

FILED
J. DEAN FOUQUETTE, SR.
UMATILLA COUNTY CLERK

1983 AUG 29 A 9:30

BEFORE THE BOARD OF COMMISSIONERS
OF UMATILLA COUNTY

An Ordinance amending the
Comprehensive Land Use Plan
and Development Ordinance of
May 9, 1983, to include the
rural areas around Hermiston,
Echo, Milton-Freewater,
Pendleton, Pilot Rock, and
Umatilla, and repealing appli-
cable portions of the Compre-
hensive Plan for Umatilla
County Part I and Part II,
adopted on April 16, 1972; and
the Zoning Ordinance adopted
on July 19, 1972, and the
Subdivision Ordinance adopted
in March, 1970

ORDINANCE NO. 83-5

WHEREAS, Umatilla County is in the process of preparing and
adopting major additions to its Comprehensive Land Use Plan and Implementing
Ordinance in conformance with Statewide Planning Goals and other pertinent
state laws; and

WHEREAS, Umatilla County, in order to avoid an enforcement order
by the Land Conservation and Development Commission (LCDC) must adopt a plan
for the entire county by September 1, 1983;

WHEREAS, Umatilla County, in conformance with the compliance
schedule established by the County and LCDC, and incorporated into the
enforcement order, has adopted a plan and land use regulations for a majority
of the agricultural and forest lands of the County, dated May 9, 1983; and

WHEREAS, the County Planning Commission, working with the citizens
of Umatilla County, and following several months of workshops and public
hearings, submitted its recommendation on these amendments to the Board of
Commissioners on August 4, 1983; and

ORDINANCE: Amending Comprehensive Land Use Plan
and Development Ordinance

WHEREAS, Adequate public notice was provided and hearings were held before the Board of County Commissioners, pursuant to ORS Chapters 92, 197 and 215; and

WHEREAS, The Board considered testimony and other materials presented by citizens of the County, its Planning Commission, Planning Staff, and other interested persons; and in response made certain changes to the plan and development ordinance amendments; and

WHEREAS, It appears to the Board that these plan and development ordinance amendments are now in conformance in all respects with ORS Chapters 197 and 215 and are suitable for Umatilla County; and

WHEREAS, The County must submit this portion of the plan by September 1, 1983; and the health, safety and welfare of the citizens of the County would be adversely impacted if the plan and development ordinance amendments are not adopted;

NOW THEREFORE, Be It Ordained by the Board of County Commissioners of Umatilla County that:

1. The amendments to the Umatilla County Comprehensive Plan and Development Ordinance, as presented to and amended by the Board, are hereby adopted as set forth in the documents attached, and by reference made a part of this Ordinance;
2. The Planning Director is hereby authorized and directed to prepare for the Board of Commissioners final amendments to the Comprehensive Plan and Development Ordinance, documents consistent with the final decisions made by the Board pursuant to item #1 for attachment to this Ordinance;

ORDINANCE: Amending Comprehensive Land Use Plan
and Development Ordinance

- 3. This Ordinance, along with the attached documents, be filed and recorded with the County Clerk;
- 4. An emergency exists and this Ordinance shall take effect immediately upon the signature by the Board of Commissioners and attestation by the County Clerk.

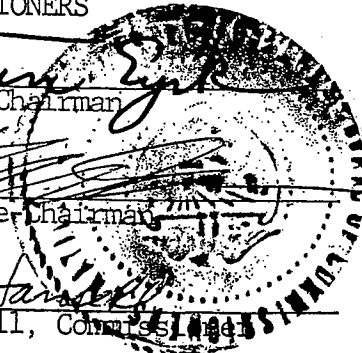
DATED THIS 29 day of August, 1983.

UMATILLA COUNTY
BOARD OF COMMISSIONERS

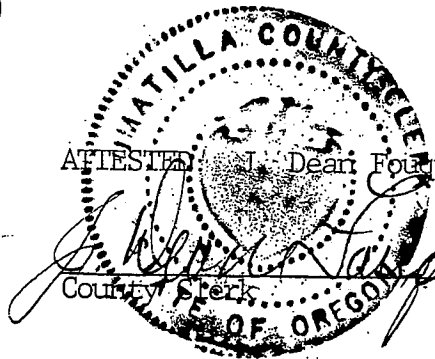
Robert TenEyck
Robert TenEyck, Chairman

A.L. Draper
A.L. Draper, Vice Chairman

William S. Hansell
William S. Hansell, Commissioner



ATTESTED: *J. Dean Fourquette, Sr.*
County Clerk



Approved as to form:

Stuart S. Spring
Stuart S. Spring, County Counsel

NOTICE: THIS ORDINANCE SUBJECT TO CHANGE
UNTIL "ACKNOWLEDGED" (APPROVED) BY LCDC.

PLEASE CHECK WITH THE COUNTY PLANNING
DEPARTMENT FOR REVISIONS

UMATILLA COUNTY
DEVELOPMENT ORDINANCE

Of May 9, 1983

Ord#
(83-4)

Revised August 29, 1983 (83-5)

The preparation of this document was financed
in part through a planning assistance grant
from the Oregon Department of Land Conservation
and Development.

UMATILLA COUNTY PLANNING DEPARTMENT
COURTHOUSE, PENDLETON, OREGON, 97801

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IN THE BOARD OF COUNTY COMMISSIONERS
OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

AN ORDINANCE PROVIDING FOR THE)
ESTABLISHMENT OF ZONING REGULATIONS,)
ESTABLISHING CLASSIFICATIONS,)
STANDARDS, AND PROCEDURES REGULATING) DEVELOPMENT ORDINANCE
SUBDIVISION, CLUSTER DEVELOPMENT,) NUMBERS 83-4 and 83-5
MAJOR AND MINOR PARTITIONING OF)
PORTIONS OF THE UNINCORPORATED)
AREA OF UMATILLA COUNTY, OREGON.)

THE COUNTY OF UMATILLA COUNTY, OREGON ORDAINS AS FOLLOWS:

CHAPTER I

SECTION 1.010

TITLE

This Ordinance shall be known as the Umatilla County Land Development Ordinance of 1983.

SECTION 1.020

PURPOSE

The intent of purpose of this Ordinance is to promote the public health, safety and general welfare and to carry out the Umatilla County Comprehensive Plan, the provisions of ORS Chapters 92 and 215 and the Statewide Planning Goals adopted pursuant to ORS Chapter 197. This Ordinance is to establish use zones and regulations governing the development and use of land within portions of Umatilla County, Oregon; 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 Ordinance and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of this Ordinance; 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 Umatilla County.

SECTION 1.030

COMPLIANCE

(1) Land Use

(a) A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this Ordinance 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 Ordinance and ORS 215.203 et seq.

- (b) No dimensional requirement of this Ordinance shall be violated after its terms become effective unless specifically provided for herein.
 - (c) No lot area, yard or other open space which is required by this Ordinance 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).
 - (d) No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required except as provided by this Ordinance and ORS 215.203.
 - (e) The requirements of this Ordinance apply to the person undertaking a development or the user of a development and to the person's successors in interest.
 - (f) No land may be divided in the unincorporated area of Umatilla County except in accordance with this Ordinance.
 - (g) 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 Ordinance.
 - (h) No land for which a way of necessity is established shall be divided without approval of this Ordinance.
 - (i) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Ordinance, 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 Ordinance.
- (2) Land Division
- (a) The requirements of this Ordinance 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.
 - (b) 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 Chapter 10 of this Ordinance except as follows:

- (1) For platted lots within a platted subdivision, 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 Chapter 10 of this Ordinance. Whenever possible, newly created lot lines shall follow or parallel the platted lot lines.
- (c) 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.
- (d) 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.
- (e) No person shall dispose of, transfer or sell, or agree, offer or negotiate to sell, any lot in any subdivision, 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 Ordinance and recorded with the recording officer of Umatilla County.
- (f) 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 Ordinance. 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.

Section 1.040

CONSISTENCY WITH PLAN AND LAWS

Actions initiated under this Ordinance shall be consistent with the adopted Comprehensive Plan of Umatilla County and with applicable state and federal laws and regulations as these plans, laws and regulations may now or hereafter provide.

Section 1.050

ZONING PERMIT

- (1) 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 development including mining, paving, excavation or drilling. Structures of 100 square feet or less in area and structures described in Section 1.070 do not require a zoning permit except when located in a designated Flood Hazard Area. A zoning permit shall be void 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.
- (2) Zoning permits shall be issued by the Director according to the provisions of this Ordinance. The Planning Director shall not issue a zoning permit for the improvement or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development.

- (3) Zoning permits issued for construction or installation of a principal dwelling on pre-existing substandard lots in EFU-40, EFU-20, FC-40 and GF-40 zones shall not become valid until 15 days after the property owners within 250 feet of the pre-existing substandard lot have been notified by the County. The notice shall state that a zoning permit has been issued by the county for a principal dwelling and that the property owners have 15 days from the date of the letter to appeal the county's decision to issue the zoning permit. Appeal shall be handled as provided in Sections 16.010 to 16.050.

Section 1.060

EXISTING AGREEMENTS AND ZONING PERMITS

This Ordinance 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 use subject to Chapter 6, temporary special permits, or special exceptions, except as modified in Section 6.010 (non-conforming use). However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

Section 1.070

EXEMPTIONS

In farm and grazing forest use zones, EFU-40, EFU-20, EFU-10, EFU-4, FC-40, GF-40, agriculture, grazing, horticulture, the management, growing and harvesting of forest products, or other farm and forest uses allowed in these zones shall be exempt from the provisions of this Ordinance. This exemption does not include a principal dwelling unit of an owner or tenant farmer/forester, nor farm/forestry employee living quarters. This exemption also includes accessory structures related to grazing activities and uses (See Chapter 18 for definitions of agricultural, forestry, and grazing uses).

Section 1.080

ZONING PERMIT NOT REQUIRED FOR FARM USE

Where this Ordinance allows for Farm Use as defined by ORS 215.203 or allows certain portions of farm uses as defined by ORS 215.203 without a zoning permit, the Planning Director or his authorized agent shall require a person applying under this section to sign an exemption form stating that the use will conform with the requirement for farm use as defined and will comply with other specific requirements of this Ordinance.

Section 1.090

UNZONED LAND

Any unzoned land in Umatilla County coming under the jurisdiction of the County shall be automatically zoned GF-40 or EFU-40, whichever is the more appropriate. Within thirty (30) days of deed recording of any unzoned land,

the Planning Director shall initiate amendment proceedings listed in Section 15.030 of this Ordinance to a more appropriate zone, if such amendment be deemed desirable by the Planning Director.

Section 1.100

LOCATION OF USE ZONES

The boundaries for the zones listed in this Ordinance are indicated on the Umatilla County Zoning Maps of 1983 which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 1.110

ZONING MAPS

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 the County Clerk as being the official zoning maps adopted by reference in Section 1.100. The certification of the official zoning maps shall appear on the cover page.

Section 1.120

AMENDMENT OF MAPS

A zoning map or zoning map amendment adopted by Section 1.100 of this Ordinance 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 Section 1.110 of the adopted map or map amendment shall be maintained in the office of the County Clerk as long as this Ordinance remains in effect.

Section 1.130

LOCATION OF MAPS

There shall be two sets of official Zoning Maps. One shall be located in the office of the Planning Department as long as this Ordinance remains in effect. The second set shall be located in the Office of the County Clerk as long as this Ordinance remains in effect.

Section 1.140

ZONE BOUNDARIES

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. 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 centerlines 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 floodplain 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 said centerlines;
- (7) Boundaries indicated as parallel to or extension of features indicated in Subsections 1 through 5 of this Section 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 Subsections 1 through 6 of this Section, the Planning Director shall interpret the zone boundaries, and if necessary, may refer the matter to the Planning Commission for their interpretation, pursuant to Section 16.050.
- (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.

Section 1.150

LAND OWNERSHIP

The provisions of this Ordinance and the uses allowed in any use zone or on any parcel are not affected by the ownership of the land.

CHAPTER 2

ESTABLISHMENT OF ZONES

Section 2.010

ESTABLISHMENT OF ZONES

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

<u>Zones</u>	<u>Abbreviated Designation</u>
Exclusive Farm Use 40	EFU-40
Exclusive Farm-Intermediate Farm	EFU-20
Exclusive Farm Use Fruit Tract 10	EFU - FT 10
Exclusive Farm Use-Small Farm 4	EFU - SM 4
Unincorporated Community	UC
General Rural Zone CTUIR	F-2
Forest Conservation 40	FC-40
Grazing/Farm 40	GF-40
Rural Residential 2	RR-2
Multiple Use Forest 10	MUF-10
Forest Residential 5	FR-5
Mountain Residential 1	MR-1
Commercial Rural Center	CRC
Retail/Service Commercial	RSC
Tourist Commercial	TC
Agri-Business	AB
Light Industrial	LI
Heavy Industrial	HI

Section 2.020

OVERLAY SUBDISTRICTS

Any portion of a use zone may be subject to additional consideration by the establishment of regulations that "overlay" the basic use. These "overlay subdistricts" 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 subdistricts are employed in using and developing land subject to an overlay subdistrict.

Development in any area subject to an overlay subdistrict shall be undertaken only after administrative action procedures have been followed, and then only in accordance with conditions imposed under Chapter 7 of this Ordinance and the regulations of both the overlay subdistrict and the basic use zone.

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

Overlay subdistricts established in this Ordinance shall include the following:

Overlay Subdistricts

Abbreviated Designations

Flood Hazard	FH
Cluster Development	CD
Development Limitation	DL
Historic, Archaeological & Cultural	HAC
Critical Wildlife Protection	CWP
Significant Natural Areas	SNA
Aggregate Resource	AR

CHAPTER 3

USE ZONES

EFU (40) EXCLUSIVE FARM USE ZONE

Section 3.010

DESCRIPTION AND PURPOSE The purposes of the EFU-40 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 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 308. Please see Addenda for further explanation.

Section 3.012

USES PERMITTED OUTRIGHT In a EFU-40 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080:

- (1) Farm use, as defined in ORS 215.203, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (a) of Subsection (2) of ORS 215.203. For the purpose of this section, farm use does not include customary accessory uses (eg. corrals, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage.
- (2) The propagation or harvesting of a forest product.
- (3) The production of alcohol fuels from agricultural products for private use on farm premises.
- (4) Sale of agricultural produce grown on the farm premises.

Section 3.014

USES PERMITTED WITH A ZONING PERMIT In an EFU-40 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to Section 1.050:

- (1) The dwelling (eg. mobile home or single-family dwelling) and other buildings customarily provided in conjunction with farm use. (This includes the principal farm dwelling for the owner or operator and farm employee dwellings, bunkhouses and their accessory uses (eg. garages and storage sheds), but does not include barns, sheds, personal use grain elevators, silos, pens, corrals, and other uses which are exempted in Section 1.070.)
- (2) A dwelling may be allowed on a parcel used for farm use if the dwelling is:
 - (a) Located on the same lot or parcels as those terms are defined in ORS 92.010, as the dwelling

- of the farm operator, and
- (b) Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
- (3) Utility facilities necessary for public service except commercial facilities for the purpose of generating power for public use by sale;
- (4) Signs: Type 2,3,4,5,6.

Section 3.016

- CONDITIONAL USES PERMITTED In an EFU-40 Zone the following uses may be permitted conditionally subject to the requirement of Section 7.010 through Section 7.060. A zoning permit is required following the approval of a conditional use pursuant to Section 1.050:
- (1) Commercial activities in conjunction with farm uses;
 - (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources;
 - (3) Single-family residential dwellings as defined in ORS 215.213(3);
 - (4) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
 - (5) Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization;
 - (6) Golf courses;
 - (7) Commercial utility facilities for the purpose of generating power for public use by sale;
 - (8) Personal-use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section 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. No aircraft may be based on a personal-use landing strip 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 Aeronautics Division in specific instances. The personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;
 - (9) Home occupations carried on by residents as an accessory use within their dwellings or other buildings customarily provided in conjunction with farm use;

- (10) A facility for the primary processing of forest products, 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. These facilities are intended to be only portable or temporary in nature. 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;
- (11) The boarding of horses for profit;
- (12) Church.

