P-2" County Road Standard as provided in § 152.648 (D). The access easement or right-of-way width shall be a minimum of 60-feet wide and improved with a road surface width of at least 22-feet wide, constructed with 8 inches of nominal compacted gravel thickness, and with gravel size and grading conforming to ODOT specifications. All 60 foot rights-of-way and/or access easement roads may be required to be named prior to final approval of the partition plat and if required to be named, the road name must be included on the final partition plat map. Named roads must be posted with a road name sign, provided and installed by the County Public Works Department, and paid for by the applicant prior to the final partition plat approval.

(4) Recorded easements or dedicated public roads established in the Type II Land Division may warrant the installation of road signs at intersections with named or numbered county roads, state highways, or with other existing easements or public roads within or abutting the partitioned land. The Public Works Director will determine if road signs are necessary at these intersections. Such signs shall be of a type approved by the Public Works Director. Easement or public road names or numbers shall be the same as existing named or numbered county or public roads if an

extension of such county or public road. All other road names or numbers shall be selected by the Planning Director as provided in Umatilla County Code of Ordinance, Chapter 93. Road signs shall be installed by the County, provided the partitioner pays for the cost of the sign.

(5) Existing County Roads and Dedicated Public Roads shall be improved pursuant to the requirements of this chapter. Lands dedicated to the public, such as public roads, must be accepted by the County Board of Commissioners prior to recording the final survey plat or the instrument authorizing the approval.

(6) Parcels created through a Type II Land Division are required to have access approvals and permits from the State Highway Department onto state highways or from the County Public Works Department for access onto County Roads and public roads. Access points onto County and public roads are reviewed for location, spacing standards, and design and improvement standards, as provided by the County Public Works Director and § 152.010.

(G) As a condition of approval, each parcel under four acres in size, both those partitioned, and the remnant parcel which are zoned residential, or to be used, for residential purposes, must have a site evaluation (suitability) approval from the Umatilla County Public Health Department. A waiver of this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:

(1) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form;

(2) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

(H) The land division plan shall provide easements along existing irrigation ditches that traverse or abuts the partition property where easements have not been recorded. The purpose of the easement is for perpetual maintenance of the ditch and the easement width and purpose shall be recommended by the Ditch Company, if the land division is located within an irrigation district, said easement width and purpose shall be recommended by the Irrigation District.

(I) The land division plan must consider energy conservation measures (e.g. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures.

(J) As a condition of approval, all improvement agreements required by this chapter, must be agreed to, and signed by the property owner and the Board of County Commissioners, as appropriate. The required agreements shall be recorded in the County Records Office prior to, or at the time, the final plat survey is recorded.

(K) The land division plan must adequately address known development limitations within the proposed Type II Land Division and provide appropriate measures to mitigate the limitation.

(L) As a condition of approval, the applicant shall work with and address comments from the appropriate water agency where the property has a water right. (Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09; Ord. 2012-07, passed 3-13-12; Ord. 2013-02, passed 1-29-13; Ord. 2019-03,

passed 4-3-19;)

§ 152.685 DECISION ON TENTATIVE PLAN.

(A) Following the expiration of the administrative review 21-day notice period, providing there has been no request for a public hearing, the Planning Department will issue a final decision on the tentative plan.

(B) If a public hearing has been requested, review and action on the request is issued by the decision-making body, pursuant to § 152.771 of this chapter.

(1) The findings and conclusions comprising the final decision shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department.

(2) The decision shall be final upon signing of the findings, and stands as the county's final decision unless appealed.

(3) Approval of the tentative plan shall not constitute acceptance of the final plat for recording. However, such approval shall be binding upon the county for purposes of preparation of the plat, and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan.

(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16;)

§ 152.686 FINAL PARTITION PLAT.

(A) Within two years from the date of final decision approving the tentative plan, the applicant shall file with the Planning Department a final plat map. This plat is intended to be recorded in the record of partition plats of the county. A final plat that is a replat of an existing recorded partition will also be referenced on the original partition plat.

(B) The final partition plat shall be reviewed and processed as follows:

(1) Submission

(a) Within two years from date of approval of a tentative partition plan, the applicant shall have a final partition plat prepared in conformance with the approved tentative plan. At least 10 working days prior to submission of final plat to the Planning Department, a paper copy of the final plat shall be submitted to the county surveyor's office and to the county Assessor's office for review.

(b) The final partition plat shall be drawn on 18" x 24" Mylar sheet (four mils thick, matte on both sides, using archival quality black ink or silver halide permanent photocopy); shall conform with the surveying standards of ORS 92.050; shall be drawn in the manner provided by ORS 92.080; and shall include one exact reproducible copy made with archival quality black ink or silver halide permanent photocopy and the certifications required by ORS 92.120(3). A plat in digital data format may be submitted in addition to the Mylar copy required by this subsection.

(2) In addition to that otherwise specified by county ordinance and state law, the following information shall be shown on the final plat, which shall be drawn on an 18" x 24" Mylar sheet (four mils thick, matte on both sides, using archival quality

black ink or silver halide permanent photocopy, leaving a three inch binding edge) and shall conform with the surveying standards of ORS 92.050:

(a) The date, scale, north point, legend, and existing road or railroad rights-of-way;

(b) Legal description of the tract boundaries;

(c) Name of the owner, applicant and surveyor;

(d) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

(i) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the partition;

(ii) Adjoining corners of adjoining subdivisions or partition plats.

(iii) Other monuments found or established in making the survey of the partition required to be installed by provisions of this chapter.

(e) The exact location and width of streets and easements intersecting the boundary of the tract;

(f) Normal floodplain or high water-line for any creek or other minor body of water or natural drainage way and the floodway of streams, rivers or creeks where shown on Federal Emergency Management Administration Maps. The required 100-foot setback from streams, lakes, or marshes shall be shown on the plat.

(g) Parcel boundary lines and street rights-of-way and centerlines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Parcel boundaries and street bearings shall be shown to the nearest second with basis of hearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks may be used. All curve data, including length of chord and chord bearings, shall be shown in tabular form.

(h) The width of the portion of any street being created and the width of any existing right-of-way. For a curved street, curve data shall be based on the street centerline. In addition to the centerline dimension, the radius and central angle shall be indicated (each public street shall be named).

(i) The location, dimensions, and purpose of all recorded and proposed public and private easements which shall be denoted by fine dotted lines, clearly identified and, if already on record, their recorded reference. If an easement is not definitely located of record, a statement of the easement, the width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

(j) Parcels shall be identified numerically, beginning with number “1” and continuing consecutively without omission or duplication throughout the partition. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure.

(k) Land tracts to be dedicated for any purpose, public or private, to be

distinguished from parcels intended for sale;

(l) Building setback lines, if they are to be made a part of any restrictions or covenants applied to the partition;

(m) The following certificates, which may be combined, where appropriate:

(i) A certificate with the seal of and signed by the surveyor responsible for the survey and final plat;

(ii) Other certifications now or hereafter required by law.

(iii) If easements or public land dedications are to be made on the plat, a certificate signed and acknowledged by all parties having any record title interest in the land partitioned, dedicating all access, utility, or irrigation easements and/or all tracts of land shown on the final plat intended for any public use except those tracts which are intended for the exclusive use of the parcel owners in the partition, their licensees, visitors, tenants and servants;

(n) The area of each parcel expressed in acreage, and also in square footage (in parentheses) for parcels of less than one acre in size.

(o) Signature blocks for the County Surveyor and Planning Director, and, if the partition is a "major" partition, for the County Board of Commissioners (for acceptance of the road dedication).

(3) *Supplemental information with final plat.* The following shall accompany the final plat of a Type II Land Division:

(a) Addresses of the owner, applicant, and surveyor.

(b) If any of the parcels created by the proposed partition will be 10 acres or less in size, a boundary survey signed by a licensed Oregon land surveyor shall be submitted.

(c) Sheets and drawings showing the following:

(i) Traverse data including the coordinates of the boundary of the partition and ties to section corners and donation land claim corners, and showing the error of closure, if any;

(ii) The computation of all distances, angles and courses shown on the final plat;

(iii) Ties to monuments, adjacent subdivisions, partition plats, street corners and state highway stationing.

(d) A copy of any deed restrictions applicable to the partition; or

(e) A copy of any dedication requiring separate documents;

(f) Written proof that all taxes and assessments on the tract are paid which has become a lien on the tract;

(g) A certificate by the County Public Works Director that the applicant has complied with one of the following alternatives:

(i) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Department giving conditional approval of the tentative plan;

(ii) An agreement has been

executed as provided in this chapter to assure completion of required improvements.

(h) Copies of improvements and maintenance agreements, either proposed or required, involving landscaping plans, forest management plans or buffering plans. The Planning Department shall determine which type of agreement(s) will be recorded with the partition plat.

(i) A certificate of compliance with the monumentation standards of ORS 92.060, or an affidavit attesting to the posting of a bond for later monumentation per ORS 92.065.