Section 3.017

LIMITATIONS ON CONDITIONAL USES The following limitations shall apply to a conditional use in an EFU-40 zone:

- (1) Conditional uses permitted by Subsection 3.016 of this section may be established on non-productive agricultural lands subject to criteria set forth in paragraph (2) of this subsection and upon a finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm, uses described in ORS 215.203(2), the intent and purpose set forth in ORS 215.243, the comprehensive plan and this Ordinance;
 - (b) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of the tract;
 - (e) Complies with other such conditions as the hearings body deems necessary.
- (2) Criteria to evaluate conditional uses:
 - (a) Immediate and future impact on public services, existing road systems and traffic demands;
 - (b) Soil type and its development limitations, including slides, erosion, flooding and drainage;
 - (c) Agricultural productivity including food productivity and the production of any usable agricultural product which requires open space and a non-urban environment;
 - (d) Development minimizes potential adverse effects on terrain, slope and ground cover;
 - (e) Development is compatible with the existing land use pattern and the character of the overall area;

- (f) An adequate quantity and quality of water is available and either subsurface or other sanitary disposal system exists or can be provided and adequate provision for solid waste disposal exists;
- (g) Conversion of agricultural land to non-farm uses shall be based upon consideration of the following factors:
 - A. Environmental, energy, social and economic consequences;
 - B. Compatibility of the proposed use with related agricultural land;
 - C. The retention of Class I through VI soils in farm use;
 - D. Other criteria listed in Section 7.060 (Conditional Uses) of this Ordinance that apply to a specific use.
- (h) If the request necessitates that a new parcel be created, the following document shall be recorded as a requirement for approval:

COVENANT NOT TO SUE

In consideration of the issuance of the following described development permit by Umatilla County (insert description of permit), the undersigned owner of the property described in Exhibit "A" attached hereto and by this reference incorporated herein, his successors, heirs and assigns do hereby covenant and agree to forever refrain from instituting or prosecuting any action against the owner of the property described in Exhibit "B" attached hereto and by this reference incorporated herein, his successors, heirs and assigns for or on account of any and all losses, injuries, damages or claims arising out of the conduct of any farming activities on the property described in Exhibit "B" which have interfered or may interfere with the use and enjoyment of the property described in Exhibit "A".

Nothing herein contained shall be construed as an admission of any legal liability and it is expressly understood that this is a compromise of all claims, past, present or future, against the parties to this covenant and all those in interest with them.

It is also agreed that if this covenant is breached and action is instituted against _____, his successors, heirs and assigns, that this covenant may be pleaded as a defense.

DATED this _____ day of _____, 19__.

(/s/ Residential Property Owner)

Section 3.018

DIMENSIONAL STANDARDS In an EFU-40 Zone, the following dimensional standards shall apply:

- (1) Minimum Lot Size
 - (a) Dwellings: A minimum of forty (40) acres shall be required for each new parcel where a dwelling is located or proposed to be located except as otherwise noted below.
 - (b) Farmland: There shall be no minimum parcel size for land used exclusively for farm use and where no dwelling is located on the parcel.
- (2) Non-Farm Homesites: Non-farm homesites allowed under the Conditional Use provisions shall comply with all of the provisions in ORS 215.213(3) plus the following:
 - (a) Be subject to setback requirements in subsection 7 and 8 of this section;
 - (b) Parcels shall comply with the access and improvement requirements of the Ordinance with regard to land divisions and be within 1/2 mile of a county road, state highway or improved, dedicated public road or easement;
 - (c) Each parcel shall contain a minimum of 1 acre and may not exceed 5 acres. A smaller parcel than 1 acre may be permitted if unusual circumstances exist such as topography, farming patterns, building locations or parcel shape and such smaller land size will better protect adjacent farmland and is a size acceptable with the Oregon Department of Environmental Quality for sewage disposal;
 - (d) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farm practices (see Section 3.017(2)(h));
 - (e) A maximum of one single-family residence per parcel shall be permitted.
- (3) Other Non-Farm (other than dwellings) and Conditional Uses: The minimum lot area for all non-farm uses permitted by this section shall be:
 - (a) Determined by the Hearings Officer as necessary for the protection of public health and the size needed to accommodate the use and its accessory uses;
 - (b) Consider compliance with applicable comprehensive plan policies;
 - (c) Consider compatibility with adjoining land uses;
 - (d) Consider possible effects on overall land use patterns of the area;
 - (e) Retain the maximum possible agricultural land for farm use.
- (4) Pre-existing Substandard Lots:
 - (a) One principal farm dwelling shall be allowed on a pre-existing substandard lot if:
 - A. The proposed farm dwelling will be associated with a farming operation on adjacent property; and
 - B. The size of the adjacent farming operation is consistent with the normal commercial farming operation in the area; and

- C. The setback requirements in subsections 7 and 8 are complied with; and
 - D. The adjacent farm parcels do not have suitable homesite locations or a homesite would remove valuable agricultural land from production; and
 - E. The pre-existing substandard parcel is generally unsuitable for farm production; and
 - F. The pre-existing substandard lot shall comply with the access requirements for land division in this Ordinance and be adjacent to a dedicated and improved county road or state highway; and
 - G. Proof of septic tank suitability.
- (b) One non-farm dwelling shall be allowed on a pre-existing substandard lot if:
- A. It meets the requirements listed in ORS 215.213(3); and
 - B. A public hearing pursuant to Section 7.010 to 7.060 is held to determine if the applicable requirements are met; and
 - C. The parcel shall comply with the setback regulation in Subsections 7 and 8; and
 - D. The pre-existing substandard lot shall comply with the access requirements for land division in this Ordinance and be adjacent to a dedicated and improved county road or state highway; and
 - F. Proof of septic tank suitability.
- (5) Density Requirement: The total number of principal, farm hand, or non-farm dwellings/homesteads shall not exceed one for each forty (40) acres of site area of an original parcel existing on the effective date of this Ordinance amendment. Only one rural (non-farm) homesite may be partitioned from an original parcel for each forty (40) acres of site area of the original parcel.
- (6) Minimum Parcel Dimensions:
- (a) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet;
 - (b) The minimum average lot depth shall be 150 feet.
- (7) Yard Setbacks:
- (a) The minimum yard setback of a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be 50 feet;
 - (b) The minimum yard setback for a pre-existing non-conforming lot shall be 30 feet;
 - (c) The minimum yard setback for all other lots shall be 20 feet.
- (8) 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 and lakes, the following setback shall apply:
- (a) 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 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 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 or lake, but in no case closer than 50 feet.

- (b) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

EFU (20) EXCLUSIVE FARM USE ZONE

Section 3.020

DESCRIPTION AND PURPOSE The purpose of the EFU-20 Exclusive Farm Use Zone is to preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural products, forests 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 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 provision of ORS 308. Please see Addenda for further explanation.

Section 3.022

USES PERMITTED OUTRIGHT In an EFU-20 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080:

- (1) Farm Use, as defined in ORS 215.203, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (a) of subsection (2) of ORS 215.203. For the purpose of this section, farm use does include customary accessory uses (eg. corral, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage).
- (2) The propagation or harvesting of a forest product.
- (3) The production of alcohol fuels from agricultural products for private use on farm premises;
- (4) Sale of agricultural produce grown on the farm premises.

Section 3.024

USES PERMITTED WITH A ZONING PERMIT In an EFU-20 zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit pursuant to Section 1.050:

- (1) The dwelling (eg. mobile home or single-family dwelling) and other buildings customarily provided in conjunction with farm use. (This includes the principal farm dwelling for the owner or operator and farm employee dwellings, bunkhouses and their accessory uses (eg. garages and storage sheds), but does not include barns, sheds, personal use grain elevators, silos, pens, corrals, and other uses which are exempted in Section 1.070)
- (2) Utility facilities necessary for public service except commercial facilities for the purpose of generating power for use by sale;
- (3) Signs: Type 2,3,4,5,6;
- (4) Non-commercial livestock feedlot.

Section 3.026

CONDITIONAL USES PERMITTED In a EFU-20 Zone, the following uses may be permitted conditionally subject to the requirement of Section 7.010 through 7.060. A zoning permit is required following the approval of a conditional use pursuant to Section 1.030:

- (1) Commercial activities in conjunction with farm uses;
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources;
- (3) Single-family residential dwellings as defined in ORS 215.213(3);
- (4) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
- (5) Parks, playgrounds or community center owned and operated by a governmental agency or a nonprofit community organization;
- (6) Golf courses;
- (7) Commercial utility facilities for the purpose of generating power for public use by sale;
- (8) Personal-use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section 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. No aircraft may be based on a personal-use landing strip 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 Aeronautics Division in specific instances. The personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;
- (9) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use;
- (10) A facility for the primary processing of forest products, 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. These facilities are intended to be only portable or temporary in nature. 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;
- (11) The boarding of horses for profit;
- (12) Church.

Section 3.027

LIMITATIONS ON CONDITIONAL USES The following limitations shall apply to a conditional use in an EFU-20 Zone:

- (1) Conditional uses permitted by Section 3.036 may be established on non-productive agricultural lands subject to the criteria set forth in paragraph (2) of this subsection and upon a finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm uses described in ORS 215.203(2), the intent and purpose set forth in ORS 215.243, the comprehensive plan and this Ordinance;
 - (b) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.
- (2) Criteria to evaluate conditional uses:
 - (a) Immediate and future impact on public services, existing road systems and traffic demands;
 - (b) Soil type and its development limitations, including slides, erosion, flooding and drainage;
 - (c) Agricultural productivity including food productivity and the production of any usable agricultural product which require open space and a non-urban environment;
 - (d) Development minimizes potential adverse effects on terrain, slope and ground cover;
 - (e) Development is compatible with the existing land use pattern and the character of the overall area;
 - (f) A subsurface or other sanitary disposal system exists or can be provided and adequate provision for solid waste disposal exists;
 - (g) Conversion of agricultural lands to non-farm uses shall be based upon consideration of the following factors:
 - (A) Environmental, energy, social and economic consequences;
 - (B) Compatibility of the proposed use with related agricultural land;
 - (C) The retention of Class I through VI soils in farm use;
 - (D) Other criteria listed in Section 7.060 of this Ordinance that applies to a specific use.

Section 3.028

DIMENSIONAL STANDARDS In an EFU-20 zone, the following dimensional standards shall apply:

(1) Minimum Lot Area

- (a) Farmlands A minimum of twenty (20) acres shall be required for new farm parcels except as otherwise noted below:

- (2) Non-Farm Homesites: Non-farm homesite allowed under the Conditional Use provision above shall comply with all the provisions in ORS 215.213(3) plus the following:
- (a) Be subject to setback requirements in subsection 7 and 8 of this section;
 - (b) Parcel shall comply with the access and improvement requirements for land division in this Ordinance and be within 1/4 mile of a county road, state highway, or improved, dedicated public road or easement;
 - (c) Each parcel shall contain a minimum of one acre and may not exceed five acres. A smaller parcel than one acre may be permitted if unusual circumstances exist and such smaller land size will better protect adjacent farm land and is a size acceptable with the Oregon Department of Environmental Quality for sewage disposal;
 - (d) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farm practices;
 - (e) A maximum of one single-family residence per parcel shall be permitted, but in no case shall more than three non-farm homesites and parcels be allowed per square mile.
- (3) Other Non-Farm and Conditional Uses The minimum lot area for all non-farm uses permitted by this section shall be:
- (a) Determined by the Hearings Officer as necessary for the protection of public health and the size needed to accommodate the use and its accessory uses;
 - (b) Consider compliance with applicable comprehensive plan policies;
 - (c) Consider compatibility with adjoining land uses;
 - (d) Consider possible effects on overall land use patterns of the area;
 - (e) Retain the maximum possible agricultural land for farm use.
- (4) Pre-existing Substandard Lots
- (a) One principal farm dwelling shall be allowed on a pre-existing substandard lot if:
 - (A) The proposed farm dwelling will be associated with a farming operation on adjacent property;
 - (B) The size of the adjacent farming operation is consistent with the minimum commercial parcel size for the area;
 - (C) The setback requirement in subsections 7 and 8 is complied with;
 - (D) The adjacent farm parcels do not have suitable homesite locations or a homesite would remove valuable agricultural land from production;
 - (E) The pre-existing substandard parcel is generally unsuitable for farm production;

- (F) The pre-existing substandard lot shall comply with the access requirements for land division in this Ordinance and be adjacent to a dedicated and improved county road or state highway;
- (G) Proof of septic tank suitability.
- (b) One non-farm dwelling shall be allowed on a pre-existing substandard lot if:
 - (A) The dwelling meets the criteria in ORS 215.213(3);
 - (B) The parcel does not exceed five acres;
 - (C) The parcel shall comply with the access requirements of the Land Division Ordinance and is adjacent to a dedicated and improved county road or state highway;
 - (D) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farming practices;
 - (E) A maximum of one single-family residence per parcel shall be permitted, but in no case shall more than three residences be allowed per square mile;
 - (F) Shall comply with setback regulations in subsections 7 and 8.
- (5) Density Requirement The total number of principal, farm hand, or non-farm dwelling/homestead shall not exceed one for each twenty (20) acres of site area of an original parcel existing on the effective date of this Ordinance amendment. Only one rural (non-farm) homesite may be partitioned from an original parcel for each twenty (20) acres of site area of the original parcel.
- (6) Minimum Parcel Dimensions
 - (a) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet;
 - (b) The minimum average lot depth shall be 150 feet.
- (7) Yard Setbacks
 - (a) The minimum yard setback of a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be 50 feet.
 - (b) The minimum yard setback for a pre-existing non-conforming lot shall be 30 feet.
 - (c) The minimum yard setback for all other lots shall be 20 feet.
- (8) 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 and lakes the following setback shall apply:
 - (a) 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 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 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 or lake, but in no case closer than 50 feet.

- (b) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams and lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

EFU-10 FRUIT TRACT FARM ZONE

Section 3.030

DESCRIPTION AND PURPOSE The EFU-10 Fruit Tract Farm Zone is designed to accommodate higher intensity agriculture, such as fruit raising and vegetable growing by reserving farmland exclusively for agricultural use and by allowing smaller farm parcels than would be economically feasible in the wheatlands or range areas of the County. The EFU-10 Zone is an Exclusive Farm Use Zone directly related to certain farm tax provisions in Oregon Revised Statutes and has been derived from ORS 215.203 and 215.213. Please see Addenda for further explanation.

Section 3.032

USES PERMITTED OUTRIGHT In an EFU-10 Fruit Tract Zone, the following uses and their accessory uses are permitted without a zoning permit; pursuant to Section 1.080.

- (1) Farm Use, as defined in ORS 215.203, except live-stock feedlots and sales yards, hog or poultry farms, and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (a) of subsection (2) of ORS 215.203. For the purpose of this section farm use includes customary accessory uses (eg. corral, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevator, chemical storage facilities);
- (2) The propagation or harvesting of a forest product;
- (3) Sale of agricultural produce grown on the farm premises.

Section 3.034

USES PERMITTED WITH A ZONING PERMIT In an EFU-10 Fruit Tract Zone the following uses and their accessory uses are permitted upon the issuance of a zoning permit; pursuant to Section 1.030.

- (1) The dwelling and other buildings customarily provided in conjunction with farm use. This includes the principal farm dwelling for the owner or operator and farm employees dwellings, bunkhouses and the accessory uses (eg. garages, and storage sheds), but does not include barns, sheds, personal use grain elevators, silos, pens, corrals and other uses which are exempted in Section 1.070;
- (2) Signs: Type 2,3,4,5,6, subject to provisions in Section 4.020;
- (3) Personal use cold storage facilities for agricultural products grown on the property.

Section 3.036

CONDITIONAL USES In an EFU-10 Zone, the following uses may be permitted conditionally subject to the requirements of Section 7.010 - 7.060. A zoning permit stating the required conditions will be issued following approval of a conditional use.

- (1) Commercial activities that are in conjunction with farm use;
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources;

- (3) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
- (4) Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization;
- (5) Golf courses;
- (6) Utilities Facilities;
- (7) Schools;
- (8) Churches;
- (9) Personal-use airports and helipads per ORS 215.213(2)(g);
- (10) Home occupations carried on by the resident as an accessory use within their dwelling or other building customarily provided in conjunction with farm use;
- (11) Boarding horses for profit;
- (12) Livestock feedlots or sales yards, hog or poultry farms, or the raising of fur-bearing animals;
- (13) Single-family residential dwellings, provided that each such proposed dwelling:
 - (a) Is compatible with farm uses;
 - (b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
 - (e) Has site access to a county road;
 - (f) Is sited on a lot that has been given Site Suitability approval for an on-site sewage disposal system by the Oregon Department of Environmental Quality;
 - (g) Single-family residential dwellings and related lot be subject to the following deed requirement. "Should the site and dwelling be resold, the owner of the parcel from which the site was partitioned shall be given the first right of refusal to purchase the lot and improvements."

Section 3.037

LIMITATIONS ON CONDITIONAL USES The following limitations shall apply to a conditional use in an EFU-10 Zone:

- (1) Conditional uses permitted by subsection (3) of this section may be established on non-productive agricultural lands subject to the criteria set forth in paragraph (2) of this subsection and upon a finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm uses described in ORS 215.203(2), the intent and purpose set forth in ORS 215.243, the comprehensive plan and this Ordinance;
 - (b) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses;

- (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
- (2) Criteria to evaluate conditional uses:
- (a) Immediate and future impact on public services, existing road systems and traffic demands;
 - (b) Soil type and its development limitations, including slides, erosion, flooding and drainage;
 - (c) Agricultural productivity including food productivity and the production of any usable agricultural product which requires open space and a non-urban environment;
 - (d) Development minimizes potential adverse effects on terrain, slope and ground cover;
 - (e) Development is compatible with the existing land use pattern and the character of the overall area;
 - (f) A subsurface or other sanitary disposal system exists or can be used on the site and adequate provision for solid waste disposal is provided;
 - (g) Conversion of agricultural lands to non-farm uses shall be based upon consideration of the following factors:
 - (A) Environmental, energy, social and economic consequences;
 - (B) Compatibility of the proposed use with related agricultural land.
- (3) Other criteria listed in Section 7.060 of this Ordinance that applies to specific uses.

Section 3.038

DIMENSIONAL STANDARDS In a EFU-10 zone, the following dimensional standards shall apply:

(1) Minimum Lot Area

(a) Farmlands: A minimum of ten (10) acres shall be required for farm parcels except as otherwise allowed below:

(2) Non-Farm Homesites

Non-farm homesites allowed under the conditional use provision above shall comply with all the provisions in ORS 215.213(3) plus the following:

- (a) Be subject to setback requirements in subsections 7 and 8 of this section;
- (b) Parcel shall comply with the access and improvement requirements of land division in this Ordinance and be within 1/4 mile of a county road, state highway or improved, dedicated public road or easement;
- (c) Proof of adequate supply of potable water and septic suitability. An adequate water supply shall be a minimum of five gallons per minute for the residence;

- (d) Each parcel shall contain a minimum of 1 acre and may not exceed 5 acres. A smaller parcel than 1 acre may be permitted if unusual circumstances exist and such smaller land size acceptable with the Oregon Department of Environmental Quality for sewage disposal;
 - (e) Sign a covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farming practices.
- (3) Other Non-Farm and Conditional Uses: The minimum lot area for all non-farm uses permitted by this section shall be:
- (a) Determined by the Hearings Officer as necessary for the protection of public health and the size needed to accommodate the use and its accessory uses;
 - (b) Consider compliance with applicable comprehensive plan policies;
 - (c) Consider compatibility with adjoining land uses;
 - (d) Consider possible effects on overall land use patterns of the area;
 - (e) Retain the maximum possible agricultural land for farm uses.
- (4) Pre-Existing Substandard Lots:
- (a) One principal farm dwelling shall be allowed on a pre-existing substandard lot if:
 - (A) The proposed farm dwelling will be the only dwelling associated with a farming operation on adjacent property;
 - (B) The size of the adjacent farming operation is consistent with the minimum commercial parcel size for the area;
 - (C) The setback requirement in subsections 7 and 8 is complied with;
 - (D) The adjacent farm parcels do not have suitable homesite locations or a homesite would remove valuable agricultural land from production;
 - (E) The pre-existing substandard parcel is generally unsuitable for farm production;
 - (F) The pre-existing substandard lot shall comply with the access requirements for land division in this Ordinance and be adjacent to a dedicated and improved county road or state highway;
 - (b) One non-farm dwelling shall be allowed on a pre-existing substandard lot if:
 - (A) The dwelling meets the criteria in ORS 215.213(3);
 - (B) The parcel does not exceed 2 acres;
 - (C) The parcel shall comply with the access requirements of the Land Division section of this Ordinance and is adjacent to a dedicated and improved county road or state highway;
 - (D) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farming practices;

- (E) Shall comply with setback regulations in subsections 7 and 8.
- (5) Density Requirement: The total number of principal, farm hand, or non-farm dwelling/homestead shall not exceed one for each ten (10) acres of site area of an original parcel existing on the effective date of this ordinance amendment. Only one rural (non-farm homesite) may be partitioned from an original parcel for each ten (10) acres of site area of the original parcel.
- (6) Minimum Parcel Size:
- (a) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet;
 - (b) The minimum average lot depth shall be 150 feet.
- (7) Yard Setbacks:
- (a) The minimum yard setback of a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be 50 feet.
 - (b) The minimum yard setback for a pre-existing non-conforming lot shall be 30 feet.
 - (c) See EFU - 40-20
- (8) 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 and lakes the following setback shall apply:
- (a) All sewage disposal installations such as septic tanks and drainfields shall be setback from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the highwater 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 or lake, but in no case closer than 50 feet.
 - (b) All structures, buildings or similar permanent fixtures shall be setback from the highwater line along all streams or lakes a minimum of 100 feet measured at right angles to the highwater line or mark.

EFU-4 SMALL FARMS ZONE

Section 3.040

DESCRIPTION AND PURPOSE: The EFU-4 Small Farm Zone is designed to accommodate small-scale farming operations by reserving farm land exclusively for agricultural use and by allowing non-commercial farm parcel sizes within areas of existing small farm development. The EFU-4 Zone is an Exclusive Farm Use Zone directly related to certain farm tax provisions in Oregon Revised Statutes and has been derived from ORS 215.203 and ORS 215.213. (Please see the Addenda for further explanation.)

Section 3.042

USES PERMITTED OUTRIGHT: In an EFU-4 Small Farm Zone, the following uses and their accessory uses are permitted without a zoning permit; pursuant to Section 1.080.

- (1) Farm Use, as defined in ORS 215.203, except livestock feedlots and sales yards, hog or poultry farms, and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (a) of subsection (2) of ORS 215.203. For the purpose of this section farm use includes customary accessory uses (eg. corral, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators, chemical storage facilities);
- (2) The propagation or harvesting of a forest product;
- (3) Sale of agricultural produce grown on the farm premises.

Section 3.044

USES PERMITTED WITH A ZONING PERMIT: In an EFU-4 Small Farm Zone the following uses and their accessory uses are permitted upon the issuance of a zoning permit; pursuant to Section 1.050:

- (1) The dwellings (eg. mobile home or single family dwelling) and other buildings customarily provided in conjunction with farm use. (This includes the principal farm dwelling for the owner or operator and farm employees dwellings, bunkhouses and their accessory uses, eg. garages and storage sheds, but does not include barns, sheds, personal use grain elevators, silos, pens, corrals and other uses which are exempted in Section 1.070);
- (2) Signs: Type 2,3,4,5,6 subject to the provisions in Section 4.020;
- (3) Personal use cold storage facilities for agricultural products grown on the property.

Section 3.046

CONDITIONAL USES: In an EFU-4 Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of Sections 7.010 - 7.060. A zoning permit stating the required conditions will be issued following approval of the Conditional Use:

- (1) Commercial activities that are in conjunction with farm use;
- (2) Operations conducted for the exploration, mining and processing of geothermal resource, aggregate and

- other mineral resources or other subsurface resources;
- (3) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
- (4) Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit organization;
- (5) Golf courses;
- (6) Utilities facilities;
- (7) Schools;
- (8) Churches;
- (9) Personal-use airports and helipads per ORS 215.213(2)(g);
- (10) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use;
- (11) Boarding of horses for profit;
- (12) Livestock feedlots or sales yards, hog or poultry farms, or the raising of fur-bearing animals;
- (13) Single-family residential dwellings, provided that each such proposed dwelling:
 - (a) Is compatible with farm uses;
 - (b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
 - (e) Has site access to a county road;
 - (f) Is sited on a lot that has been given Site Suitability approval for an on-site sewage disposal system by the Oregon Department of Environmental Quality;
 - (g) Single-family residential dwellings and related lot be subject to the following deed requirement: "Should the site and dwelling be resold, the owner of the parcel from which the site was partitioned shall be given the first right of refusal to purchase the lot and improvements."

Section 3.047

- LIMITATIONS ON CONDITIONAL USES: The following limitations shall apply to a conditional use in an EFU-4 Zone:
- (1) Conditional uses permitted by subsection (3) of this section may be established on non-productive agricultural lands subject to the criteria set forth in paragraph (2) of this subsection and upon finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm uses described in ORS 215.203(2), the intent and purpose set forth in ORS 215.243, the comprehensive plan and this Ordinance;
 - (b) Does not interfere seriously with accepted farming practices as defined by ORS 215.203(3)(c) on adjacent lands devoted to farm use;

- (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated on generally unsuitable land for the production of farm crops and livestock considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
- (2) Criteria to evaluate conditional uses:
- (a) Immediate and future impact on public services, existing road systems and traffic demands;
 - (b) Soil type and its development limitations, including slides, erosion, flooding and drainage;
 - (c) Agricultural productivity including food productivity and the production of any usable agricultural product which requires open space and a non-urban environment;
 - (d) Development minimizes potential adverse effects on terrain, slope, and ground cover;
 - (e) Development is compatible with the existing land use pattern and the character of the overall area;
 - (f) A subsurface or other sanitary disposal system exists or can be provided and adequate provision for solid waste disposal exists;
 - (g) Conversion of agricultural lands to non-farm uses shall be based upon consideration of the following factors:
 - (A) Environmental, energy, social and economic consequences;
 - (B) Compatibility of the proposed use with related agricultural land;
 - (C) The retention of Class I through VI soils in farm use.
- (3) Other criteria listed in Section 7.060 of this Ordinance that applies to specific uses.

Section 3.048

DIMENSIONAL STANDARDS: In an EFU-4 Zone, the following dimensional standards shall apply:

- (1) Minimum Lot Area
 - (a) Farmlands: A minimum of four acres shall be required for new farm parcels except as otherwise allowed below:
- (2) Non-Farm Homesites: Non-farm homesites allowed under the conditional use provisions above shall comply with all the provisions in ORS 215.213(3) plus the following:
 - (a) Be subject to setback requirements in subsections 7 and 8 of this section;
 - (b) Parcels shall comply with the access and improvement requirements of land division in this Ordinance and be within 1/4 mile of a county road, state highway or improved, dedicated public road or easement;
 - (c) Each parcel shall contain a minimum of one acre and may not exceed five acres. A smaller parcel than one acre may be permitted if unusual circumstances exist and such smaller land sizes will better protect adjacent farm land and is a size acceptable with the Oregon Department of Environmental Quality for sewage disposal;

- (d) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farming practices.
- (3) Other Non-Farm and Conditional Uses: The minimum lot area for all non-farm uses permitted by this section shall:
 - (a) Be determined by the Hearings Officer as necessary for the protection of public health and the size needed to accommodate the use and its accessory uses;
 - (b) Consider compliance with applicable comprehensive plan policies;
 - (c) Consider compatibility with adjoining land uses;
 - (d) Consider possible effects on overall land use patterns of the area;
 - (e) Retain the maximum possible agricultural land for farm uses.
- (4) Pre-existing Sub-standard Lots:
 - (a) One principal farm dwelling shall be allowed on a pre-existing sub-standard lot if:
 - (A) The proposed farm dwelling will be associated with a farming operation on adjacent property;
 - (B) The size of the adjacent farming operation is consistent with the minimum commercial parcel size for the area;
 - (C) The setback requirement in subsections 7 and 8 is complied with;
 - (D) The adjacent farm parcels do not have suitable homesite locations or a homesite would remove valuable agricultural land from production;
 - (E) The pre-existing sub-standard parcel is generally unsuitable for farm production;
 - (F) The pre-existing sub-standard lot shall comply with the access requirements for land division in this Ordinance, and be adjacent to a dedicated and improved county road or state highway;
 - (b) One non-farm dwelling shall be allowed on a pre-existing sub-standard lot if:
 - (A) The dwelling meets the criteria in ORS 215.213(3);
 - (B) The parcel does not exceed 1 acre;
 - (C) The parcel shall comply with the access requirements of the Land Division Ordinance and is adjacent to a dedicated and improved county road or state highway;
 - (D) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farming practices;
 - (E) Shall comply with setback regulations in subsections 7 through 8.
- (5) Density Requirement: The total number of principal, farm hand, or non-farm dwelling/homesteads shall not exceed one for each four (4) acres of site area of an original parcel existing on the effective date of this Ordinance amendment. Only one rural (non-farm) home-site may be partitioned from an original parcel for each four (4) acres of site area of the original parcel.

(6) Minimum Parcel Size:

- (a) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet;
- (b) The minimum average lot depth shall be 150 feet.

(7) Yard Setbacks:

- (a) The minimum yard setback of a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be 50 feet;
- (b) The minimum yard setback for a pre-existing non-conforming lot shall be 30 feet;
- (c) The minimum yard setback for all other lots shall be 20 feet.

(8) 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 and lakes the following setback shall apply:

- (a) All sewage disposal installations such as septic tanks and drainfields shall be setback from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the highwater line or mark. In those cases where practical difficulties preclude the location 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 or lake, but in no case closer than 50 feet;
- (b) All structures, buildings or similar permanent fixtures shall be setback from the highwater line along all streams or lakes a minimum of 100 feet measured at right angles to the highwater line or mark.

INDIAN RESERVATION

F-2 GENERAL RURAL ZONE

Section 3.050

DESCRIPTION AND PURPOSE: The F-2 General Rural Zone is intended to apply to farm lands that would not be appropriate for an Exclusive Farm Use classification. It is designed to maintain the openness and rural nature of the countryside, and to provide areas which are appropriate for most kinds of typical rural developments. It also allows the Planning Commission to attach special conditions to certain uses that have a potentially detrimental effect on neighboring lands. This zone is to be applied only upon certain deeded lands within the diminished boundaries of the Umatilla Indian Reservation.

Section 3.052

USES PERMITTED: In a F-2 Zone, the following uses and their accessory uses are permitted, upon the issuance of a zoning permit:

- (1) Agricultural experiment station;
- (2) Boarding or lodging house;
- (3) Dwelling, single-family;
- (4) Mobile home, but excluding mobile home parks;
- (5) Farm use as defined in ORS 215.203, except hog farms and feed yards;
- (6) Forest products growing and harvesting, including processing of locally harvested crops using portable equipment;
- (7) Planned Unit Development, subject to planned unit development standards;
- (8) Veterinary or animal hospital;
- (9) Water storage reservoir, including customary incidental uses;
- (10) School;
- (11) Cemetery;
- (12) Church;
- (13) Public or semi-public uses, but not including uses of a commercial nature by a governmental body;
- (14) Park, playground;
- (15) Golf courses;
- (16) Radio and television station or tower.