(4) *Technical review and standards for approval of final partition plat.*

(a) The partition plat and all required materials shall be filed with the Planning Director. Within three business days, the Planning Director shall forward the final plat to the County Surveyor;

(b) The County Surveyor shall check the partition plat for compliance with ORS Chapter 92 and county land division regulations.

(i) Within five working days, the County Surveyor shall so certify such compliance by signing the partition plat. Before so certifying, the County Surveyor may make checks in the field to verify that the final plat is sufficiently correct on the ground, and may enter the property for this purpose.

(ii) If it is determined that the final plat does not conform to the applicable laws or regulations, the applicant shall be so notified and afforded an opportunity to make corrections.

(iii) When the plat is found to be in conformity, it shall be signed and dated by the County Surveyor.

(iv) The County Surveyor shall, within three business days, return the final plat to the Planning Director.

(v) The County Surveyor shall collect required fees relating to inspection and review of a partition plat as provided by state law and county ordinance.

(c) Following review and signature of a partition plat by the County Surveyor, the Planning Director shall determine whether the final plat and supplementary material substantially conform with the approved tentative plat and with the applicable requirements of this chapter, including any conditions imposed by the Planning Department. The Planning Director shall also determine if all precedent conditions of approval have been fulfilled, including, but not limited to, the signing and recording of agreements for future road improvements.

(d) If the Planning Director determines that the final plat does not conform with the approved tentative plan or the precedent conditions of approval have not been fulfilled, the applicant shall be so advised and afforded an opportunity to make corrections and fulfill the required conditions.

(e) When the plat is found to be in conformity and precedent conditions have been fulfilled, the plat shall be signed and dated by the County Planning Director, and if the partition is a “major” partition, by the County Board of Commissioners (for acceptance of the road dedication).

(f) If the owner or applicant provides compelling reasons why a condition or requirement that the Planning Director finds inconsistent cannot be complied with, the Planning Director may elect to submit the plat to the Planning Commission for review. Upon scheduling a public hearing according to §152.771 of this chapter, the Planning Commission shall either determine that the owner's or applicant's reasons are not sufficient to rescind the conditions or requirements originally imposed, or that the new facts or reasons presented are sufficient to rescind or modify said conditions or requirements. When the matter of inconsistency is settled by the Planning Commission, the partition plat shall be signed by the Planning Director and Planning Commission Chairperson indicating final approval, and for a major partition, by the County Board of Commissioners as well.

(g) Approval of a final plat by the Planning Director shall not constitute or effect an acceptance by the public of the dedication of any street, easement or public road shown on the plat; however, signing of a final plat for a "major" partition by the County Board of Commissioners does constitute acceptance of a public road or street right-of-way, but not the road improvements;

(h) Approval of a final plat by the Planning Director is a ministerial action, which takes effect immediately upon signing of the plat.

(i) Within 60 days following review and approval of a partition plat, the applicant shall:

(i) Deliver the signed, approved Final partition plat Mylar and an exact reproducible copy of the plat, signed by the surveyor preparing the plat that the copy is a true copy thereof, and any accompanying documents to the Records Department of the County Records Office for recording, and pay the required recording fees;

(ii) Deliver a silver halide Mylar reproducible copy of the approved partition plat, signed by the surveyor preparing the plat that it is a true copy thereof, to the County Surveyor's Office for recording;

(Ord. 83-4, passed 5-9-83; Ord. 99-10, passed 12-15-99; Ord. 2012-02 passed 1-26-12; Ord. 2016-02, passed 3-16-16; Ord. 2018-06, passed 12-19-18; Ord. 2019-03, passed 4-3-19;)

PART 4, TYPE III LAND DIVISION

Sub-Sections

152.695	Definition; review and approval procedure
152.696	Pre-filing conference
152.697	Tentative replat plan
152.698	Final replat

§ 152.695 REVIEW AND APPROVAL PROCEDURE.

A Type III Land Division is used to replat a recorded subdivision or addition plat. The replat may be used to achieve a reconfiguration, of an existing subdivision or addition, or used to increase or decrease the number of lots within an existing recorded subdivision or addition. A replat may be used to reconfigure or realign a recorded access easement within a plat. A replat includes a change in an exterior boundary of a subdivision or partition plat. This subchapter is intended to implement the requirements of ORS 92.180 through 92.190. Review and approval of a Type III Land Division shall be as follows in §§ 152.696 through 152.698.

The replat of a recorded Partition Plat shall follow the applicable Type II or Type IV Land Division process.

The County allows adjustments of property lines through a property line adjustment approval, as provided in ORS 92.190 (3) & (4) and following the procedures in §§ 152.720 through 152.725. (Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-2019)

§ 152.696 PRE-FILING CONFERENCE.

A pre-filing conference shall be required and held prior to the filing of a replat for a Type III Land Division.
(Ord. 83-4, passed 5-9-83; Ord. 2019-03, passed 4-3-19;)

§ 152.697 TENTATIVE REPLAT PLAN.

(A) *Filing.* A tentative replat plan shall be filed with the Planning Director, who shall schedule it to be reviewed via the public hearing process before the Planning Commission, pursuant to §§ 152.770, 152.771 and 152.772.

(B) *Contents of a tentative replat plan.* A copy of the subdivision plat shall be obtained and the following information presented on it or an enlarged, to scale, copy of said plat.

(1) Location of existing structures and buildings, including distances to existing lot lines.

(2) Location of natural features, including streams, bluffs, rock out-crops, ponds, and wetlands.

(3) Use of the land within the proposed replat.

(4) Location and identification of all existing utility lines and irrigation ditches.

(5) Location of existing driveways.

(6) Location and identification of existing roads and access easements.

(7) Other restrictive features specific to the site and not identified above.

(8) The location of the proposed new

lot lines, roads, and easements, and distances with respect to existing lot lines, existing structures, utility lines, and the like, as needed to determine compliance of the proposal with the standards of this chapter.

(C) *Criteria for approval of a Type III Land Division.* In granting approval of a tentative replat plan, the Planning Commission shall find that the tentative plan:

(1) Complies with applicable elements of the Comprehensive Plan;

(2) Complies with applicable provisions listed in the zoning regulations of this chapter;

(3) Conforms and fits into the existing development scheme in the area, including logical extension of existing roads and public facilities within and adjoining the site;

(4) Complies with the standards and criteria of § 152.667, if applicable, due to the size, scope, and/or location of the request.

(D) *Decision on a tentative replat plan.* The findings and conclusions of the Planning Commission shall include two copies of the tentative plan upon which the decision is noted and any conditions described. One copy shall be returned to the applicant, while the other is retained by the Planning Department. Approval by the Planning Commission shall be final upon signing of the findings, and stands as the county's official action unless appealed. Approval of the tentative plan shall not constitute acceptance of the final replat for recording. However, such approval shall be binding upon the county for purposes of preparation of the replat, and the county may require only such changes in the replat as are necessary for compliance with the terms of its approval of the tentative plan.
(Ord. 83-4, passed 5-9-83)

§ 152.698 FINAL REPLAT.

Within two years from the date of approval of a tentative plan, the applicant shall file with the Planning Department a final replat. This replat is intended to be recorded in the Town Plat Records of Umatilla County and will be referenced on the original subdivision plat. This replat shall be reviewed and processed in the same manner as a final subdivision plat, and shall conform to the standards for a final subdivision plat, all as set forth in § 152.669 of this
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12; Ord. 2016-02, passed 3-16-16;)

PART 5, TYPE IV LAND DIVISION

Sub-Sections

152.710 Review and approval procedure: Matrix System.
152.711 Tolerances for Acreage Categories Established by Matrix System

§ 152.710 REVIEW AND APPROVAL PROCEDURE; MATRIX SYSTEM.

(A) *Type IV Land Division review and approval matrix system.* Review and approval of a Type IV Land Division shall be divided into four types of reviews. The following table shall be used to identify what type of review is to be used:

Type of Land Use	***Parcel Size To Be Created Through a Land Division.***		
	Creating a Parcel 160 acres +	***Creating a Parcel 80 - 160 acres***	***Creating a Parcel Less Than 80 acres***
Continued resource use in EFU Zone	Review I, and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Review II, and the requirements of the CWR Overlay if applicable	Review II if located within an approved "go-below" area per OAR 660-033-0100
Continued resource use in GF Zone	Review I, and the requirements of the Critical Winter Range (CWR) Overlay if applicable	Does Not Apply	Does Not Apply
Non-resource (EFU or GF Zone) new or existing dwelling	Does Not Apply	Does Not Apply	Review III Level I for parent parcels greater than 160 acres and meets the non-farm dwelling criteria, Review III, Level II for parent parcels 40 to 160 acres and meets the non-farm dwelling criteria
Non-resource (EFU or GF Zone) uses other than dwellings	Conditional use permit required first then Review IV	Conditional use permit required first then Review IV	Conditional use permit required first then Review IV

EFU or GF Zone and UGB Parcels	Does Not Apply	Review V if portion of parcel located within UGB	Review V if portion of parcel located within UGB

(B) *Review I.* The following review and approval standards of a Type IV, Review I Land Division application is for the creation of parcels equal to or greater than 160 acres, within a resource zone and/or identified Critical Winter Range with or without a new or existing dwelling:

(1) The survey requirement for a Type IV, Review I, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(2) If the partition is a requirement of an approved conditional use, land use decision or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long as the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

(3) *Criteria for approval of a Type IV Review I Land Division application.*

(a) The proposed division complies with the applicable policies in the Comprehensive Plan and this Development Code which include, but are not limited to:

(i) Preserves agricultural lands and agricultural uses as intended in ORS 215.243 and Policy 3 of the agricultural policies for the county; and for those areas designated grazing/forest on the Comprehensive Plan Map meets the criteria above as well as preserves forest lands for forest uses as intended by Policies 1, 2 and 4 in the grazing/ forest policies for the county.

(ii) Meets the minimum for road frontage, yard setbacks, stream setbacks, road and/or easement standards, if a dwelling is proposed.

(iii) Is either for the purpose of farm use as defined by ORS 215.203(2) and set out in § 152.003 or forest use as described in Policy 2 of grazing/forest policies for the county.

(iv) All parcels created will be 160 acres or larger or be combined with adjacent lands.

(v) The proposed division is a result of the requirements of an approved conditional use request or variance request.

(b) Findings of compliance with the criteria listed in subdivision (3) (a) of this division shall be determined as complying with ORS 215.243.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

(C) *Review II.* The following review and approval standards of a Type IV, Review II Land Division application is for the creation of parcels equal to or greater than 80 acres, within the EFU zone and/or identified Critical Winter Range. Parcels less than 80 acres may be established if located within an approved

"go below" area pursuant to OAR 660-033-0100(1)-(9).

(1) The survey requirement for a Type IV, Review II, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(2) The procedure for processing a Type IV, Review II, Land Division application shall follow the standards set forth in § 152.643(D) and § 152.645(B).

(3) *Criteria for approval of a Type IV, Review II Land Division application* (Note: Approval of a Type IV, Review II Land Division will not qualify new parcels for a farm dwelling; farm dwellings must qualify under Section 152.059(K) :

(a) The partition will preserve and maintain farm use consistent with Oregon Agricultural Land Use Policy found in ORS 215.243.

(b) Is for the purpose of farm use as defined in § 152.003.

(c) Meets the minimum frontage and access requirements.

(d) All parcels created will be 80 to 160 acres, in accordance with ORS 215.780; or, parcels less than 80 acres may be established if located within an approved "go below" area pursuant to OAR 660-033-0100(1)-(9). Parcels created through this process cannot subsequently be decreased below 80 acres or the size specified in the authorized "go below" by a land division or property line adjustment.

(D) *Review III.* The following review and approval of a Type IV, Review III Land Division application may create, upon approval, of up to two new non-farm dwelling parcels that will be smaller than the minimum parcel size for land zoned EFU.

(1) The review and approval of a Type IV, Review III Land Division application is divided into two levels:

(a) The Level I review is administered when the non-farm dwelling parcels are partitioned from a parent lot or parcel that is larger than 160 acres.

(b) The Level II review is administered when non-farm dwelling parcels are partitioned from a parent lot or parcel that is larger than 40 acres but smaller than 160 acres.

(2) The survey requirement for a Type IV, Review III, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686 and the following standards:

(a) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(b) All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works

Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type IV, Review III Land Division.

(c) Each parcel under four acres in size, both those partitioned and the remaining piece which are to be for residential purposes, have a site suitability approval from the Department of Environmental Quality. A waiver to this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:

(i) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form;

(ii) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

(3) If the partition is processed in combination with a conditional use, land use decision or variance request, where proper notice is given to the surrounding property owners, property owner and agencies, then notification does not have to be repeated, as long the notice for the conditional use, land use decision or variance request contains the partition proposal and addressed the standards for the partition approval.

(4) *Criteria for approval of a Type IV, Review III, Level I Land Division application*. The review criteria to create up to two new non-farm dwelling parcels from a parent lot or parcel that is larger than 160 acres.

(a) The non-farm dwellings have been approved under §152.059 (K) (8):

(b) The parcels for the non-farm dwellings are divided from a parent lot or parcel that was lawfully created prior to July 1, 2001;

(c) The parcels for the non-farm dwellings are divided from a parent lot or parcel that is greater than 160 acres;

(d) The remainder of the parent lot or parcel that does not contain the non-farm dwellings is 160 acres or greater; and

(e) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

(f) The parcels upon which non-farm dwellings are approved shall be disqualified from farm tax deferral program and the tax penalty shall be paid prior to final partition approval

(5) *Criteria for approval of a Type IV, Review III, Level II Land Division application:* The following criteria apply to a parent lot or parcel that is larger than 40 acres but less than 160 acres in size. The land division is to divide a lot or parcel into two parcels, each to contain a non-farm dwelling. The parent parcel and the new parcel must both qualify as non-farm dwelling parcels.

(a) The non-farm dwellings have been approved under §152.059 (K) (8):

(b) The parcels for the non-farm dwellings are divided from a parent lot or parcel that was lawfully created prior to July 1, 2001;

(c) The parcels for the non-farm dwellings are divided from a parent lot or parcel that is equal to or smaller than 160 acres, and larger than 40 acres;

(d) The remaining acreage of the parent lot or parcel, after the non-farm dwelling parcels are partitioned, is a minimum of at least 40 acres;

(e) The parcels for the non-farm dwellings are:

(i) Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

(ii) Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils and is not capable of producing adequate herbaceous forage for grazing livestock. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level;

(f) The parcels for the non-farm dwellings do not have established water rights for irrigation; and

(g) The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

(h) The parcels upon which non-farm dwellings are approved shall be disqualified from farm tax deferral program and the tax penalty shall be paid prior to final partition approval

(E) *Review IV*. The following review and approval standards of a Type IV, Review IV Land Division application are for the creation of parcels to establish non-farm uses on qualified parcels:

(1) The survey requirement for a Type IV, Review IV, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686 and the following standards:

(a) Shall obtain necessary approval and/or permits from either the State Highway Department or County Public Works Director for location, design, and improvement standards of access points onto County Roads, (approved) public roads, or state highways.

(b) All required improvements have signed agreements with the Board of Commissioners to meet the standards of this chapter or improvements specified by the Planning Commission or Public Works Director, and are recorded in the Recorder's Office at the time, and as a condition of approval for a Type IV, Review IV Land Division.

(c) Each parcel under four acres in size, both those partitioned and the remaining piece which are to be for residential purposes, have a site suitability approval from the Department of Environmental Quality. A waiver to this requirement may be granted if the applicant makes a written request to the Planning Director and the Planning Director finds:

(i) The parcel, four acres or under, is to be used for non-residential purposes and the owner's signature to this effect is on the partition form;

(ii) The parcel remaining has an existing dwelling and zoning densities will not permit additional dwellings.

(2) If the partition is a requirement of an approved conditional use, land use decision or variance request where notice has already been given to surrounding property owners, the property owner and agency notification does not have to be repeated, as long the notice for the conditional use or variance request noted the partition proposal and addressed the standards for partition approval.

(3) *Criteria for approval of Type IV, Review IV, Land Division application:*

(a) A proposed division of land may be approved in an exclusive farm use zone for non-farm uses as set out in ORS 215.213 (2) or 215.283 (2), except dwellings, if it finds that the parcel for the non-farm use is not larger than the minimum size necessary for the use.

(i) Be an adequate size area necessary for the protection of public health;

(ii) Will be the minimum size needed to accommodate the principal use and its accessory uses, structures, and facilities;

(iii) Consider compatibility with adjoining land uses and be a size necessary to mitigate adverse impacts;

(iv) Consider possible effects on the overall land use pattern of the area and immediate vicinity;

(v) Will comply with the development standards in § 152.063, and applicable standards in §§ 152.010 through 152.017, §§ 152.545 through 152.562, and §§ 152.615 and 152.616.

(b) The governing body may establish other criteria as it considers necessary.

(F) *Review V.* The following review and approval standards of a Type IV, Review V Land Division application is for the creation of parcels less than 160 acres within the EFU and GF zones, where a portion of a lawfully established parcel has been included within an urban growth boundary. And that portion of the EFU or GF zoned parcel that remains outside of the urban growth boundary is smaller than the minimum parcel size of 160 acres the parcel may be divided as follows:

(1) The survey requirement for a Type IV, Review V, Land Division application will meet the provisions of § 152.644. If it is determined that a survey and a partition plat is necessary then the technical standards of submittal of the application shall be the same as that for a Type II Land Division, and are therefore subject to §§ 152.681 through 152.683, and §§ 152.685 and 152.686.