Section 3.054

CONDITIONAL USES: In a F-2 Zone, the following uses and their accessory uses are permitted subject to the requirements of Sections 7.010 through 7.060 inclusive and upon issuance of a zoning permit:

- (1) Aircraft charter, rental, service and maintenance;
- (2) Airport or landing strip;
- (3) Dog pound, kennel;
- (4) Grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs, and similar activities;
- (5) Gun or archery range;
- (6) Hog farm;
- (7) Sanitary landfill or other solid waste disposal facility;

- (8) Livestock feed yard;
- (9) Livestock sales yard;
- (10) Commercial mining or extractive activity;
- (11) Roadside stand for sale of agricultural products grown by the owner;
- (12) Non-commercial gravel pit or pile;
- (13) Utility facility.

Section 3.056

DIMENSIONAL STANDARDS: In a F-2 Zone, the following dimensional standards shall apply;

- (1) Minimum Lot Area: 19 acres for a principal dwelling unit;
- (2) Minimum Lot Area for all Other Uses: As determined by the Department of Environmental Quality to be necessary for the protection of public health;
- (3) Setback: No building shall be located closer than 20 feet from a property line abutting a street or road;
- (4) Conditional Uses: Additional dimensional standards may be required by the Planning Commission in approving a conditional use.

FC-40 FOREST CONSERVATION ZONE

Section 3.060

DESCRIPTION AND PURPOSE: The FC-40 Zone is designed to conserve and protect forest lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; protect scenic value and provide for incidental agricultural use in the Blue Mountains. Appropriate development of public or private recreational activities and other uses which are compatible with forest use may be allowed which minimize potential hazards or damage from fires, pollution or erosion.

Section 3.062

USES PERMITTED OUTRIGHT: In a FC-40 Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant to Section 1.080:

- (1) Management, growing and harvesting of forest products;
- (2) Structures accessory to the management, propagation or harvesting of forest products, excluding dwellings, mobile homes, travel trailer and recreational vehicles. Such structures include but are not limited to: equipment maintenance shops, communications buildings and fire protection facilities;
- (3) Livestock grazing, including customary accessory uses (eg. corrals, pens, barns, sheds, maintenance buildings), but excluding principal and farmhand dwellings, mobile homes, travel trailers and recreational vehicles;
- (4) Farm use as defined in ORS 215.203 except public and private schools, and the dwellings and other buildings customarily provided in conjunction with farm use, referred to in paragraph (a) of subsection (2) of ORS 215.203;
- (5) Forest tree nurseries, Christmas tree farms, and buildings customarily provided with these uses, except dwellings, mobile homes, vacation trailers, and recreational vehicles;
- (6) Firewood cutting and similar product use.

Section 3.064

USES PERMITTED WITH A ZONING PERMIT: In a FC-40 Zone the following uses and their accessory uses are permitted, upon the issuance of a zoning permit, pursuant to Section 1.050:

- (1) Principal dwellings, mobile homes, travel trailers, recreational vehicles and their accessory uses customarily provided in conjunction with forestry, farming and grazing uses, provided that:
 - (a) If the dwelling is located within a forested area, that the minimum fire safety standards listed in the Oregon Department of Forestry publication "Fire Safety Considerations Developments in Forested Areas" or subsequent publications be required;
 - (b) The dwelling be occupied only by a person engaged in a farm, forest; or

- (c) The location of the dwelling will not seriously interfere with forest, farming, or grazing uses on adjacent properties;
- (2) Fish and wildlife management facilities (eg. fish rearing ponds, etc.) including accessory uses;
- (3) Facilities and test sites for experimental and research activities associated with the management, propagation or harvesting of forest tree species;
- (4) Utility facilities necessary for public service except commercial facilities for the purpose of generating power for public use by sale;
- (5) Processing facilities for locally harvested forest crops using portable equipment (eg. portable chippers, portable sawmills, and equipment needed for fence post and firewood manufacturing provided that:
 - (a) The facility is located on the parcel of land or contiguous land where the timber to be processed is grown;
 - (b) The facility be located two-hundred (200) feet from any dwelling, mobile home, travel trailer, and recreational vehicle on adjacent land;
 - (c) Meet minimum standards as may be required by DEQ;
 - (d) Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature.
- (6) Christmas tree sales provided that:
 - (a) Sufficient off-street parking is provided according to Section 4.110;
 - (b) That ingress and egress are provided and designed not to create traffic hazards;
- (7) Signs: Types 2,3,4,5,6.

Section 3.066

CONDITIONAL USES: In a FC-40 Forest Conservation Zone, the following uses and their accessory uses may be permitted conditionally, subject to the requirements of Section 7.010 through 7.060 inclusive and upon the issuance of a zoning permit;

- (1) Commercial utility facilities for the purposes of generating and distributing power for public use by sale and other utility facilities not otherwise mentioned in Section 3.074 above;
- (2) Park, playground, campground, hunting and fishing preserves for public use or community centers owned and operated by a governmental agency or non-profit community organizations;
- (3) Private park, playground, campground, recreational vehicle park, hunting and fishing preserves for public use;
- (4) Recreational resort facility (destination resort) including, but not limited to: ski and winter sports facilities, dude ranches, hot springs resorts and their related services and facilities (eg. overnight accommodations and lodges, stables and trails, gift shops and eating facilities);

- (5) Operations conducted for the exploration, mining and/or processing of geothermal resources, aggregate and other mineral and subsurface resources;
- (6) Bunk house or farm or forest related dwellings other than the principle dwelling;
- (7) Single-family residential and recreational dwellings, including travel trailers, not provided in conjunction with forest or farm use;
- (8) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operation. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics division;
- (9) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm or forest use;
- (10) The boarding of horses for profit, stables and dude ranches;
- (11) Special exceptions pursuant to Sections 5.100 through 5.204.

Section 3.067

LIMITATIONS ON CONDITIONAL USES: The following limitations shall apply to conditional uses permitted by above section:

- (1) Conditional uses permitted by this section may be established on non-productive timber lands upon a finding by the Hearings Officer that each such use:
 - (a) Is consistent with farm and forest uses, and is consistent with the intent and purposes set forth in the State Forest Practices Act, the comprehensive plan and this Ordinance;
 - (b) Does not interfere with accepted forest management practices and farming uses on adjacent lands devoted to farm and forest use;
 - (c) Does not alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for timber production and the production of farm crops and livestock considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and location and size of tract;

- (e) Does not constitute an unnecessary fire hazard, and provides for at least a minimum of fire safety measures in planning design, construction, and operation;
 - (f) Complies with other requirements pursuant to Section 7.060.
- (2) Limitations on Non-Forest Residential and Recreational Uses: In addition to other standards and conditions set forth in this section, the following limitations shall be applied in the evaluation of an application for a use permitted by subsection of this section:
- (a) Fire safety measures such as those set forth in the guide published by the Northwest Inter-Agency Fire Prevention Group entitled, "Fire Safety Considerations for Development in Forested Areas" be considered. These may include, but are not limited to, the area surrounding the dwelling, and accessory uses be kept free from litter and debris; construction materials be fire resistant or treated with a fire retardent substance; removal of forest fuels, within thirty (30) feet of dwellings and accessory uses; skirting of trailers and mobile homes; screening of laves, attics and under floor openings;
 - (b) All dwellings have access to a state highway, a dedicated public road or county road, or forest service road approved for public use or a recorded easement. An easement created after the effective date of this Ordinance must be improved to a "D" standard.

Section 3.068

DIMENSIONAL STANDARDS: In a FC-40 Zone, the following procedures, divisions, standards and dimensions shall apply:

- (1) Minimum Lot Area
 - (a) For principal use and related dwellings - 40 acres;
 - (b) For non-farm, non-forest, non-grazing dwellings not larger than five acres nor smaller than one acre or less if approved by the DEQ;
 - (c) For non-residential uses as determined by the DEQ to be necessary for the protection of public health;
 - (d) The overall density in the area shall not exceed one (1) dwelling unit per 40 acres of the original parcel existing on the effective date. Only one non-forest homesite may be allowed from an original parcel for each 40 acres of site area of the original parcel;
- (2) Conditional Uses: Minimum lot sizes for all conditional uses, except non-farm, non-forest, non-grazing dwellings 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 and limit the amount of land taken out of agricultural, forest, and grazing uses;

- (3) Pre-existing, Non-Conforming Lots for Resource Related Dwellings: A single-family dwelling that is farm, forest, or grazing related shall be allowed as a permitted use on a pre-existing, non-conforming lot subject to the requirements in Section 3.067.
- (4) Pre-Existing, Non-Conforming Lots for Non-Farm, Non-Forest, Non-Grazing Related Dwellings: A single-family dwelling shall be allowed as a conditional use on a pre-existing, non-conforming lot subject to requirements in Sections 3.077 and 7.040(44) and procedures in Sections 7.020 and 16.050.
- (5) Structure Setbacks:
 - (a) For pre-existing, non-conforming lots - 20 feet;
 - (b) For all other lots - no building shall be located closer than fifty (50) feet from a property line, except thirty (30) feet from a property line will be permitted if the building will abut onto a dedicated public, county, or forest service road approved for public access.
- (6) Stream Setbacks: All sewage disposal installations, such as outhouses, septic tanks and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. 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. 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 or lake, but in no case closer than 50 feet.
- (7) State Law Controls: Whenever a use allowed by this section conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.

GRAZING/FARM GF-40

Section 3.070

DESCRIPTION AND PURPOSE: The GF-40 Grazing/Farm zone is designed to conserve and protect agricultural lands that are found within the county's forested areas. The predominant use of the land is for grazing of livestock, but the management for timber may be a viable long term goal for the land. The zone is also designed to conserve and protect watersheds, wildlife habitat and protect scenic values and views within the Blue Mountains. Utility facilities and other public recreational opportunities may be allowed conditionally.

Section 3.072

USES PERMITTED OUTRIGHT: In a GF-40 Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant to Section 1.080:

- (1) Farm Use, as defined in ORS 215.203, except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (a) of subsection (2) of ORS 215.203. For the purpose of this section, farm use does include customary accessory uses (eg. corral, pens, barns, sheds, maintenance buildings, farm owned or personal use grain bins or elevators and chemical storage);
- (2) The propagation or harvesting of a forest product;
- (3) The production of alcohol fuels from agricultural products for private use on farm premises;
- (4) Sale of agricultural produce grown on the farm premises.

Section 3.074

USES PERMITTED WITH A ZONING PERMIT: In a GF-40 Grazing/Farm Zone, the following uses and their accessory uses are permitted upon issuance of a zoning permit, pursuant to Section 1.050:

- (1) The dwelling (eg. mobile home or single-family dwelling) and other buildings customarily provided in conjunction with farm use. (This includes the principal farm dwelling for the owner or operator and farm employee dwellings, bunkhouses and their accessory uses (eg. garages and storage sheds, but does not include barns, sheds, personal use grain elevators, silos, pens, corrals, and other uses which are exempted in Section 1.070;
- (2) Utility facilities necessary for public service except commercial facilities for the purpose of generating power for public use by sale;
- (3) Signs: Types 2,3,4,5,6;
- (4) Non-commercial livestock feedlot.

Section 3.076

CONDITIONAL USES PERMITTED: In a GF-40 Grazing/Farm Zone, the following uses may be permitted conditionally subject to the requirements of Section 7.010 through 7.060. A zoning permit is required following approval of a conditional use pursuant to Section 1.030:

- (1) Commercial activities in conjunction with farm uses;
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources or other subsurface resources.
- (3) Single-family residential dwellings as defined in ORS 215.213(3);
- (4) Private parks, playgrounds, hunting and fishing preserves and campgrounds;
- (5) Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization;
- (6) Golf courses;
- (7) Commercial utility facilities for the purpose of generating power for public use by sale;
- (8) Personal-use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section 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. No aircraft may be based on a personal-use landing strip 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 Aeronautics Division in specific instances. The personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;
- (9) Home occupations carried on by residents as an accessory use within their dwelling or other building customarily provided in conjunction with farm use;
- (10) A facility for the primary processing of forest products, 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. These facilities are intended to be only portable or temporary in nature. 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;
- (11) The boarding of horses for profit;
- (12) Church.

Section 3.077

LIMITATIONS ON CONDITIONAL USES: The following limitations shall apply to a conditional use in a GF-40 Grazing/Farm Zone;

- (1) Conditional uses permitted by subsection (3) of this section may be established on non-productive agricultural lands subject to the criteria set forth in paragraph (2) of this subsection and upon a finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm uses described in ORS 215.203(2), the intent and purpose set forth in ORS 215.243, the comprehensive plan and this Ordinance;
 - (b) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent land devoted to farm uses;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.
- (2) Criteria to evaluate conditional uses:
 - (a) Immediate and future impact on public services, existing road systems and traffic demands;
 - (b) Soil type and its development limitations, including slides, erosion, flooding and drainage;
 - (c) Agricultural productivity including food productivity and the production of any usable agricultural product which requires open space and a non-urban environment;
 - (d) Development minimizes potential adverse affects on terrain, slope and ground cover;
 - (e) Development is compatible with the existing land use pattern and the character of the overall area;
 - (f) A subsurface or other sanitary disposal system exists or can be used on the site and adequate provision for solid waste disposal is provided;
 - (g) Conversion of agricultural lands to non-farm uses shall be based upon consideration of the following factors:
 - (A) Environmental, energy, social and economic consequences;
 - (B) Compatibility of the proposed use with related agricultural land;
 - (C) The retention of Class I through VI soils in farm use;
 - (D) Other criteria listed in Section 7.060 of this Ordinance that applies to a specific use.

Section 3.078

DIMENSIONAL STANDARDS: In a GF-40 zone, the following dimensional standards shall apply:

- (1) Minimum Lot Area
 - (a) Farm/Forest Lands: A minimum of forty (40) acres shall be required for new farm parcels except as otherwise noted below:
- (2) Non-Farm/Forest Homesites: Non-farm homesites allowed under the Conditional Use Provision above shall comply with all the provisions in ORS 215.213(3) plus the following:

- (a) Be subject to setback requirements in subsection 7 and 8 of this section;
 - (b) Parcels shall comply with the access and improvement requirements of the Land Division Ordinance and be within 1/4 mile of a county road, state highway or improved, dedicated public road or easement;
 - (c) Each parcel shall contain a minimum of one acre and may not exceed five acres. A smaller parcel than one acre may be permitted if unusual circumstances exist and such smaller land size will better protect adjacent farm land and is a size acceptable with the Oregon Department of Environmental Quality for sewage disposal;
 - (d) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farm practices;
- (3) Other Non-Farm and Conditional Uses: The minimum lot area for all non-farm uses permitted by this section shall be:
- (a) Determined by the Hearings Officer as necessary for the protection of public health and the size needed to accommodate the use and its accessory uses;
 - (b) Consider compliance with applicable comprehensive plan policies;
 - (c) Consider compatibility with adjoining land uses;
 - (d) Consider possible effects on overall land use patterns of the area;
 - (e) Retain the maximum possible agricultural land for farm use.
- (4) Pre-existing Substandard Lots:
- (a) One principal farm/forest dwelling shall be allowed on a pre-existing substandard lot if:
 - (A) The proposed farm/forest dwelling will be associated with a farming operation on adjacent property;
 - (B) The size of the adjacent farm/forest operation is consistent with the minimum commercial parcel size for the area;
 - (C) The setback requirement in subsections 7 and 8 is complied with;
 - (D) The adjacent farm/forest parcels do not have suitable homesite locations or a homesite would remove valuable agricultural land from production;
 - (E) The pre-existing substandard parcel is generally unsuitable for farm production;
 - (F) The pre-existing substandard lot shall comply with the access requirements for land division in this Ordinance and be adjacent to a dedicated and improved county road or state highway;
 - (G) Proof of septic tank suitability.
 - (b) One non-farm/forest dwelling shall be allowed on a pre-existing substandard lot if:

- (A) The dwelling meets the criteria in ORS 215.213(3);
 - (B) The parcel does not exceed five acres;
 - (C) The parcel shall comply with the access requirements of the Land Division Ordinance and is adjacent to a dedicated and improved county road or state highway;
 - (D) Covenant recognizing agricultural and resource use of surrounding lands and agreement not to remonstrate against acceptable farming practices;
 - (E) Shall comply with setback regulations in subsections 7 and 8.
- (5) Density Requirement: The total number of principal, farm hand, or non-farm dwelling/homestead shall not exceed one for each forty(40) acres of site area of an original parcel existing on the effective date of this Ordinance amendment. Only one rural (non-farm) homesite may be partitioned from an original parcel for each forty (40) acres of site area of the original parcel.
- (6) Minimum Parcel Dimension:
- (a) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet;
 - (b) The minimum average lot depth shall be 150 feet.
- (7) Yard Setbacks:
- (a) The minimum yard setback of a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be fifty (50) feet;
 - (b) The minimum yard setback for a pre-existing non-conforming lot shall be thirty(30) feet;
 - (c) The minimum yard setback for all other lots shall be twenty(20) feet.
- (8) 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 and lakes the following setbacks shall apply:
- (a) All sewage disposal installations such as septic tanks and drainfields shall be setback from the mean 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 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 or lake, but in no case closer than 50 feet;
 - (b) All structures, buildings or similar permanent fixtures shall be setback from the high-water line along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

U-C UNINCORPORATED COMMUNITY ZONE

Section 3.080

DESCRIPTION AND PURPOSE: The U-C Unincorporated Community Zone is designed to provide for the continuation and infilling 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.