(2) The procedure for processing a Type IV, Review II, Land Division application shall follow the standards set forth

in § 152.643(D) and § 152.645(B).

(3) *Criteria for approval of a Type IV, Review V Land Division application:*

(a) The partition must occur along the urban growth boundary; and

(b) If the parcel contains a dwelling, that portion of the parcel with the dwelling must be large enough to support continued residential use.

(c) If the parcel does not contain a dwelling;

(i) The parcel created outside of the urban growth boundary will not be eligible for siting a dwelling, except as may be authorized under ORS 195.120.

(ii) The parcel created outside of the urban growth boundary may not be considered in approving or denying an application for the siting of any other dwelling; and

(iii) The parcel may not be considered in approving a re-designation or rezoning of forestlands under the acknowledged comprehensive plan and land use regulations, except for a re-designation or rezoning to allow a public park, open space or other natural resource use.

(d) The parcels will meet the minimum frontage and access requirements.

(e) Approval of a land division under this section, requires as a condition of approval that the owner of the parcel sign and record in the deed records for the county in which the parcel is located an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08; Ord. 2009-09, passed 12-8-09; Ord. 2011-02, passed 3-17-11; Ord. 2013-02, passed 1-29-13; Ord. 2016-02, passed 3-16-16;)

§ 152.711 TOLERANCES FOR ACREAGE CATEGORIES ESTABLISHED BY MATRIX SYSTEM.

(A) Acreages for parcel sizes established for review in the matrix system found in § 152.710 (A) of this chapter may deviate below the minimums established for each category listed in the matrix under the following circumstances:

(1) Where it can be shown that a county, public or state road right-of-way has reduced the gross acreage of parcel (i.e. the right-of-way was donated to or condemned by the state or county for road purposes);

(2) Where it can be shown that the government survey for a section of ground is less than the standard 640 acres per section, 160 acres per quarter section, or 40 acres per quarter-quarter section.

(B) In no case shall the deviation below the minimum established by the categories in the matrix exceed 11%.
(Ord. 83-4, passed 5-9-83; Ord. 2008-09, passed 6-16-08)

PART 6, TYPE V LAND DIVISION

Sub-Sections

152.720	Review and approval procedure
152.721	Pre-filing conference; land division application
152.722	Standards for approval
152.723	Denial
152.724	Procedure upon approval
152.725	Correcting amendments to plats

§ 152.720 REVIEW AND APPROVAL PROCEDURE.

Review and approval of a Type V Land Division shall be a ministerial action, as follows in §§ 152.721 through 152.725. (Ord. 83-4, passed 5-9-83)

§ 152. 721 PRE-FILING CONFERENCE; PROPERTY LINE ADJUSTMENT APPLICATION.

(A) An applicant requesting a Type V Land Division may request and hold a pre-filing conference with the Planning Department staff.

(B) The applicant shall file with the Planning Department a completed property line adjustment application, including the following:

(1) A legible scale map or survey containing the following information:

(a) Date, north arrow and scale of drawing.

(b) The boundaries and dimensions of the parcels involved.

(c) The location and dimensions of the proposed new boundary.

(d) The current and future acreages of the parcels involved.

(e) Location, names (if applicable) and widths of all existing and proposed public or county road right-of-way or access easements on, abutting, or providing access to the parcels.

(f) Width, location, and users of all easements for public utilities.

(g) Width, location, and easements for all known surface or subsurface irrigation ditches or drainage lines.

(h) Natural features, including bluffs, water courses, wetlands, and areas covered by water.

(i) The location and use of any buildings or structures within 100 feet of the proposed adjusted boundary that are to remain after the boundary adjustment is accomplished.

(j) The location of wells, septic tanks, drainfields, and replacement drain field sites.

(k) The names and addresses of all owners involved.

(l) A surveyor's certificate, if applicable.

(2) Provide an accurate legal description on 8 ½" x 11" paper of each parcel after the adjustment as well as a legal description of the property being adjusted between the parcels involved;

(3) Written approval of all landowners involved;

(4) A Statement of Water Rights "acknowledged" by the Oregon Department of Water Resources, unless the property is located within an irrigation district or is served by an independent irrigation company;

(5) If the property is served by an irrigation district or an independent irrigation company, a signed statement of water rights shall be submitted, together with a letter of approval from the irrigation district or company;

(6) A list of all utility companies or agencies serving the property or occupying easements on the property, and a letter of approval from any utility company or agency occupying an easement directly affected by the proposed property line relocation;

(7) If either of the lots or parcels will be reduced below four acres in size and where a sanitary sewage disposal system is required, submit either of the following:

(a) A site suitability approval from the Department of Environmental Quality for the lot or parcel where a dwelling/building may be sited; or,

(b) Proof that the lot or parcel can accommodate a replacement drainfield if an authorized Department of Environmental Quality sanitary sewage disposal system already exists.

(8) A survey may be required per § 152.644 (6).

(9) Provide copies of the legal descriptions and survey map (if applicable) to the County GIS Department and the County Surveyor's office.

(10) Payment of the established Planning Department application fee, the GIS Department review fee and the County Surveyor review fee.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2012-02 passed 1-26-12; Ord. 2013-02, passed 1-29-13)

§ 152.722 STANDARDS FOR APPROVAL.

The Planning Department staff shall examine the application for completeness and compliance with the following standards:

(A) The application is complete and all required letters of approval are submitted.

(B) The request meets the definition of a property line adjustment in § 152.003 and the adjustment does not increase the size of a parcel created as the result of an approved Measure 49 waiver as stipulated in ORS 195.

(C) All existing buildings located on the properties are a sufficient distance from the proposed relocated property boundary to comply with the setback requirements for the zone in which the properties are located.

(D) Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording may be provided either prior to approval or created by recording the deed instrument to convey and complete the property line adjustment approval.

(E) The request will not result in the reduction of lots or parcels below the minimum lot or

parcel size for the underlying zone, unless:

(1) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(2) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(F) If the request will result in the creation of a separate, new unit of land due to mortgage restrictions, or other legal restrictions preventing the combination of the property to be transferred into an existing unit of land, a Covenant Not to Sell Separately will be prepared. This covenant must be signed by the parties receiving the property and must be recorded in the deed records of the county prior to issuance of approval of the property line adjustment. A copy of the signed covenant and proof of recording shall be provided to the Planning Department prior to issuance of approval.

(G) If a parcel was created through a Type IV, Review II process the parcel cannot subsequently be decreased below 80 acres or the size specified in the authorized "go below".

(H) *Date of Creation and Existence*. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

(I) A property line adjustment may include a parcel(s) created through a partition plat for property within a resource zone (i.e. EFU, GF, etc.), subject to the following requirements:

(1) A survey may be required pursuant to § 152.644 (6); and,

(2) The property line adjustment application shall be reviewed by the County Surveyor; and,

(3) The application shall follow the process outlined in §§ 152.721 through 152.725; and,

(4) A property line adjustment shall not include a parcel(s) created through a partition plat for property within a non-resource zone (i.e. Rural Residential, Commercial, etc.),

(J) A property line adjustment for property within a resource zone (i.e. EFU, GF, etc.), may not be used to:

(1) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(2) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(3) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2013-02, passed 1-29-13; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19;)

§ 152.723 DENIAL.

If the Planning Department staff finds that a request does not comply with the above standards, the request shall either be denied or the applicant may withdraw the application.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2013-02, passed 1-29-13)

§ 152.724 PROCEDURE UPON APPROVAL.

(A) Within 10 or 15 working days after approval is granted, the Planning Department will have the approved property line adjustment application form, legal descriptions and map (reduced to 8.5' x 11') recorded in the deed records of the county in order to provide an accessible public record that will be identifiable during a title search. The applicant will be assessed a fee, payable by check to Office of County Records, for the appropriate recording fee.

(B) Once a property line adjustment has been approved by the Planning Department staff, the applicant has two years within which to exercise the approval by recording a deed or deeds in the county deed records to accomplish the property line adjustment.

(C) The applicant must complete the actions required in division (B) of this section. Failure to complete the action in division (B) of this section within two years from the date of property line adjustment approval shall cause the approval to become null and void.

(D) The Planning Department will provide notice to the Assessor's Office of each property line adjustment approval, and the Assessor's Office will alter the County Assessor maps, provided each property taxes are currently paid and the action in division (B) has been completed. However, it is the applicant's responsibility to contact the Assessor's Office, and comply with their requirements in order for the property line adjustment approval to be shown on the Assessors map.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19;)

§ 152.725 CORRECTING AMENDMENTS TO PLATS. [Relocated to Part 7, Amendments to Plats.
Section 152.735, (Ord. 2019-03, passed 4-3-19;)

PART 7, AMENDMENTS TO PLATS.

Sub-Sections

152.735 Correcting Amendments to Plats.

If the request is a correcting amendment to a recorded subdivision or partition plat, the following standards and procedural requirements, as set forth in ORS 92.170, shall be applied in addition to those cited in §§ 152.721 through 152.724:

(A) Any plat of a subdivision or partition filed and recorded under the provisions of ORS 92.018 to 92.190 and/or the provisions of this chapter may be amended by an affidavit of correction:

(1) To show any courses or distances omitted from the subdivision or partition plat;

(2) To correct an error in any courses or distances shown on the subdivision or partition plat;

(3) To correct an error in the description of the real property shown on the subdivision or partition plat; or

(4) To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final subdivision or partition plat as recorded.

(B) Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations, which are classified as "replatting" and are processed as Type II and Type IV Land Divisions for partitions or as Type III Land Divisions for subdivisions.

(C) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability or retirement from practice of the surveyor who filed the subdivision or partition plat, the County Surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.

(D) The County Surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this section.

(E) Once the correction has been reviewed by the Planning Department staff, the surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the Office of County Records where the subdivision or partition plat is recorded. The affidavit shall bear a signature block for the County Surveyor, and this signature of approval must be shown on the affidavit prior to recording. The Office of County Records shall return the recorded copy of the affidavit to the County Surveyor. The County Surveyor shall make any corrections pursuant to ORS 92.170.

(F) For recording the affidavit in the county deed records, County Records shall collect a fee set by the County Board of Commissioners. County Records shall also collect a fee set by the County to be paid to the County Surveyor for services provided under this section.

(G) Corrections or changes shall not be allowed on the original plat once it is

recorded with the County Records Office.
(Ord. 83-4, passed 5-9-83; Ord. 99-10, passed 12-15-99; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-19;)

PART 7, TYPE VI LAND DIVISION
[Section Deleted and Replaced with New Part 7, AMENDMENTS TO PLATS.]
(Ord. 2019-03, passed 4-3-19;**)**

AMENDMENTS

Sub-sections

152.750	Authorization to initiate amendments
152.751	Compliance with Comprehensive Plan
152.752	Public hearings on amendments
152.753	Conditions to amendments
152.754	Record of amendments
152.755	Limitation on reapplication

§ 152.750 AUTHORIZATION TO INITIATE AMENDMENTS.

(A) An amendment to the text of this chapter or to a zoning map may be initiated by the County Board of Commissioners, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Director, using forms prescribed pursuant to § 152.767.

(B) The Planning Director is hereby assigned the duties of continuing the codification process of Chapters 150 - 153 of this Development Code. The Planning Director shall endeavor to maintain the Development Code as current as reasonably possible. After consultation with County Counsel, the Planning Director may also strike figures or words that are repetitious or unnecessary, may change capitalization, punctuation and style for the purpose of uniformity, and may correct clerical and typographical errors. But, the Planning Director, in making such changes may not alter the sense, meaning, effect or substance of any ordinance or chapter of this Code.
(Ord. 83-4, passed 5-9-83; Ord. 2013-02, passed 1-29-13)

§ 152.751 COMPLIANCE WITH COMPREHENSIVE PLAN.

An amendment to the text of this chapter or to a zoning map shall comply with the provisions of the County Comprehensive Plan Text and Comprehensive Land Use Map. Proposed amendments shall also comply with the applicable provisions of the Oregon Transportation Planning Rule, Oregon Administrative Rule (OAR) 660, Division 12 and the Umatilla County Transportation Plan, and are subject to the requirements of §152.019, Traffic Impact Analysis. Any deviation from this section shall be preceded by an amendment to the Comprehensive Plan Text or to the Comprehensive Land Use Map. However, if the existing use of the property is allowed outright in the requested zone, compliance with the Comprehensive Plan is not necessary.
(Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12)

§ 152.752 PUBLIC HEARINGS ON AMENDMENTS.

The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures of § 152.771 of this chapter at its earliest practicable meeting after it is proposed. The decision of the Planning Commission shall be final unless appealed, except in the case where the amendment is to the text of this chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action. The Board shall hold a public hearing in accordance with § 152.771 of this chapter within 60 days from receipt of the Planning Commission's recommendation. Appeal shall be to the County Board of Commissioners who shall

hold a public hearing on any appeal, pursuant to § 152.771. Appeal shall be heard on a de novo basis.
(Ord. 83-4, passed 5-9-83)

§ 152.753 CONDITIONS TO AMENDMENTS.

(A) The Planning Commission may adopt or reject an amendment, or any portion thereof, as set forth in the request, or may impose conditions to the amendment or portions thereof.

(B) (1) Conditions to amendments shall be completed within the time limitations set forth by the county, or if no such time limit is set, within a reasonable time.

(2) Such conditions shall directly benefit the property described in the amendment and shall be imposed only if the county finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare.

(3) Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the petition in the following respects:

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

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

(4) Changes or alterations of conditions shall be proposed in the manner set forth in §§ 152.750 through 152.777 of this chapter, for amendments.

(5) Such conditions shall be set forth in a contract executed between the county acting by and through the Board of County Commissioners, and the property owner and any contract purchaser. No amendments with conditions shall be effective until such properly executed contract is filed with County Records, and proof of filing be submitted to the Planning Office. Such contract shall be properly signed and executed within 45 days after Commission actions on the amendment with conditions; provided, however, that the Commission may grant reasonable extensions in cases of practical difficulty. Such extensions shall not restrict the power of the county to rezone with or without conditions. In return for the granting of the petition for amendment, the property owner, contract purchasers and their heirs, successors and assigns shall perform those conditions set forth therein for the benefit of the public health, safety and welfare. Said contract shall be enforceable against the signing parties, their heirs, successors and assigns by the county by appropriate action in law or suit in equity.

(6) Failure to fulfill any conditions to amendments within the time limitations may be grounds for amendments to the zoning map (changes in zone) upon initiation by the proper parties pursuant to the procedure set forth in §§ 152.750 through 152.777 of this chapter.

(7) The County may require a bond in a form acceptable to the county or a cash deposit from the property owner or contract purchaser in such an amount as will assure compliance with the conditions imposed pursuant to this section. Such bond shall be posted at the same time the contract containing the conditions to the amendment is filed with County Records.

(8) Improvements to adjacent roads. The county may require improvements to

county or public roads, or recorded easements, abutting any parcel of land as a condition of granting an amendment to the zoning map for that parcel (change in zone), where such improvements are necessary for public safety, pursuant to requirements of this chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.754 RECORD OF AMENDMENTS.

The Office of County Records shall maintain records of amendments to the text and zoning map of this chapter.
(Ord. 83-4, passed 5-9-83)

§ 152.755 LIMITATION ON REAPPLICATION.

No application of a property owner for an amendment to the text of this chapter or to the zoning map shall be considered by the Planning Commission within the one-year period immediately following a previous denial of such request, except that the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
(Ord. 83-4, passed 5-9-83)

ADMINISTRATION AND ENFORCEMENT

Sub-Sections

152.765	Administration by Planning Director; authorized agents
152.766	Appeals
152.767	Form of petitions, applications, and appeals
152.768	Filing fees; waiver
152.769	Administrative review
152.770	Public notices
152.771	Public hearing requirements
152.772	Operation of a public hearing
152.773	Hearings Officer
152.774	Approval of other agencies
152.775	Review authority
152.776	Imposition of conditions
152.777	Time limits on decision-making

§ 152.765 ADMINISTRATION BY PLANNING DIRECTOR; AUTHORIZED AGENTS.

The Planning Director shall have the power and duty to enforce the provisions of this chapter. The County Board of Commissioners may appoint agents to issue zoning permits and to otherwise assist the Planning Director in the processing of applications. References to Planning Department or Planning Department staff in this chapter refer to authorized agents of the Planning Director. Enforcement of this chapter may be done through any means available at law, including, but not limited to, Chapter 38 of the Umatilla County Code of Ordinances.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11)

§ 152.766 APPEALS.

(A) An appeal from a ruling of the Planning Director or an authorized agent regarding a requirement of this chapter may be made only to the Planning Commission. Such appeals must be made within 15 days of the date of the decision.

(B) An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the County Board of Commissioners within 15 days from the date the written notice of the Planning Commission's decision was mailed.

(1) Written notice of the appeal shall be final. If the appeal is filed, it shall be in writing stating the reasons for appeal pursuant to the criteria for review.

(2) The County Board of Commissioners shall receive the written findings of the decision and the minutes from the Planning Commission hearing and shall hold a public hearing on the appeal. The Planning Commission report shall be read into the record of the public hearing.

(3) The Board may amend, rescind, affirm or remand the action of the Planning Commission.

(C) An action or decision of the Hearings Officer may be appealed to the Board of Commissioners within 15 days of his decision.

(1) The appeal stating the reasons for appeal pursuant to the criteria for review must be in writing and be filed with the Planning Director or the secretary of the Planning Department.