Section 3.082

USES PERMITTED OUTRIGHT: In a U-C Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080:

- (1) Farm Use, as defined in ORS 215.203, except livestock feedyards and sales yards, hog or poultry farms, and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to paragraph (a) of subsection (2) of ORS 215.203. For the purpose of this section, farm use includes customary accessory uses (eg. 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.

Section 3.084

USES PERMITTED WITH A ZONING PERMIT: In a U-C Unincorporated Community Zone the following uses and their accessory uses may be permitted conditionally and upon the issuance of a zoning permit, pursuant to Section 1.030:

- (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) Home occupations;
- (8) Utility facilities;
- (9) Home occupations subject to the requirements of Section 7.040(27);
- (10) Signs: Type 2,3,4,5,8 and 9;
- (11) Contractor's storage yards;
- (12) Boarding, lodging, or rooming house;
- (13) Day care, nursery.

Section 3.086

CONDITIONAL USES PERMITTED: In a U-C Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of Section 7.010 - 7.060.

- (1) Automobile service station or repair garage;
- (2) Retail and service commercial;
- (3) Airport or landing strip;
- (4) Junkyard;
- (5) Automobile wrecking yard;
- (6) Wholesale business, storage building or warehouse;
- (7) Hauling, freighting and trucking yard or terminal;
- (8) Welding shop;
- (9) Blacksmith or machine shop;
- (10) Mobile home or travel trailer park;
- (11) Roadside stands for the sale of agricultural products;
- (12) Grain elevators.

Section 3.087

LIMITATIONS ON USE: Notwithstanding any other section of this Ordinance, the following limitations and conditions shall apply in a U-C Zone:

- (1) 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 as listed below:
Horses..... 2 per acre
Cows..... 2 per acre
Goats..... 2 per acre
Sheep.....2 per acre
- (2) 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.
- (3) Adequate fences and corrals shall be required of the animal owner to keep animals off from adjacent lands;
- (4) 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;
- (5) 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);
- (6) Outdoor storage for commercial and industrial uses shall be screened from view from adjacent residential uses.

Section 3.088

DIMENSIONAL STANDARDS:

(1) Lot Size

- (a) The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewerage system shall not be less than 50 feet with a minimum area of 6,000 square feet;
- (b) The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewerage

- system, but not served by both shall not be less than 100 feet with a minimum area of 15,000 square feet;
- (c) The minimum average width of lots not served by either an approved community, municipal or public water system or an approved community or public sewerage system shall be 150 feet with a minimum area of one acre.
- (2) Dimensional Standards: The following dimensional standards shall apply in a UC Zone:
- (a) Building Height: No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.
- (3) 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 stream and lakes, the following setbacks shall apply:
- (a) 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;
- (b) 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.
- (4) Structure Setback and Yards:
- (a) The minimum front yard shall be 45 feet from the center lines of a road right-of-way or easement;
- (b) The minimum side yard shall be 20 feet, except on the street side of a corner lot it shall be 25 feet;
- (c) The minimum rear yard shall be 20 feet.
- (5) Off-Street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Section 4.110 of this Ordinance.

RR-2 RURAL RESIDENTIAL ZONE

Section 3.090

DESCRIPTION AND 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.

Section 3.092

USES PERMITTED OUTRIGHT: In a RR-2 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080:

- (1) Farm Use, as defined in ORS 215.203, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (9) of subsection (2) of ORS 215.203.

Section 3.094

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 Section 1.050:

- (1) Dwelling, single-family;
- (2) Mobile home;
- (3) Non-commercial greenhouse or nursery;
- (4) Public or semi-public use;
- (5) Signs: Type 2,3,4,5,6.

Section 3.096

CONDITIONAL USES PERMITTED: In a RR-2 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of Section 7.010 - 7.060:

- (1) Church;
- (2) Day Care or nursery;
- (3) Commercial greenhouse or nursery;
- (4) Roadside stand for the sale of agricultural products grown by the owner;
- (5) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency;
- (6) Boarding, lodging or rooming house;
- (7) Rest home, home for the aged, nursing home, or convalescent home;
- (8) Utility Facility;
- (9) Veterinary clinic or animal hospital;
- (10) Boarding of horses for profit;

- (11) Horse boarding stable;
- (12) Model home including sales office, subdivision or development sales office
- (13) Special exemptions, as provided in Section 5.100 - 5.204;
- (14) Cemetery;
- (15) Home occupations;
- (16) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this Section 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 or forestry operations. No aircraft may be based on a personal-use landing strip 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 Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

Section 3.097

LIMITATIONS ON USE: Notwithstanding any other section of this Ordinance, the following limitations and conditions shall apply in a RR-2 Zone:

- (1) 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 as listed below:
 - Horses..... 2 per acre
 - Cows..... 2 per acre
 - Goats..... 2 per acre
 - Sheep..... 2 per acre
- (2) The number of chickens, fowl or rabbits or similar sized fowl or fur-bearing animals shall be confined on not more than 25% of the total lot area;
- (3) Adequate fences and corrals shall be required to keep animals off from adjacent lands;
- (4) 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;
- (5) 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.

Section 3.098

DIMENSIONAL STANDARDS: In a RR-2 Zone, the following standards shall apply:

(1) Minimum Lot Area:

- (a) For principal dwellings,--two acres with an average lot width of 150 feet;
- (b) 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 Ordinance including, but not limited to setbacks and vision clearance;
- (c) 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;
- (d) Pre-Existing Non-Conforming Lots of Record: Lots which were lawfully in existence prior to the effective date of this Ordinance 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.

(2) Setback Requirements: No building 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;

(3) Lot Coverage and Building Heights:

- (a) Lot Coverage: The main building and accessory buildings located on any building site or lot shall not cover more than thirty (30) percent of the total lot area;
- (b) Building Height: No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.

(4) 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 setbacks shall apply;

- (a) 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 highwater 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;

- (b) 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 highwater line or mark.

RR-4 RURAL RESIDENTIAL ZONE

Section 3.100

DESCRIPTION AND 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.

Section 3.102

USES PERMITTED OUTRIGHT: In a RR-4 Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080

- (1) Farm Use, as defined in ORS 215.203, except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (9) of sub-section (2) of ORS 215.203.

Section 3.104

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 Section 1.050:

- (1) Dwelling, single-family;
- (2) Mobile home;
- (3) Non-commercial greenhouse or nursery;
- (4) Public or semi-public use;
- (5) Signs: Type 2,3,4,5,6.

Section 3.106

CONDITIONAL USES PERMITTED: In a RR-4 Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of Section 7.010-7.060;

- (1) Church;
- (2) Day care or nursery;
- (3) Commercial greenhouse or nursery;
- (4) Roadside stand for the sale of agricultural products grown by the owner;
- (5) Grange hall or community center, park, playground or recreational facility owned and operated by a government agency or non-profit community agency;
- (6) Boarding, lodging or rooming house;
- (7) Rest home, home for the aged, nursing home, or convalescent home;
- (8) Utility facility;
- (9) Veterinary clinic or animal hospital;
- (10) Boarding of horses for profit;
- (11) Horse boarding stable;
- (12) Model home including sales office, subdivision or development sales office;

- (13) Special exemptions, as provided in Section 5.100-5.204;
- (14) Cemetery;
- (15) Home occupations;
- (16) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies or use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

Section 3.107

LIMITATIONS ON USE: Notwithstanding any other section of this Ordinance, the following limitations and conditions shall apply in a RR-4 Zone:

- (1) 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 as listed below:

Horses	2 per acre
Cows	2 per acre
Goats	2 per acre
Sheep	2 per acre
- (2) The 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;
- (3) Adequate fences and corrals shall be required of the animal owner to keep animals off from adjacent lands;
- (4) 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;
- (5) 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.

Section 3.108

DIMENSIONAL STANDARDS: In a RR-4 Zone, the following standards shall apply:

- (1) Minimum Lot Area:
 - (a) For principle dwellings--four acres with an average lot width of 150 feet;

- (b) For non-residential structures that are not an accessory use to a dwelling, as determined to meet the requirement of th DEQ for the protection of public health and other regulations of this Ordinance including, but not limited to, setbacks and vision clearance;
 - (c) 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;
 - (d) Pre-existing, Non-conforming Lots of Record: Lots which were lawfully in existence prior to the effective date of this Ordinance 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.
- (2) Setback Requirements: No building 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.
 - (3) Lot Coverage and Building Heights:
 - (a) Lot Coverage: The main building and accessory building located on any building site or lot shall not cover more than thirty (30) percent of the total lot area.
 - (b) Building Height: No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.
 - (4) 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:
 - (a) 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;
 - (b) All structures, buildings or smaller 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.

MUF-10 MULTIPLE USE FOREST

- Section 3.110 DESCRIPTION AND PURPOSE: The MUF-10 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-40 and FC-40 zoned lands and higher density Mountain-Residential (MR) or Forest Residential (FR) land.
- Section 3.112 USES PERMITTED OUTRIGHT: In a MUF-10 Zone, the following uses and their accessory uses are permitted without a zoning permit:
- (1) Farm Use: As defined in ORS 215.203, excluding livestock feedyards, mink farms, poultry farms, and the raising of hogs;
 - (2) Forest Use: As described under Section 3.062 of the FC-40 Forest Conservation Zone except primary processing facilities such as a portable chipper, a stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.
- Section 3.114 USES PERMITTED WITH A ZONING PERMIT: In a MUF-10 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit:
- (1) Mobile home;
 - (2) Dwelling (seasonal);
 - (3) Vacation trailer or recreational vehicle;
 - (4) Dwelling, single-family;
 - (5) Christmas tree sales;
 - (6) Signs: Type 2,3,4,5,6;
 - (7) Gravel extraction for personal use limited to 5,000 cubic yards per year and not disturbing more than an acre of land.
- Section 3.116 CONDITIONAL USES PERMITTED: In a MUF-10 Zone, the following uses and their accessory uses are permitted, subject to the requirements of Sections 7.010 through 7.060 inclusive and upon the issuance of a zoning permit:
- (1) Church or church camp retreat;
 - (2) Operations conducted for the exploration, mining, and processing of geothermal resources, aggregate and other mineral resources;
 - (3) 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;
 - (4) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch, or similar resort type establishment;
 - (5) Primary processing facility for locally harvested forest products including, but not limited to, a portable chipper or a stud mill;

- (6) Utility facility;
- (7) Park, playground, campground, and fishing and hunting preserves for public or private use;
- (8) Public or semi-public use;
- (9) Personal-use landing strip for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. No aircraft may be based on personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;
- (10) The boarding of horses for profit;
- (11) Special exceptions pursuant to Sections 5.100 through 5.204.

Section 3.118

DIMENSIONAL STANDARDS: In a MUF-10 Multiple Use Forest zone, the following divisions, dimensions and standards shall apply:

- (1) Minimum Lot Area:
 - (a) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailers - ten (10) acres;
 - (b) 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.
- (2) 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 number 3 of this section;
- (3) Setback: No building shall be located closer than thirty-five (35) feet from a lot line;
- (4) Minimum Lot Width: For residential purposes, no lot shall be longer than two and one-half (2 1/2) times its width;
- (5) 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 and lakes the following setbacks shall apply:

- (a) 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 the these facilities closer to the stream or lake, but in no case closer than 50 feet;
- (b) 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.

FR-5 FOREST RESIDENTIAL ZONE

Section 3.120

DESCRIPTION AND PURPOSE: The FR-5 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-40 and FC-40 zoned lands and higher density Mountain Residential (MR) land.

Section 3.122

USES PERMITTED OUTRIGHT: In an FR Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant Section 1.080:

- (1) Farm Use: As defined in ORS 215.203, excluding livestock feedyards, mink farms, poultry farms, and the raising of hogs;
- (2) Forest Use: As described under Section 3.062 of the FC 40 Forest Conservation Zone except primary processing facilities such as a portable chipper, a stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

Section 3.124

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 Section 1.050:

- (1) Mobile home;
- (2) Dwelling, seasonal;
- (3) Vacation trailer or recreational vehicle;
- (4) Dwelling, single-family;
- (5) Christmas tree sales;
- (6) Signs: Type 2,3,4,5,6;

Section 3.126

CONDITIONAL USES PERMITTED: In a FR Zone, the following uses and their accessory uses are permitted, subject to the requirements of Section 7.010 through 7.060 inclusive and upon the issuance of a zoning permit:

- (1) Church or church camp retreat;
- (2) Operations conducted for the exploration, mining and processing of geothermal resources, aggregate and other mineral resources;
- (3) 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;
- (4) Commercial recreational use, including marina, riding stable, gun club, resort, motel, lodge, recreational camp, recreational vehicle park, dude ranch or similar resort type establishment;
- (5) Primary processing facility for locally harvested forest products including, but not limited to a portable chipper or a stud mill;
- (6) Utility facility;
- (7) Park playground, campground and fishing and hunting preserves for public or private use;

- (8) Public or semi-public use;
- (9) Personal-use landing strip for airplanes and helicopter pads, including associated hanger, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operation. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division;
- (10) The boarding of horses for profit;
- (11) Special exceptions pursuant to Section 5.100 - 5.204.

Section 3.128

DIMENSIONAL STANDARDS

In a FR 5 Forest Residential Zone, the following divisions, dimensions and standards shall apply:

- (1) Minimum Lot Area:
 - (a) For dwellings, seasonal cabins, recreational vehicles, mobile homes and travel trailers - 5 acres;
 - (b) 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.
- (2) 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 number (3) of this section;
- (3) Setback: No building shall be located closer than thirty-five (35) feet from a lot line;
- (4) Minimum Lot Width: For residential purposes, no lot shall be longer than two and one-half (2 1/2) times its width;
- (5) 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 and lakes the following setbacks shall apply:
 - (a) 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;

- (b) 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.

MR MOUNTAIN RESIDENTIAL

Section 3.130

DESCRIPTION AND 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.