(2) A decision not appealed within 15 days shall be final.

(3) If an appeal is filed, the County Board of Commissioners shall receive the written findings of the Hearings Officer decision, and a copy of the minutes of the hearing, and shall hold a public hearing on the appeal.

(4) The Board of Commissioners may amend, rescind, affirm or remand the action of the Hearings Officer.

(D) All appeals shall be made in writing, accompanied by the appropriate fee, and shall state the reasons for the appeal and the alleged errors made on the part of the Planning Director or authorized agent, the Planning Commission, or the Hearings Officer. If the decision being appealed utilized criteria for review established elsewhere in this chapter, the reasons for the appeal shall be stated pursuant to these criteria.

(E) All appeals shall be on a de novo basis. The body hearing the appeal shall be able to receive any additional testimony presented by the applicant or proponent.

(F) Appeals of a Board of Commissioners decision shall be made to the Land Use Board of Appeals within 21 days of the date of the decision. Such appeals shall not be based on issues that are not raised at the local hearings with "sufficient specificity" as to afford the decision-makers and parties involved an opportunity to respond to the issue.
(Ord. 83-4, passed 5-9-83)

§ 152.767 FORM OF PETITIONS, APPLICATIONS AND APPEALS.

(A) Petitions, applications, and appeals provided for in this chapter shall be made on forms prescribed by the county.

(B) Applications for the development of a lot or parcel must be signed by all legal property owners of that lot or parcel, or by a legally authorized representative.

(C) Applications shall be accompanied by plans and specifications, drawn to scale, showing the following:

(1) Actual shape and dimensions of the site;

(2) The size and location of all existing and proposed structures;

(3) Existing land forms and land uses in the surrounding area;

(4) Relative size and location of major arterial and local roads, and private or public access easements;

(5) Access points adjoining streets and areas designated for off-street parking and loading;

(6) Proposed road and lot layout;

(7) Location of wells, septic tanks or extensions of necessary community facilities;

(8) Location of irrigation ditches and diversion points;

(9) Such other information as needed in order to determine conformance with this chapter.
(Ord. 83-4, passed 5-9-83; Ord. 2012-02 passed 1-26-12)

§ 152.768 FILING FEES; WAIVER.

(A) An application required by this chapter shall be accompanied by a filing fee

in an amount as established by order of the County Board of Commissioners.

(B) A filing fee under this chapter may be waived as follows:

(1) By the Planning Director where the strict application of this chapter would result in the payment of a double fee for a single event, or where an application has resulted from an apparent staff error;

(2) By the Board of County Commissioners or the Planning Commission for good cause at the request of an applicant. (Ord. 83-4, passed 5-9-83)

§ 152.769 ADMINISTRATIVE REVIEW.

(A) The administrative review procedure is designed to provide a less time-consuming alternative to the public hearing process for land use requests which require discretion in the decision-making process (i.e. quasi-judicial decisions).

(B) The administrative review procedure is as follows:

(1) Within 20 business days of filing a completed application, the Planning Department shall determine whether the application and accompanying material conforms with the applicable requirements of this chapter and render a tentative decision. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of an ODOT facility, the Planning Department shall provide written notification to ODOT when the application is deemed complete.

(2) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and shall be made available to the public prior to issuance of the tentative decision.

(3) A tentative decision by the Planning Department to approve, modify or deny a land use request shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the applicable criteria for approval listed elsewhere in this chapter.

(4) If the Planning Department determines that there are minor inconsistencies between the application and the criteria, the applicant shall be so advised in writing and afforded an opportunity to make corrections within 10 business days of written notification;

(5) If the applicant makes the necessary corrections as specified by the Planning Director, the Director shall then grant tentative approval of the partition, as provided in this section.

(6) Within two business days from a tentative decision by the Planning Director, a notice of the tentative decision shall be mailed to the applicant and all registered owners of property and affected agencies pursuant to § 152.770. The notice shall inform the applicant and the surrounding property owners that the Planning Director will issue a final decision, with or without modifications and/or conditions, or denial of the land use request 21 calendar days from the date of the notice; unless a public hearing is requested.

(7) The purpose of the notice is to provide affected property owners and agencies the opportunity to review the request and the tentative findings and conclusions of the Department, and to either offer comments or requested conditions, or request a public hearing be held to deliberate on issues they

deem are significant. If a public hearing is requested, then the Planning Department shall schedule a public hearing before the County Hearings Officer within 45 days from the receipt of the request for a public hearing pursuant to § 152.771.

(8) The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the mailing affidavit demonstrates that the notice was mailed to the address listed in the County Assessor's tax records.

(9) If no request for a public hearing is received within the 21 days, then the Planning Department's tentative decision shall become the final decision, although conditions of approval may be added, modified, or deleted based on information received subsequent to notification.

(10) Notice of the final decision shall be sent to the applicant, to any property owner, person, or agency which commented on the request, and to any other persons who requested such notice.

(11) If the proposed final decision is significantly different from that proposed in the tentative findings and conclusions sent out per subdivision (B)(5) of this section, then the process outlined in subdivision (B)(5) of this section will be repeated.

(12) The final decision of the Planning Department on a land use request may be appealed within 15 days to the Hearings Officer pursuant to § 152.766;

(13) Conditions of approval shall be imposed pursuant to §§ 152.753 and 152.776. (Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12)

§ 152.770 PUBLIC NOTICES.

(A) As set forth in ORS 197.763, notice of the hearings governed by § 152.771 and notices required for administrative review in § 152.769, shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located:

(1) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;

(2) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within an Exclusive Farm Use or Forest Zone; or

(3) Within 750 feet of the property which is the subject of the notice where the subject property is within an Exclusive Farm Use, Forest Zone or Mixed Farm/Forest Zone.

(B) In the event that there are less than five different property owners within the distances set forth under division (A) of this section, other nearby properties shall be included in the notice area until at least five different property owners are identified.

(C) The County will also send the notice to, and request comments from, all local, state, and federal agencies which staff can determine might or would be affected by the request, including, but not limited to, irrigation districts, rural fire districts or fire service providers, nearby municipalities, utility companies with known easements or facilities on the property, the County Road Department, the Watermaster, and the County Assessor. When the application is within an Interchange Management Area Plan (IAMP) Management Area or within a ¼ mile of an

ODOT facility, the County shall provide written notification to ODOT when the application is deemed complete.

(D) The notice will be sent to the applicant and any person(s) directly involved in the request, such as attorneys, real estate agents, and title companies, if so requested.

(E) The content of the notice shall:

(1) Explain the nature of the application and the proposed use or uses which could be authorized;

(2) List the applicable criteria from the ordinance and the plan that apply to the application at issue;

(3) Set forth the street address or other easily understood geographical reference to the subject property;

(4) Include an easily read location map, showing the boundaries of the subject property and the location of the proposed request, together with the location of affected properties;

(5) Include a copy of the site plan or map illustrating the request;

(6) State the date, time and location of the hearing;

(7) State that failure of an issue to be raised in a public hearing or within the 21-day response time aided under administrative review, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

(8) Include the name of the Planning Department representative to contact and the telephone number where additional information may be obtained;

(9) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

(10) State that, if the notice is for a public hearing, a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost;

(11) Include a copy of the tentative decision, together with the findings of facts and conclusions of law and a list of conditions, if any, if the notice is for a request being processed under the administrative review procedure; and

(12) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

(F) The notice shall be posted by first class mail at least 20 days in advance of the evidentiary hearing, unless two evidentiary hearings are required then 10 days before the first evidentiary hearing, or 21 days in advance of the response deadline set forth under administrative review.

(G) An affidavit of mailing shall be prepared for each notice, including a copy of the notice and the list of names and addresses of all property owners, affected agencies and any other persons notified.
(Ord. 83-4, passed 5-9-83; Ord. 2012-07, passed 3-13-12; Ord. 2014-04, passed 7-2-14; Ord. 2016-02, passed 3-16-16; Ord. 2019-03, passed 4-3-2019)

§ 152.771 PUBLIC HEARING REQUIREMENTS.

(A) Public hearings are required for the following types of land use requests:

(1) Legislative amendments to the map or text of this chapter.

(2) Quasi-judicial amendments to the map or text of this chapter.

(3) Type I and III Land Divisions.

(4) Upon the request of an affected property owner, state, local, or federal agency, or at the discretion of the Planning Director, for Type II and IV Land Divisions, conditional uses, variances, farm dwellings, or any other request processed through the administrative review procedures set forth in § 152.769.

(5) Appeals of a land use decision, per § 152.766.

(B) A legal notice of hearing authorized by this chapter for amendments to the map or text of this chapter shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing.

(C) At least 20 days in advance, a notice of public hearing on a Type I, II, III or IV Land Division, a conditional use, a land use decision, or a variance application. If two evidentiary hearings are required, notice of the hearing shall be sent 10 days before the first evidentiary hearing for applications such as a quasi-judicial amendment to the zoning map or Comprehensive Plan Map, or appeals thereof, shall be mailed to all owners of property, affected state, local, or federal agencies, and affected municipalities pursuant to § 152.770.