Section 3.132

USES PERMITTED OUTRIGHT: In an MR Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant to Section 1.080;

- (1) Farm and Non-Farm Use as defined in ORS 215.203, excluding livestock feedyards, mink farms, poultry farms, the raising of hogs, and private or public schools;
- (2) Forest Use as defined under Section 3.062 of the FC-40 Forest Conservation Zone except primary processing facilities such as a portable chipper, a stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

Section 3.134

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 Section 1.050:

- (1) Mobile home;
- (2) Dwelling, seasonal;
- (3) Vacation trailer or recreational vehicle;
- (4) Dwelling, single-family;
- (5) Christmas tree sales;
- (6) Signs: Type 2,3,4,5,6.

Section 3.136

CONDITIONAL USES PERMITTED: In a MR Zone, the following uses and their accessory uses may be permitted conditionally subject to the requirements of Section 7.010 - 7.060 and upon the issuance of a zoning permit:

- (1) Church or church camp retreat;
- (2) 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;
- (3) 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;
- (4) Primary processing facility for locally harvested forest products including but not limited to a portable chipper or stud mill;
- (5) Utility facility;
- (6) Park, playground, campground, and fishing and hunting preserves for public or private use;
- (7) Public or semi-public use;

- (8) Boarding of horses for profit or horse stables;
- (9) Home occupations carried on by residents as an accessory use with their dwelling;
- (10) Special exemptions pursuant to Section 5.100 - 5.204;
- (11) Personal-Use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section 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 or forestry operations. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 1, 1975 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- (12) Model homes.

Section 3.138

DIMENSIONAL STANDARDS: In a MR Zone, the following divisions, dimensions and standards shall apply:

- (1) Minimum Lot Area:
 - (a) For dwellings, seasonal cabins, recreational vehicles, trailers, mobile homes - one acre;
 - (b) 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.
- (2) Pre-existing, Non-conforming Lots: Dwellings, seasonal cabin, recreational vehicles, trailer, mobile homes, shall be allowed after the issuance of a zoning permit on these lots provided that setback regulations are met according to number (3) of this section;
- (3) Setback: No building shall be located closer than twenty (20) feet from a lot line;
- (4) Minimum Lot Width: For residential purposes, no lot shall be longer than two and one-half (2 1/2) times its width;
- (5) 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 and lakes, the following setbacks shall apply:
 - (a) 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 Hearings Officer may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet;

- (b) All structures, buildings or similar permanent fixtures shall be setback from the high-water line or mark along all stream or lakes a minimum of 100 feet measured at right angles to the highwater line or mark.

RSC RETAIL/SERVICE COMMERCIAL

Section 3.140

DESCRIPTION AND 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.

Section 3.142

USES PERMITTED WITH A ZONING PERMIT: The following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to Section 1.050 and Section 3.166:

- (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 shop;
- (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 2,3,4,5,7,8,9,10;
- (21) Whole businesses where no manufacturing, compounding, processing or treatment of the products for wholesale are conducted.

Section 3.144

CONDITIONAL USES PERMITTED: In a RSC Zone, the following uses and their accessory uses are permitted, subject to the requirements of Section 7.010 - 7.060 and upon the issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Animal hospital or veterinary clinic;
- (3) Commercial amusement establishment;
- (4) Drug paraphernalia store, adult book store, adult movie house;
- (5) Mini-warehouses;
- (6) Mobile home park, travel trailer park;
- (7) Tire recapping;
- (8) Utility facility;
- (9) Welding shop;
- (10) Other uses similar to the uses permitted or the conditional uses and normally located in a Retail/Service

Commercial Zone, provided that the use has the approval of the Planning Commission.

Section 3.145

LIMITAIONS ON USES: In the RSC Zone, the following limitations and conditions shall apply:

- (1) 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;
- (2) Outside display of any scrap or salvage material shall be prohibited.

Section 3.146

DESIGN REVIEW: An application for a zoning permit for a use permitted in Section 3.142 of this Ordinance shall be accompanied by a site plan. The Planning Director or his 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;
- (3) Applicable standards listed in this Ordinance for access parking lots and spaces, off-street parking, loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.

Section 3.148

DIMENSIONAL STANDARDS: In a RSC Zone, the following dimensional standards shall apply:

- (1) 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;
- (2) 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;
- (3) Setback Requirements: The minimum setback requirements shall be as follows:
 - (a) 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;
 - (b) Side Yard: 10 feet, except if the lot abuts a property zoned for residential use, then the setback shall be 20 feet;
 - (c) Rear Yard: 20 feet;
 - (d) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission

- upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.
- (4) 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 setbacks shall apply:
- (a) 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 Hearings Officer may permit the location of these facilities closer to stream or lake, but in no case closer than 50 feet;
 - (b) 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.

CRC - COMMERCIAL RURAL CENTER

- Section 3.150 DESCRIPTION AND PURPOSE: The CRC Commercial Rural Center is designed to provide primary local rural commercial service for rural residences and large labor intensive industrial facilities. 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.
- Section 3.152 USES PERMITTED OUTRIGHT: In a CRC Zone, the following uses and their accessory uses are permitted without a zoning permit, pursuant to Section 1.080;
(1) Farm Use, as defined in ORS 215.203 except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (9) of subsection (2) of ORS 215.203.
- Section 3.154 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 section 1.050:
(1) Professional office including but not limited to doctor or lawyers office, clinic and real estate offices;
(2) Retail store; 2,500 square feet maximum floor space;
(3) Automobile service station;
(4) Restaurant or drinking establishment;
(5) Utility facility, except landfills;
(6) Public or semi-public use;
(7) Signs: Type 2,3,4,5,7,8,9,10.
- Section 3.156 CONDITIONAL USES PERMITTED: In a CRC Zone the following uses and their accessory uses are permitted conditionally subject to the requirements of Section 7.010 - 7.060; and upon the issuance of a zoning permit:
(1) Dwelling for the owner or operator of a use permitted in a CRC Zone;
(2) Mobile home parks or travel trailer parks;
(3) Boarding, lodging or rooming house;
(4) Kennel, animal hospital or veterinary clinic;
(5) Church;
(6) School;
(7) Day care or nursery;
(8) Truck stop or trucking terminal.
- Section 3.157 LIMITATIONS ON USES: The following limitations shall apply in a CRC Zone for the raising of farm animals:
(1) 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 as listed below:

Horses..... 2 per acre
Cows..... 2 per acre
Goats..... 2 per acre
Sheep..... 2 per acre

- (2) The number of chickens, fowl, rabbits or similar sized animals shall be confined on not more than 25% of the total lot area;
- (3) All livestock shall be located a minimum of 100 feet away from a residential dwelling on an adjacent lot;
- (4) Adequate fences and corrals shall be required to keep animals off from adjacent lands;
- (5) Notwithstanding subsection (3) 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;
- (6) 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.

Section 3.158

DIMENSIONAL STANDARDS: In a CRC Zone the following standards shall apply:

- (1) Minimum Lot Area
 - (a) Use permitted with a zoning permit except utility facilities - 1 acre , with an average lot width of 150 feet;
 - (b) 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;
 - (c) Pre-existing, non-conforming lots of record - Lots which were lawfully in existence prior to the effective date of this Ordinance 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.
- (2) Setback Requirements: No building shall be located closer than 20 feet unless the lot is a corner but then it shall be 25 feet from a lot line, unless 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.
- (3) Lot Coverage: The main building and accessory building located on any building site or lot shall not cover more than thirty (30) percent of the total lot area;

- (4) Building Height: No building or structure shall be erected or enlarged to exceed two(2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet;
- (5) 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 setbacks shall apply:
- (a) 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 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 DEQ finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet;
- (6) Off-street Parking and Loading: Off-street parking and loading shall be provided in accordance with the provisions of Chapter 4 of this Ordinance;
- (7) Site Plan Review: In a CRC Zone, uses permitted with a zoning permit and conditional uses shall be subject to the following requirements:
- (a) 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;
- (b) For Conditional Uses: In considering a site plan for proposed use in an CRC Zone, the Hearings Officer 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 Hearings Officer may require as a condition of approval:
- (1) An increase in the required lot size;
 - (2) Additional off-street parking;
 - (3) Screening of the proposed use by a fence or landscaping;
 - (4) Limitations on signs or lighting;
 - (5) Limitations on the number and location of curb cuts;
 - (6) Any other conditions considered necessary to achieve the purpose of this Ordinance;
- (c) Construction and development of the site shall conform to an approved site plan.

TC - TOURIST COMMERCIAL

- Section 3.160 DESCRIPTION AND 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 interchanges as discussed in the Comprehensive Plan.
- Section 3.162 USES PERMITTED WITH A ZONING PERMIT: The following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to Section 1.050 and Section 3.176:
- (1) Automobile service station;
 - (2) Boarding, lodging or rooming house;
 - (3) Eating or drinking establishment;
 - (4) Food store limited to 2500 square feet;
 - (5) Gift shop;
 - (6) Information center;
 - (7) Laundromat;
 - (8) Motel, hotel;
 - (9) Sporting goods or bait shop;
 - (10) Signs: Type 3,4,5,6,7,8,9,10.
- Section 3.164 CONDITIONAL USE PERMITTED: In a TC Zone, the following uses and their accessory uses are permitted subject to the requirements of section 7.010 - 7.060 and upon the issuance of a zoning permit:
- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
 - (2) Public or semi-public use;
 - (3) Travel trailer park;
 - (4) Utility facility;
 - (5) Other uses similar to the uses permitted or the conditional uses and normally located in a Tourist Commercial Zone, providing that it has the approval of the Planning Commission.
- Section 3.165 LIMITATIONS ON USES: In the TC Zone , the following limitations on uses shall apply:
- (1) 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;
 - (2) Storage of scrap or salvage material shall be prohibited.
- Section 3.166 DESIGN REVIEW: An application for a zoning permit for a use permitted in Section 3.162 of this Ordinance shall be accompanied by a site plan. The Planning Director or his 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;
- (3) Applicable standards listed in this Ordinance for access, parking lots and spaces, off-street parking and loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.

Section 3.168

DIMENSIONAL STANDARDS: In a TC Zone, the following dimensional standards shall apply:

- (1) 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;
- (2) 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;
- (3) 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 by a ruling of the Planning Commission or Planning Director upon the request of a property owner if the adjacent properties are zoned for commercial or industrial use. Under no circumstances shall the setback requirements be modified when the reduced setback would adjoin residential or agricultural zoned property;
- (4) 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:
 - (a) 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 DEQ finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet;
 - (b) 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.

A-B AGRIBUSINESS

- Section 3.170 DESCRIPTION AND PURPOSE: The AB Agri-business Zone is designed to provide areas for 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.
- Section 3.172 USES PERMITTED OUTRIGHT: In an AB Zone, the following uses and their accessory uses are permitted without a zoning permit pursuant to Section 1.080:
(1) Farm Use as defined in ORS 215.203 except livestock feed yards and sale yards, hog or poultry farms, and the raising of fur-bearing animals, and except the dwellings and other buildings customarily provided in conjunction with farm use referred to in paragraph (9) of subsection (2) of ORS 215.203.
- Section 3.174 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 Section 1.050:
(1) Signs: Type 3,4,5,7,8,9.
- Section 3.176 CONDITIONAL USES PERMITTED: In an AB zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of Section 7.010 - 7.060:
(1) Agricultural commodity collection, sorting and packaging or processing establishment;
(2) Cold storage plant;
(3) Commercial greenhouse or nursery;
(4) Farm machinery or irrigation system, sales, service and storage;
(5) Fertilizer and agricultural chemical sales;
(6) Grain elevator;
(7) Hog farm;
(8) Land strip for agricultural operations;
(9) Livestock feed yard;
(10) Livestock sales yard;
(11) Petroleum products sales and storage;
(12) Slaughterhouse;
(13) Utility facility.
- Section 3.178 DIMENSIONAL STANDARDS: In an AB Zone, the following dimensional standards shall apply:
(1) 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 is obtained from the Department of Environmental Quality to show that an approvable subsurface system can be located on less than one acre;

- (2) 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;
- (3) 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;
- (4) 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:
 - (a) 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 DEQ 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;
 - (b) 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.

Section 3.179

LIMITATIONS ON USE: In a AB Zone, the following limitations on use shall apply:

- (1) 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.

LI LIGHT INDUSTRIAL ZONE

Section 3.180

DESCRIPTION AND 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.

Section 3.182

USES PERMITTED WITH A ZONING PERMIT: In the LI Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to Section 1.050 and Section 3.187:

- (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, excluding meat, fish, salt, sauerkraut, sugar, vinegar and yeast products;
- (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 3,4,5,7,8,9,10;
- (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.

Section 3.184

CONDITIONAL USES PERMITTED: In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of Section 7.010 to Section 7.060, and upon the issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Automobile service station;
- (3) Automobile wrecking yard;
- (4) Boarding, lodging or rooming house in conjunction with an industrial use located on the property;
- (5) Commercial amusement establishment;
- (6) Commercial gravel extraction and processing;
- (7) Concrete block or pipe manufacturing;
- (8) Concrete manufacturing plant;

- (9) Day care center;
- (10) Junkyard;
- (11) Major manufacturing, repairing, compounding, fabricating, assembling, processing, or storage 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;
- (12) Mobile home or trailer park;
- (13) Public or semi-public use;
- (14) Sand or gravel storage yard;
- (15) Wood processing facilities;
- (16) Utility facility;
- (17) 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 industrial uses;

Section 3.185

GENERAL CRITERIA FOR ALL CONDITIONAL USES: The following general criteria shall be used to review all conditional uses listed in the LI Zone, notwithstanding any other criteria listed in this Ordinance 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.

Section 3.186

LIMITATIONS ON USE:

- (1) 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;
- (2) All off-street loading areas shall be screened from view if adjoining properties are in a residential zone;
- (3) All noise, vibration, dust, odor, smoke, appearance or other objectionable factors involved in any activity shall comply with appropriate state and federal regulations.

Section 3.187

DESIGN REVIEW: An application for a zoning permit for a use permitted in Section 3.182 of this Ordinance shall be accompanied by a site plan. The Planning Director or his 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;
- (3) Applicable standards listed in this Ordinance for access parking lots and spaces, off-street parking and loading requirements, setbacks, signs, vision clearance, and other standards which may now or hereafter be enacted.

Section 3.188

DIMENSIONAL STANDARDS: In a LI Zone, the following dimensional standards shall apply:

- (1) 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;
- (2) 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;
- (3) Setback Requirements: The minimum setback requirements shall be as follows:
 - (a) 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;
 - (b) Side yard: 20 feet;
 - (c) Rear yard: 20 feet;
 - (d) The minimum side and rear yard setbacks may be modified by a ruling of the Planning Commission or Planning Director, upon the request of a property owner, if the adjacent properties are zoned for commercial or industrial use. Under no circumstance shall the setback requirements be modified when the reduced setback would adjoin residentially zoned property.
- (4) 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:
 - (a) 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 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 DEQ 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.

- (b) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

HI - HEAVY INDUSTRIAL ZONE

Section 3.190

DESCRIPTION AND 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.

Section 3.192

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 Section 1.050 and Section 3.197:

- (1) Automobile wrecking yard;
- (2) Concrete block and pipe manufacturing;
- (3) Concrete manufacturing plant;
- (4) Contractor's equipment storage yard;
- (5) Grain elevator or flour mill;
- (6) Hauling, freighting and trucking yard;
- (7) Ice and cold storage;
- (8) Junkyard;
- (9) Manufacturing, repairing, compounding, fabricating, assembling, processing, treating, parking or storage, except as modified by section 3.194;
- (10) Rendering plant;
- (11) Sand or gravel storage yard;
- (12) Signs: Type 3,4,5,8,9;
- (13) Tire recapping;
- (14) Utility facility;
- (15) Welding shop;
- (16) Wholesale business, storage building or warehouse;
- (17) Wood processing facilities.

Section 3.194

CONDITIONAL USE PERMITTED: In a HI Zone, the following uses and their accessory uses are permitted conditionally subject to the requirements of Section 7.010 to Section 7.060 and upon the issuance of a zoning permit:

- (1) Accessory dwelling (one only) for the owner or operator of each existing permitted use;
- (2) Commercial gravel pit;
- (3) Eating or drinking establishment;
- (4) Major manufacturing, repairing, compounding, fabricating, assembling, processing or storage industry 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;
- (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 liquified petroleum gases.
- (7) Any request involving the handling or storage of radioactive waste.