(D Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing provided that the county's mailing affidavit indicates that notice was indeed sent in accordance with this chapter.

(E) All documents or evidence relied upon by the applicant shall be submitted to the Planning Department and be made available to the public by the date the notice required in division (C) of this section is mailed. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The Hearings Officer, Planning Commission and County Board of Commissioners may grant such request in accordance with ORS 197.763.

(F) The notice provisions of this section shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

(G) A staff report shall be prepared for each request requiring a public hearing. This staff report shall be available at lest seven calendar days prior to the hearing.

(H) The Hearings Officer, Planning Commission and County Board of Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

(I) Unless a continuance of the hearing is requested per division (E) of this section, any participant at the first evidentiary hearing may request prior to the conclusion of the hearing

that the record remain open pursuant to ORS 197.763 for at least seven days after the hearing for the submittal of additional testimony.

(J) When the record for a hearing is reopened, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(K) The Hearings Officer, Planning Commission and Board of County Commissioners shall conduct their public hearings pursuant to the requirements of § 152.772.
(Ord. 83-4, passed 5-9-83; Ord. 2009-09, passed 12-8-09; Ord. 2011-02, passed 3-17-11; Ord. 2014-04, passed 7-2-14)

§ 152.772 OPERATION OF A PUBLIC HEARING.

The following rules shall govern the operation of all public hearings conducted in accordance with this chapter:

(A) *Nature and conduct of hearing.*

(1) The Hearings Officer, Planning Commission or Board of Commissioners, in conducting a hearing which will result in a determination as to the permissible use of specific property, are acting in an administrative, quasi-judicial capacity, and all hearings shall be conducted accordingly. Interested parties are therefore entitled to an opportunity to be heard, to be present, and rebut evidence to an impartial court, to have the proceedings recorded and to have a decision based only on evidence which is supported by findings of fact as a part of that record;

(2) No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing;

(3) No proponent or opponent shall speak more than once without obtaining permission from the presiding officer;

(4) No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address;

(5) No person shall present irrelevant or repetitious testimony or evidence;

(6) There shall be no audience demonstrations such as applause, cheering, display of signs or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing;

(7) The Hearings Officer, Planning Commission members or Board members may question and cross-examine any person who testifies.

(B) *Challenge for bias, prejudgment or personal interest.*

(1) Any proponent or opponent of a proposal to be heard by the Hearings Officer, Planning Commission or Board of Commissioners may challenge the qualifications of any of its members to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.

(a) Such written challenge must be delivered by personal service to the Hearings Officer, Chairman of the Planning

Commission or Chairman of the Board of Commissioners and to the Commissioner challenged not less than 48 hours preceding the time set for public hearing.

(b) Such challenge shall be incorporated into the record of the hearing.

(2) No Planning Commissioner or Board member, nor the Hearings Officer, shall participate in a hearing or a decision on a proposal when said person:

(a) Is a party to or has a direct personal or pecuniary interest in the proposal;

(b) Is related to the proponent or opponent;

(c) Is in business with the proponent; or

(d) For any other reason, has determined that he cannot participate in the hearing and decision in an impartial manner;

(3) If, as a result of a determination under subdivision (2) of this division, the Hearings Officer is unable to preside over the hearing for a particular land use request, or an appeal thereof, the public hearing will be scheduled before the Planning Commission instead.

(C) *Presiding officer.*

(1) At hearings of the Hearings Officer, the Hearings Officer shall be the presiding officer.

(2) At hearings of the Planning Commission or Board of Commissioners, the Chairperson of the Planning Commission or the Chairperson of the Board of County Commissioners shall be the presiding officer. In their absence, or with their consent, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, or with their consent, the Commission or Board may designate one of its members to act as presiding officer at any appropriate hearing.

(3) The presiding officer shall have the authority to:

(a) Regulate the course and decorum of the hearing;

(b) Dispose of procedural requests or similar matters;

(c) Rule on offers of proof and relevancy of evidence and testimony;

(d) Take such other action authorized by the Hearings Officer, Commission or Board which is appropriate for conduct commensurate with the nature of the hearing;

(e) Impose time limits on those appearing before the Hearings Officer, Commission or Board.

(D) *Burden of proof.* The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal in an area, the greater is the burden upon the proponent.

(E) *Criteria.* The following criteria and factors are deemed relevant and material shall be considered in reaching a decision on a proposal:

(1) Conformance with the Comprehensive Plan and county ordinances;

(2) Conformance with the criteria and standards specifically listed in this chapter;

(3) Change in character of the neighborhood;

(4) Other factors which relate to how the public in general will benefit from the requested change as opposed to the cost the public would incur from the change.

(F) *Order of procedure.* The presiding officer, in the conduct of the hearing, shall:

(1) *Commence the hearing.* Announce the nature and purpose of the hearing and the rules for the conduct of the hearing;

(2) *Call for abstentions (at Commission or Board hearings).*

(a) Inquire of the Commission or Board whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing an abstention shall not participate in the hearing, participate in discussion of the question, or vote on the question.

(b) Any member whose participation has been challenged by allegations of bias, pre-judgment, personal interest, or partiality or who has been subject to significant exparte or pre-hearing contact from proponents or opponents may make a statement in response thereto or in explanation thereof, for the record, and the decision to abstain or not. This statement shall not be subject to cross-examination, except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.

(3) *Objections to jurisdiction.* Inquire of the audience whether there are any objections to jurisdiction of the Hearings Officer, Commission or Board to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if this inquiry results in substantial evidence that the Commission or Board lacks jurisdiction or the procedural requirements of this chapter were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission or Board.

(4) *Required statement at commencement of hearing.* A statement shall be made to those in attendance that:

(a) Lists the applicable substantive criteria for evaluating the land use request;

(b) States that testimony and evidence must be directed toward these criteria; and

(c) States that failure to raise an issue with sufficient specificity to afford the decision-making body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

(5) *Staff report.* Request the representative of the Planning Department to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the decision-making body if the matter is being heard on appeal, and provide such other information as may be requested by the Hearings Officer, Commission or Board.

(6) *Proponent's case.*

(a) The applicant-proponent shall first be heard, or a representative may make a presentation;

(b) Upon failure of applicant or a representative to appear at the hearing on the

proposal, or upon the applicant's express waiver of presenting testimony and evidence the Hearings Officer, Commission or Board shall consider the written application as presenting the applicant's case.

(c) Persons in favor of the proponent's proposal shall next be heard.

(7) *Cross-examination of proponents.* Allow opponents, upon recognition by the presiding officer, to submit questions to the proponent. Proponents shall be given a reasonable time to respond solely to the questions.

(8) *Opponents case.* Opponents shall be heard in the following order:

(a) Neighborhood associations, special organizations formed for the purpose of opposition, or other groups represented by counsel or a spokes-person shall be allowed by the presiding officer to first proceed.

(b) Persons who received notice of the hearing or who were entitled to receive notice of the hearing are presumed to have an interest in the proposal and shall next be heard.

(c) Persons who did not receive notice and who were not entitled to notice shall next be heard.

(9) *Cross-examination of opponents.* Allow proponents, upon recognition of the presiding officer, to submit questions to the opponents. Opponents shall be given a reasonable time to respond solely to the questions.

(10) *Public agencies.* Allow representatives of any city, federal or state agency, regional authority, local special district or special service company, or municipal or quasi-municipal corporation existing pursuant to law to next be heard.

(11) *Rebuttal evidence.* Allow the proponent to offer rebuttal evidence and testimony, and the opponents to respond to such additional statements. The scope and extent of rebuttal shall be determined by the presiding officer.

(12) *Request for continuance or keeping the record open.* The Presiding Officer shall inquire whether anyone has a request for a continuance or would like the record to remain open for additional testimony, as provided in ORS 197.763 and § 152.771 of this chapter.

(13) *Close of Commission or Board hearing and deliberation.* Unless a continuance or the keeping open of the record is requested per subdivision (12) of this division, the presiding officer shall conclude the hearing and the Commission or Board shall deliberate the proposal. Deliberations shall be open to public attendance. The Commission or Board shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the Planning Department, or previous decision-making body, or may continue its deliberations to a subsequent public meeting, the time and place of which must then be announced. The subsequent meeting shall not allow for additional submission of testimony except upon decision of the Commission or Board.

(14) *Close of a Hearings Officer hearing and deliberation.* Unless a continuance of the keeping open of the record is requested per subdivision (12) of this division, the Hearings Officer shall close the public hearing and deliberate the proposal in public. The Hearings Officer shall either make a decision and state the findings, which

may incorporate findings, proposed by the proponent, opponents, or the Planning Department, or may postpone a decision for up to seven calendar days. Neither the subsequent deliberations of the Hearings Officer, nor the making of a decision need be made in a public meeting. However, the Hearings Officer shall not base his decision on any information other than that entered into the record at the public hearing.