Section 3.195

GENERAL CRITERIA FOR ALL CONDITIONAL USES: The following general criteria shall be used to review all conditional uses listed in the HI Zone, notwithstanding any other criteria listed in this Ordinance 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.

Section 3.196

LIMITATIONS ON USE:

- (1) A use is prohibited which has been declared a nuisance by statute, by action of the County Board of Commissioners or by a court of competent jurisdiction;
- (2) A use is prohibited and shall be in violation of this Ordinance if it violates an environmental quality statute or regulation of the state or federal government;
- (3) 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;
- (4) 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.

Section 3.197

DESIGN REVIEW: An application for a zoning permit for a use permitted in Section 3.192 of this Ordinance shall be accompanied by a site plan. The Planning Director or his 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;
- (3) Applicable standards listed in this Ordinance for access, parking lots and spaces, off-street parking

Section 3.198

and loading requirements, setbacks, sign, vision clearance and other standards which may now or hereafter be enacted.

DIMENSIONAL STANDARDS: In a HI Zone, the following dimensional standards shall apply:

- (1) 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;
- (2) 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;
- (3) Setback Requirements: The minimum setback requirements shall be as follows:
 - (a) 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; and except if the property abuts a property zoned for residential use, then the setback shall be 200 feet;
 - (b) Side Yard: 20 feet; except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;
 - (c) Rear Yard: 20 feet; except if the lot abuts a property zoned for residential use, then the setback shall be 200 feet;
- (4) 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 and lakes, the following setback shall apply:
 - (a) 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 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 DEQ 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.
 - (b) All structures, buildings or similar permanent fixtures shall be set back from the high-water line along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

F-H FLOOD HAZARD SUBDISTRICT

Section 3.500

PURPOSE: The purpose of the Flood Hazard Subdistrict is to promote and protect the public health, safety, and general welfare and to minimize flood losses by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause increased flood heights or velocities;
- (2) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;
- (3) Protect individuals from buying lands which are unsuited for some purposes because of flood hazard.

Section 3.501

COMPLIANCE: A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used in a Flood Hazard Area only as this section permits.

Section 3.502

LOCATION OF FLOOD HAZARD AREAS:

- (1) The boundaries of areas delineated as Flood Hazard Areas in Umatilla County, Oregon shall be the boundaries of those areas of special Flood Hazards identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Hazard Insurance Study for Umatilla County" dated June 15, 1978, with accompanying Flood Insurance Maps which are hereby established as the Flood Plain Zoning Map of Umatilla County. Future Flood Hazard Reports prepared by the FEMA and other delineations of Flood Hazard Areas may be added to this Ordinance by Amendment as hereinafter provided;
- (2) When base flood elevation data has not been provided in accordance with Subsection 1 of this Section the County shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer residential and non-residential construction within potential special flood hazard areas. When no base data exists, the zoning permit applications shall be revised to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made through the use of historical data, high water marks, photographs of past flooding, etc., where available.

Section 3.503

ZONING MAP: The official Flood Plain Zoning Map for Umatilla County with all explanatory matter thereon and attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The official copy shall have been signed by the County Board of Commissioners and County Clerk and be maintained on file in the office of the County Clerk and Planning Office.

Section 3.504

LIMITATIONS ON ALL USES: No structure (temporary or permanent), fill, including fill for roads and levees, deposit, obstruction, storage materials or equipment, or other uses shall be permitted in a Flood Hazard Area which, acting alone or in combination with existing or future uses increases flood heights. In any case, no new structures shall be allowed in a designated floodway. The County shall notify adjacent communities and state coordinating agencies prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration, and require that maintenance is provided within the altered or relocated portion of said water course so that flood carrying capacity is not diminished.

Section 3.505

LIMITATIONS OF FILL:

- (1) Any fill proposed to be deposited in a Flood Hazard Area must be shown to have some beneficial purpose and the amount must not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted according to Section 3.508;
- (2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

Section 3.506

LIMITATIONS ON STRUCTURES:

- (1) The lowest floor elevation, including the basement, of a new or substantial improvement of an existing structure designed for human occupation shall be at least one foot above the elevation of a Base Flood. Human occupation includes a residential, commercial or industrial use but excludes a storage or warehouse building not in daily use;
- (2) The portions of a new or substantial improvement of an existing structure below an elevation one foot above the elevation of a Base Flood shall:
 - (a) Be floodproofed so that below the Base Flood level the structure is watertight with walls substantially impermeable to the passage of water; and
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyance; and
 - (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the County.
- (3) In the case of a land subdivision, new or existing, each lot intended as a site for a structure for human occupancy shall contain a building site and access road with a ground level elevation no lower than one foot below the elevation of a Base Flood; be accessible to a roadway no portion of which is less than one foot below the elevation of a Base Flood; and be served

by sewer and water supply systems designed and constructed to not create a health hazard during inundation by a Base Flood; replacement of water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems; and any on-site waste disposal systems existing or permitted shall be located to avoid impairment to them or contamination from them during flooding. Base Flood elevation data shall be provided for subdivision proposals or other proposed development which contain at least 50 lots or 5 acres which ever is less.

- (4) A permitted structure in a Flood Hazard Area shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (5) Anchoring:
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 - (b) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (A) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;
 - (B) Frame ties be provided at each corner of the mobile home with five additional ties per side at intermediate points with mobile homes less than fifty feet long requiring four additional ties per side;
 - (C) All componets of the anchoring system be capable of carrying a force of 4,800 pounds;
 - (c) An alternative method of anchoring shall involve a system designed to withstand a wind force of ninety miles per hour or greater, an engineer's certification shall be provided to the County, that this standard has been met.
- (6) Service facilities such as electrical and heating equipment shall be constructed above the elevation of a Base Flood.
- (7) Mobile Homes:
 - (a) Mobile homes shall be anchored in accordance with Section 3.506(5);
 - (b) For new mobile home parks and mobile home subdivisions; for expansions of existing mobile home parks and mobile home subdivisions; for

existing mobile home parks and mobile home subdivision where the repair, reconstruction, or improvement of the streets, utilities and pads equal or exceeds fifty (50%) percent of the value of the streets, utilities and pads for repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

- (A) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the Base Flood level;
 - (B) Adequate surface drainage and access for a hauler are provided; and
 - (C) In the instance of elevation on pilings, that:
 - lots shall be large enough to permit steps;
 - piling foundations are placed in stable soil no more than ten feet apart; and
 - reinforcement be provided for pilings more than six feet above the ground level.
- (c) No mobile home shall be placed in an established floodway except in an existing mobile home park or existing mobile home subdivision approved prior to the date of this Ordinance Amendment.

Section 3.507

LIMITATIONS ON STORAGE OF MATERIAL AND EQUIPMENT:

- (1) The storage or processing of materials that are bouyant, flammable, explosive or that could be injurious to human, animal or plant life in time of flooding is prohibited in a Flood Hazard Area.
- (2) Storage of other material or equipment may be allowed in a Flood Hazard Area if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the limited time available after flood warning.

Section 3.508

PROCEDURE: In a Flood Hazard Area, a lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied or used only after the following requirements have been met:

- (1) An applicant shall submit with his application for a zoning permit, sufficient evidence to indicate that the lowest floor elevation of a structure designed for human occupancy will be at least one foot higher than the elevation of a Base Flood, and that in a subdivision the building site and access will be no lower than one foot below the elevation of a Base Flood. This evidence shall include sketches showing:
 - (a) The nature, location, dimensions and elevation of the lot, and its location in relation to the channel;
 - (b) Development plan showing existing and proposed elevations or contours of the ground; pertinent structure, fill or storage elevations; size,

- locations and spatial arrangements of all proposed and existing structures on the site; location and elevation of streets and all existing and proposed underground facilities;
- (c) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high water information;
 - (d) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (e) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvements, storage of materials, water supply and sanitation facilities;
 - (f) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including the basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
 - (g) For all new or substantially improved flood proofed structures:
 - (A) Verify and record the actual elevation (in relation to mean sea level); and
 - (B) Maintain the flood proofing certifications.
- (2) An applicant shall submit with his application for a zoning permit sufficient evidence concerning his construction methods and materials to indicate that minimum flood damage will occur in the event of inundation. This evidence shall be sufficient to indicate that:
- (a) Proposed repairs and renovations will use materials and equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage;
 - (b) New construction, including prefabricated and mobile homes will be protected against flood damage, will be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure, will use materials and equipment that are resistant to flood damage, and will use construction methods and practices that will minimize flood damage.
- (3) All applications shall be reviewed to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

C-D CLUSTER DEVELOPMENT SUB-DISTRICT

Section 3.510

PURPOSE AND DESCRIPTION: The C-D Cluster Development Sub-District 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.

Section 3.512

APPLICATION: The C-D Zone may apply to lands that are zoned FR, MR, MUF, RR-2 upon request of a landowner and/or upon the Planning Commission finding two or more of the following:

- (1) The subject property contains at least 5 acres of land;
- (2) The subject property contains significant landscape features or open space, the preservation of which requires clustering rather than conventional lot by lot development;
- (3) The subject property contains significant fish and wildlife habitat of important natural resources whose preservation requires clustering rather than lot by lot development;
- (4) The subject property contains natural hazards, the avoidance of which requires clustering of development away from the identified hazards;
- (5) Clustering development on the subject property will produce more efficient use of the land and provision of services than conventional lot by lot development;
- (6) The subject property is adjacent to properties which are zoned (or designated on the County Comprehensive Plan) for resource lands and can be better protected by clustering rather than conventional subdividing.

Section 3.513

PROCEDURES: The following procedures and content shall be included and followed when a cluster development proposal is submitted for consideration by the Planning Commission:

- (1) 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;

- (2) 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;
- (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 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.

Section 3.514

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:

- (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 cluster development such as common open space, dwelling units, etc.;
- (3) 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;
- (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.

Section 3.516

TENTATIVE PLAN MAP GENERAL INFORMATION: 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.

Section 3.517

PROPOSED IMPROVEMENTS: 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 out-cropings, 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%: 5 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.

Section 3.518

PROPOSED IMPROVEMENTS: The tentative map shall indicate the following improvements and their location:

- (1) Changes to navigable streams, lakes or marshes, if any;
- (2) Scaled location of any proposed facilities or buildings located beyond 100 feet of streams, lakes, or marshes;
- (3) 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;
- (4) 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;
- (5) Location, width and nature of all proposed easements;
- (6) The location and nature of other utilities not requiring easements (eg. street lighting, etc.);

- (7) Location and approximate dimensions of all lots or parcels, the minimum lot or parcel size;
- (8) Proposed domestic or community water supply system, whichever is applicable;
- (9) Proposed method of sewage disposal;
- (10) Proposed methods of surface water disposal and any other proposed drainage easements;
- (11) Location of areas proposed for landscaping and/or areas to be maintained for buffering or screening;
- (12) Proposed methods of fire protection including water sources;
- (13) Proposed consideration for solar and wind energy utilization or other energy conservation techniques;
- (14) The proposed treatment of the perimeter of the cluster development including techniques to be used for buffering, screening and fencing;
- (15) The location and size in acres of all areas to be conveyed, dedicated, or reserved as common or public open spaces or recreational areas.

Section 3.519

CRITERIA FOR APPROVAL: In granting approval of a tentative plan for a cluster development, the Planning Commission shall make the following general findings:

- (1) 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;
- (2) 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;

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 agree to maintain the permanent open space and any buildings, private roads, structures, or improvements which have been placed within it;
 - (b) Convey the open space to a homeowner'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 for the maintenance of 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 year;
 - (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 land slides, 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 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 it or the owners consider manageable for timber production. A forest management plan shall contain the information required in Section 10.040(6) of this Ordinance);
- (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 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);
- (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 distribution 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 Section 10.040 of this Ordinance.

Section 3.520

IMPROVEMENT AGREEMENT: In order to insure that a cluster development will be developed according to the conditions

required by this Ordinance 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.

Section 3.522

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.

Section 3.524

FINAL CLUSTER DEVELOPMENT MAP: An applicant for a cluster development shall file a final map pursuant to Section 10.060 of this Ordinance 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.

Section 3.525

PERMANENCY AND REMOVAL OF CLUSTER DEVELOPMENT SUBDISTRICTS: Once the Planning Commission has approved a C-D Cluster Development Subdistrict for a property, the subdistrict shall be notated on the County Zoning Maps. Any development on a property with the C-D Subdistrict overlay shall comply with the requirements of the C-D Subdistrict. If a property owner wishes to develop a property in a C-D Subdistrict in a manner that does not conform to the subdistrict, the property owner must request in writing that the Planning Commission remove the C-D Subdistrict. Upon receipt of the request the Planning Commission shall hold a public hearing at its next practical meeting date to determine if the C-D Subdistrict should be removed. If the Planning Commission finds that removal of the subdistrict will not adversely impact any of the policies in the Comprehensive Plan, any subdistrict may be removed.

AH-H HERMISTON AIRPORT HAZARD SUBDISTRICT

Section 3.530

DESCRIPTION AND PURPOSE: The Hermiston Airport Hazard Subdistrict 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 Umatilla County Planning Department, and dated September 24, 1975, which is hereby adopted by reference.

Section 3.532

AIRPORT ZONES AND HEIGHT LIMITATIONS: Except as otherwise provided in this subsection, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any of the zones listed in this subsection to a height in excess of the applicable height limit herein established for such zone. An area located in more than one (1) 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 3/4 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 thirty-four (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 1010 feet at a horizontal distance of 1700 feet from the primary surface, its centerline being the continuation of the centerline of the runway. The slope of the clear zone is thirty-four(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 1700 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 90 degree angles to the runway centerline and the runway centerline extended. The slope of the transitional zones is seven (7) 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 one hundred and fifty (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 therefrom a horizontal distance of 4,000 feet. The slope of the conical zone is twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (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 Ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty-five (35) feet above the surface of the land.
- (7) Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

Section 3.534

USE RESTRICTIONS: Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to:

- (1) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- (2) Make it difficult for pilots to distinguish between airport lights and others;
- (3) Result in glare in the eyes of pilots using the airport;
- (4) Impair visibility in the vicinity of the airport;
- (5) Otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

Section 3.535

NONCONFORMING USES:

- (1) Regulations Not Retroactive: The regulations prescribed by this Ordinance 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 Ordinance,

- 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 Ordinance, and is diligently prosecuted;
- (2) Marking and Lighting. Notwithstanding the preceding provision 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 Umatilla 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 Umatilla County;
- (3) Non-Conforming Uses Abandoned or Destroyed. Whenever the Umatilla County Assessor determines that a non-conforming tree or structure has been abandoned or more than 80 percent 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.

Section 3.538

PERMITS:

- (1) 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.
- (a) 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.
- (b) 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.
- (c) A permit shall be void after one year unless construction has commenced.
- (2) 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 Ordinance or any amendments thereto or than it is when the application for a permit is made.
- (3) Hazard Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance 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.
- (4) 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.
- (5) 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.

PENDLETON AIRPORT HAZARD SUBDISTRICT AH-P

Section 3.540

DESCRIPTION AND PURPOSE: This subdistrict 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. Accordingly, it is declared that:

- (1) The creation or 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.

Section 3.542

AIRPORT ZONES: In order to carry out the provisions of this subdistrict, 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's Airport Master Plan and made a part of this Ordinance by reference. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. 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 3/4 Mile Nonprecision 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 is 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 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) 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 therefrom a horizontal distance of 4,000 feet. The conical zone does not include the visual approach zones and the transitional zones.