(15) *Continuance of a hearing*. If a continuance or the keeping open of the record is granted per subdivision (12) of this division, the hearing shall be continued to a future public meeting, the date, time, and place of which must then be announced. Per ORS 197.763, the submittal of further testimony at the continued hearing, can result in the request for a further continuance.

(16) *Issuance of order on the decision.* Within 10 working days of the date of a decision by the Hearings Officer, Commission, or Board, a formal, written order shall be prepared and signed. This order shall incorporate the decision, any conditions of approval, and the findings and conclusions leading to the decision. This order shall be signed by the presiding officer of the hearing, or a designee. The date this order is signed shall be considered the actual date of this decision for purposes of appeal to a higher authority.

(G) *Record of proceedings.*

(1) A designee of the presiding officer shall be present at each hearing and shall provide that the proceedings be electronically recorded.

(2) Written minutes of all meetings will be made which give a true reflection of matters discussed along with the views of the participants. Copies of all minutes will be made available to the public within a reasonable time after the meeting and will include the following information:

(a) Members present.

(b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition.

(c) The results of all votes, and upon the request of a Commission or Board member, the vote of each member, by name.

(d) The substance of any discussion on any matter.

(3) The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering and whether presented on behalf of the proponent or opponent. Such exhibits shall be retained by the Planning Department until after any applicable appeal period has expired, at which time the exhibit shall be released upon demand to the person identified thereon.
(Ord. 83-4, passed 5-9-83; Ord. 2011-02, passed 3-17-11; Ord. 2014-04, passed 7-2-14)

§ 152.773 HEARINGS OFFICER.

(A) The County Board of Commissioners may appoint or designate one or more qualified persons as planning and zoning hearings officers, to serve at the pleasure of and at a salary fixed by the Board of Commissioners. The Hearings Officer shall have power to conduct hearings on applications for Type II and IV Land Divisions, farm dwellings, variances and conditional use permits for which a public hearing has been requested during the administrative review process under this

chapter. The Hearings Officer shall also have the power to conduct hearings on appeals of ministerial actions and administrative review decisions made by the Planning Director or Planning Department staff, and on land use and related enforcement actions as provided in Chapter 38, Code Enforcement.

(B) In the absence of a Hearings Officer or the inability of the Hearings Officer to serve, the Planning Commission shall serve as Hearings Officer with all the same powers and duties.

(C) The Hearings Officer shall use the same procedures for the conduct of hearings as does the Planning Commission.

(D) An action or decision of the Hearings Officer may be appealed to the County Board of Commissioners, following the procedures set forth in § 152.766, and the Board of Commissioners shall hold a hearing thereon. (Ord. 83-4, passed 5-9-83)

§ 152.774 APPROVAL OF OTHER AGENCIES.

(A) A zoning permit, issued by the county for any use or structure which will have plumbing of any kind, or be connected to a sanitary subsurface disposal system, shall not become valid until the applicant obtains written approval from the Oregon Department of Environmental Quality, or other agency responsible for the permitting and inspection of sanitary disposal systems, for the connection to the sanitary subsurface disposal system.

(B) Approval of a zoning permit does not constitute approval of a building permit or mobile home setup permit. A zoning permit for a mobile home or for a building or structure subject to regulation under the Oregon Uniform Building Code does not become valid until the applicant obtains a building permit or mobile home set-up permit from the Oregon Building Codes Agency, or other agency responsible for the permitting and inspection of buildings or mobile home installations.

(C) A zoning permit issued for an off-premise sign along a state highway does not become valid until the necessary permit has been obtained from the Oregon Highway Division.

(D) A zoning permit issued for removal and/or fill within the waters of the county does not become valid until the necessary permit has been issued by the Oregon Division of State Lands.

(E) A zoning permit issued for a mining operation, including gravel removal, does not become valid until the necessary permit has been issued by the Oregon Department of Geology and Mineral Industries.

(F) It is the applicant's responsibility to identify and obtain all other necessary permits from other local, state and federal agencies. (Ord. 83-4, passed 5-9-83)

§ 152.775 REVIEW AUTHORITY.

(A) Review by the Board of County Commissioners:

(1) The Board of County Commissioners, on its own motion, may review the action of the Hearings Officer or Planning Commission. The motion to review the action shall be made and passed by a majority vote of the Board within 15 days of the decision of the Hearings Officer or Planning Commission.

(2) The review shall be conducted in the same manner provided for in appeals.

(B) The Planning Director may refer a land use request subject to the administrative review procedures directly to the Hearings Officer for a public hearing without waiting for expiration of the 21-day notification period, if the proposal is of a type or magnitude as to create the possibility of considerable impacts on a neighborhood or larger area of the county.

(C) The Planning Director may require that a land use request normally processed as a ministerial action shall be instead processed subject to administrative review, if the decision to approve the request will require sufficient discretion and judgment that it becomes a "land use decision" as defined in ORS 197.015(10)(b), and therefore requires the issuance of findings and conclusions and is subject to the due process requirements of ORS 215.416(11) and ORS 197.763.

(D) The Hearings Officer may refer a request or appeal to the Planning Commission if the Hearings Officer and Planning Commission agree that the request or appeal involves new policies, policy interpretation, or the request would have a large impact on a wide area or county facilities and services.
(Ord. 83-4, passed 5-9-83)

§ 152.776 IMPOSITION OF CONDITIONS.

(A) The Planning Director may impose conditions of approval on any decision subject to the administrative review procedure, following the same standards and procedures as set forth in § 152.753.

(B) The Hearings Officer may use the procedures of § 152.753 to impose conditions upon variances and conditional use permits, and any other land use requests, including appeals, that are within his authority.

(C) The Planning Commission or Board may impose conditions of approval on any decision that comes before them, on appeal or otherwise, following the same standards and procedures as set forth in § 152.753.

(D) Conditions of approval are of two types, subsequent and precedent. When presenting tentative approval, it shall be clearly noted which conditions are precedent and which are subsequent. Precedent conditions shall be fulfilled by the applicant before final approval is issued by the Planning Department. Final approval is signified by approval of a zoning permit. Subsequent conditions shall be imposed pursuant to § 152.753.

(1) Precedent conditions are conditions that must be satisfied prior to final approval. Precedent conditions include, but are not limited to, the submittal of a detailed site plan, the signing and recording of an irrevocable consent agreement for road improvements, and/or signing and recording an agreement for fulfillment of an identified subsequent condition, pursuant to § 152.753.

(2) Subsequent conditions are conditions that are implemented following issuance of a zoning permit, and include, but are not limited to, those that govern operation of a use or which require substantial physical site improvements.
(Ord. 83-4, passed 5-9-83; Ord. 2016-02, passed 3-16-16;)

§ 152.777 TIME LIMITS ON DECISION-MAKING.

(A) For land within an urban growth boundary and applications for mineral aggregate extraction, the governing body or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under § 152.766, within 120 days after the application is deemed complete. The county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under § 152.766,, within 150 days after the application is deemed complete, except as provided in subsections (3) and (5) of this section.

(B) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of division (A) of this section upon receipt by the governing body or its designee of:

(1) All of the missing information;

(2) Some of the missing information and written notice from the applicant that no other information will be provided; or

(3) Written notice from the applicant that none of the missing information will be provided.

(C)(1) If the application was complete when first submitted or the applicant submits additional information, as described in division (B) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(D) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under division (B) of this section and has not submitted:

(1) All of the missing information;

(2) Some of the missing information and written notice that no other information will be provided; or

(3) Written notice that none of the missing information will be provided.

(E) The period set in division (A) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

(F) The period set in division (A) of this section applies:

(1) Only to decisions wholly within the authority and control of the governing

body of the county; and

(2) Unless the parties have agreed to mediation as described in ORS 197.319 (2)(b).

(G) Notwithstanding division (F) of this section, the period set in division (A) of this section does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (1).

(H) Except when an applicant requests an extension under division (E) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(I) A county may not compel an applicant to waive the period set in division (A) of this section or to waive the provisions of division (H) of this section or ORS 215.429 as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(J) The provisions outlined in division (A) shall have the following exceptions:

(1) Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of division (A) as provided in § 152.771(E) and (I) of this chapter

(2) The request to keep the record open for seven days after the first evidentiary hearing,

(Ord. 83-4, passed 5-9-83; Ord. 2002-08, passed 8-14-02; Ord. 2009-09, passed 12-8-09)

Chapter 153: Measure 37 Claims

MEASURE 37 CLAIMS

Section

153.01 Purpose
153.02 Definitions
153.03 Application
153.04 Hearing
153.05 Decision

(Ord. 2004-19, passed 12-1-04; deleted via Ord. 2007-13 passed 12-19-07.)