Section 3.544

AIRPORT ZONE HEIGHT LIMITATIONS: No structure or vegetation shall be erected, altered, allowed to grow, or be maintained in any zone created by this Ordinance to a height in excess of the applicable height limitations herein established for such zones as follows:

- (1) Visual Runway Approach Zone: Slopes upward twenty (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.
- (2) Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone: Slopes thirty-four (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.
- (3) Precision Instrument Runway Approach Zone: Slopes fifty (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 forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

- (4) Transitional Zones: Slopes upward and outward seven (7) 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 (7) 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.
- (5) Horizontal Zone: One hundred and fifty (150) feet above the airport elevation.
- (6) Conical Zone: Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

Section 3.546

USE RESTRICTIONS: Notwithstanding any other provisions of this subdistrict, no use shall be made of land or water within any zone established by this subdistrict 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.

Non-conforming Uses:

- (1) Regulations Not Retroactive: The regulations prescribed by this subdistrict 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 Ordinance, 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 Ordinance, 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.

Section 3.548

PERMITS:

- (1) Future Uses: 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.
 - (a) 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.
 - (b) 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.
- (2) 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 Ordinance or any amendments thereto or than it is when the application for a permit is made.
- (3) 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 eighty (80) percent 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.
- (4) 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 so substantial justice and be in accordance with the spirit of this Ordinance.
- (5) Hazard Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance 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.

DL DEVELOPMENT LIMITATIONS

Section 3.550

PURPOSE: The purpose of the Development Limitation Sub-district is to promote and protect the public health, safety and general welfare and to minimize potential losses by providing guidelines for development in hazard areas for buildings. Development limitations include areas of high water, restrictive soils and steep slopes. Development is to be directed away from these areas where practical.

Section 3.552

COMPLIANCE: A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used in a Development Limitations Subdistrict only as this section permits.

Section 3.554

LOCATION OF DEVELOPMENT LIMITATIONS: The areas delineated as being in a Development Limitation Subdistrict are listed on a map prepared by the Umatilla County Planning Department entitled "Development Limitations Map" and is hereby adopted by reference as a part of this Ordinance. The official copy shall have been signed by the County Board of Commissioners and County Clerk and be maintained on file in the office of the County Clerk and Planning Department.

Section 3.556

GENERAL REQUIREMENTS: In a Development Limitation Sub-district, an applicant or his authorized agent shall address the following minimum requirements prior to the issuance of a zoning permit:

- (1) That the identified development limitation can be successfully mitigated by illustrated special design and construction measures; or
- (2) The development limitation is not present on the specific site being proposed for development.

In either case, required information shall be compiled by a qualified State of Oregon registered architect or engineer and shall include:

- (1) A scaled drawing of the site;
- (2) A vicinity map locating the site in relationship to surrounding lands and roads;
- (3) Location of existing and proposed structures;
- (4) Access to the site;
- (5) Direction of the prevailing winds;
- (6) Existing and proposed final grades on the site in two foot contour intervals;
- (7) Areas to be leveled or filled and what material will be used;
- (8) Informational sources relied upon.

Section 3.558

SPECIFIC REQUIREMENTS: The following specific information shall be supplied by an application for a zoning permit for each identified development limitation prior to the issuance of the zoning permit:

- (1) Standing Water
 - (a) Location and approximate depths of seasonal maximum surface water accumulations;

- (b) Location and direction of all water courses including intermittent flows;
 - (c) Elevation, relative to mean sea level, of the foundation and the lowest level of the structure designed for human occupancy.
 - (d) Detailed plans and locations of all existing and proposed surface and subsurface drainage devices, including outfall lines and natural drainage ways on the site;
 - (e) Estimated amount of runoff which can be attributed to the area, and the maximum capacity that the drains could handle;
 - (f) Specific plans for preventing accumulations of standing water that would be conducive to mosquito propagation;
 - (g) Certification by a registered engineer or licenced architect in the State of Oregon that the proposed design specifications will adequately alleviate the site's high water table limitations factors.
- (2) Steep Slopes
- (a) A design plant to maintain vegetation and eliminate widespread destruction of vegetation;
 - (b) A cross-section profile of slope materials at the proposed building locations(s);
 - (c) The disposition of soil and other materials that is proposed for removal, including the disposal location, if on the site;
 - (d) A drainage plan to accommodate projected surface runoff;
 - (e) A plan for septic tank disposal;
 - (f) A design plan for roads and driveways that takes into consideration topography, the maintenance of natural drainageways, stabilization of any cut banks, and the revegetation of area where the soil is disturbed.
- (3) Foundation Restrictive Soils
- (a) Soils data regarding the nature, distribution and strength of existing soils on the site;
 - (b) Certification be a registered engineer or licensed architect in the State of Oregon that the design specifications proposed will adequately alleviate the sites limiting the soil factors;
 - (c) A design plan on how access roads will be protected from the effects of the soil condition.

HAC HISTORIC, ARCHEOLOGICAL AND CULTURAL SUBDISTRICT

Section 3.560

PURPOSE AND DESCRIPTION: The purpose of this subdistrict is to help assure that such 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 areas.

Section 3.562

APPLICATION: The Planning Commission shall from time to time designate areas within the county as being within a Historic, Archeological and Cultural Subdistrict through the public hearing process listed in Section 16.050 of this Ordinance. When a development is proposed in a HAC Subdistrict, the Planning Director or Hearings Officer shall review the development to see if it meets the requirements of this subsection.

Section 3.564

CRITERIA FOR REVIEW OF DEVELOPMENT: Upon the receipt of a development request in a HAC Subdistrict, 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 historical, archeological or cultural item 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 Ordinance;
- (4) That development plans will take into consideration setbacks, excavation, landscaping, scenic views and other man-caused land disturbances in relation to the identified historical archeological or cultural area.

Section 3.566

REVIEW AND DISPOSITION: 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" = 100'. The plot plan shall accurately show property boundaries natural features (ie. trees, shrubs, rock outcropping, etc.) , 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.

CWP CRITERIA WILDLIFE PROTECTION SUBDISTRICT

Section 3.570

PURPOSE: The purpose of the Critical Wildlife Protection Subdistrict (CWP) is to conserve and protect important wildlife areas in the county while allowing development at a density that will not significantly reduce the carrying capacity of the wildlife areas.

Section 3.572

APPLICATION: The provision of this subdistrict shall apply to all areas identified in the Comprehensive Plan as deer and elk critical winter range. Should the winter habits of the deer and elk change, areas may be added or deleted from this by the Planning Commission after a public hearing has been conducted. 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 subdistrict. If the Planning Commission finds that any area should be included in this subdistrict to meet the requirement of the County's Comprehensive Plan, it shall be included in the CWP Subdistrict. If the area is no longer needed for critical winter range, then the subdistrict may be removed upon a finding that other adequate area exist and are protected for the wintering of deer and elk.

Section 3.574

EFFECT OF THE SUBDISTRICT The CWP shall overlay the existing underlying zone. Where the provisions of this subdistrict are more stringent, then the underlying zone with the more stringent requirements shall apply. Uses allowed outright, with a zoning permit or conditionally in the underlying zone can be allowed.

Section 3.576

MINIMUM LOT SIZE: To insure the continued viability of the critical winter deer and elk range, a minimum lot size of 160 acres per dwelling unit shall be required. Lots of less than 160 acres may be used for residential purposes providing that the provisions of Section 3.067 or Section 7.040(44) can be met and a public hearing pursuant to Section 16.050 is held.

SNA SIGNIFICANT NATURAL AREA SUBDISTRICT

Section 3.580

PURPOSE AND DESCRIPTION: The purpose of this subdistrict is to protect and preserve ecologically and scientifically significant natural areas, good habitat areas, and species occurrence areas in the county, while providing an expedient process for reviewing land uses that may affect these areas when they are identified. For time to time, information will become available to the county to help identify these areas.

Section 3.582

APPLICATION: The Planning Commission shall from time to time designate areas within the county as being within a Significant Natural Area Subdistrict through the public hearing process listed in Section 16.060 of this Ordinance. When a development is proposed in a SNA Subdistrict, the Planning Director or Hearings Officer shall review the development to see if it meets the requirements of this subsection.

Section 3.584

CRITERIA FOR REVIEW OF DEVELOPMENT: Upon receipt of a development request in a SNA Subdistrict, 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, good habitat area, or species occurrence area 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 Ordinance;
- (4) That development plans will take into consideration setbacks, excavation, landscaping, scenic views and other man-caused land disturbances in relation to the identified significant natural area, good habitat area, or species occurrence area.

Section 3.586

REVIEW AND DISPOSITION: 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" = 100'. The plot plan shall accurately show property boundaries, natural features (ie. trees, shrubs, rock outcropping, etc.), and existing and proposed uses, and any other pertinent information that would help to identify how the proposed use and the significant natural area, good habitat area, or species occurrence 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.

Section 3.588

DEFINITIONS:

Good Habitat Area is an area of primary value to wildlife habitat. It is an area notable for certain specific wildlife species for which some precautions should be taken during development. A Good Habitat Area is not as critically important as a significant natural area.

Significant Natural Area is 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 of state as possible.

Species Occurrence Area is an area that contains a rare or endangered plant species as defined by the Oregon Natural Heritage Problem for which some precautions should be taken during development.

AR AGGREGATE RESOURCE SUBDISTRICT

Section 3.590

PURPOSE AND DESCRIPTION: The purpose of the AR Aggregate Resource Subdistrict 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 subdistrict is to provide for alternatives for the extraction of aggregate resources where there will be a minimum of conflicts between existing uses, without requiring a public hearing for each use.

Section 3.591

APPLICATION: The AR Subdistrict 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 Subdistrict, the Planning Commission shall hold a public hearing within 40 days pursuant to section 16.050 if the AR Subdistrict is an appropriate overlay for the area requested.

Section 3.592

CRITERIA FOR ESTABLISHING AR SUBDISTRICT: At the public hearing the Planning Commission shall determine if the following criteria can be met:

- (1) The proposed subdistrict would be compatible with the Comprehensive Plan;
- (2) There is sufficient information supplied by the applicant to show that there exists quantities of aggregate material that would warrant the subdistrict overlay;
- (3) The proposed subdistrict 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.

If the Planning commission finds that the proposed site meets all of the above criteria it shall approve the AR Subdistrict.

Section 3.594

MINING REQUIREMENTS: All work done in an AR Subdistrict shall conform to the requirements of the "Umatilla County Surfacing Mining Land Reclamation Ordinance" or its successor, should another ordinance replace it; or the applicable state statutes, should any of the county ordinances be rescinded or revoked. In addition to those requirements, an aggregate operation shall comply with the following standards:

- (1) For each operation conducted in a AR Subditrict, 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 and 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 subdistrict. Dwellings built after an AR Subdistrict 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.

Section 3.596

ZONING PERMIT REQUIRED: Prior to commencement of any work in an AR zone, a zoning permit shall be obtained from the County Planning Office.

Section 3.598

FUTURE USES: Upon exhaustion of aggregate material in an AR Subdistrict, 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 Ordinance shall apply.

CHAPTER 4

Section 4.010

SIGN REGULATIONS: No sign shall hereafter be erected, moved, or structurally altered without a zoning permit, except for a Type 3 sign, and without being in conformity with the provisions of this Ordinance. Official signs of the state, county or municipalities are exempt from all provisions of this Ordinance. All signs shall be on the same lot as the subject matter of the sign, except as specifically allowed otherwise. Permitted signs in the various zones are indicated by the following tables: (See Types of Signs in Section 4.020)

<u>Zone</u>	<u>Types of Signs Permitted</u>
EFU -20, EFU-40	2, 3, 4, 5, 6
EFU-FT 10	2, 3, 4, 5, 6
EFU-SM 4	2, 3, 4, 5, 6
UC	2, 3, 4, 5, 8
FC-40, GF-40	2, 3, 4, 5, 6
RR-2, RR-4	2, 3, 4, 5, 6
MUF 10, FR-5	2, 3, 4, 5, 6
MR	1, 2, 3, 4, 5, 6
CRC	2, 3, 4, 5, 7, 8, 9, 10
RSC	2, 3, 4, 5, 7, 8, 9, 10
TC	3, 4, 5, 7, 8, 9, 10
AB	3, 4, 5, 7, 8, 9
LI	3, 4, 5, 7, 8, 9, 10
HI	3, 4, 5, 7, 8, 9, 10

Section 4.020

TYPES OF SIGNS:

Type 1

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.

Type 2

One name plate not exceeding six square feet in area for each dwelling unit, indicating the name of the homesite, 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.

Type 3

Signs permitted in all zones and exempt from zoning permit requirements. Type 3 signs include:

- (1) Building plaques, cornerstones, name plates and similar building identifications attached to the building, but not of a commercial nature;
- (2) House and building numbers;
- (3) Temporary signs in connection with political and civic campaigns, provided that such signs are removed within fifteen (15) days following the conclusion of the campaign;

- (4) Temporary signs identifying proposed or existing construction;
- (5) Signs indicating property or structures for sale, lease or rent;
- (6) 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;

Type 3 signs shall not exceed thirty-two (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.

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.

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. There shall be not more than two such signs relating to any one such use, one of which may be an off-premise sign if allowed by the Planning Director. An off-premise sign shall be set back 10 feet from property lines.

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.

Type 7

One sign facing each bordering street, not exceeding 32 square feet in area nor 8 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.

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.

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 free-standing 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.

Type 10

One off-premise free-standing sign (billboard) not to exceed 600 square feet in area for each face nor 20 feet in elevation as measured from 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 (4) 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.

Section 4.030

LIMITATIONS ON SIGNS:

- (1) 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;
- (2) No sign shall be illuminated by flashing lights;
- (3) No sign shall contain, include, or be composed of any conspicuous animated part;
- (4) Light from signs shall be directed away from and not be reflected upon adjacent premises;
- (5) Signs shall be maintained in a neat, clean and attractive condition.
- (6) 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.
- (7) In addition to the limitations on signs as provided by (1) through (3) above, additional sign restrictions may be required as determined by the Hearings Officer in approving conditional uses, as provided by Chapter 7 or by the Planning Director in approving a Type 9 or Type 10 sign.

Section 4.040

APPLICATION MATERIAL:

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.

Section 4.110

OFF STREET PARKING REQUIREMENTS:

(1) 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.

<u>USE</u>	<u>MINIMUM REQUIRED</u>
Single-Family Residential	One space per dwelling unit
Commercial-Residential	One space per guest room, plus one space per employee
Rest Home, Hospital Convalescent Home	One space per bed
<u>PLACES OF ASSEMBLY</u>	
Church or Auditorium	One space per four seats or eight feet of bench length in the main auditorium
Club, Lodge, Grange Hall, Community Center	One space per 100 square feet of floor space
Preschool, Nursery, Kindergarten	Two spaces per teacher
Elementary or Junior High School	One space per classroom, plus one space per administrative and support employee
High School	Two spaces per classroom plus one space per administrative and support employee
Commercial Uses	One space for each 200 square feet of floor space plus one space per employee
Industrial Uses	One space per 200 square feet of floor space plus one space per employee
Conditional Uses	Additional spaces may be required by the Hearings Officer in the approval of a conditional use

Section 4.120

OFF-STREET LOADING REQUIREMENTS

- (1) 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.
- (2) Merchandise: Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods they are not required for parking.

Section 4.130

GENERAL PROVISIONS: OFF-STREET PARKING AND LOADING

- (1) 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 Ordinance to begin such altered use until the required increase in off-street parking or loading is provided;
- (2) 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;
- (3) 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;
- (4) Owners 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 secretary of the Planning Commission in the form of deeds, leases, or contracts to establish the joint use;
- (5) 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;
- (6) 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;
- (7) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard;
- (8) Plans shall be submitted as provided in Section 16.030;
- (9) Design requirements for parking lots:
 - (a) 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;

- (b) 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;
- (c) 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;
- (d) Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling;
- (e) 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;
- (f) 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.

Section 4.210

AUTHORIZATION OF SIMILAR USES:

The Planning Commission may permit as a conditional use in a particular zone a use not listed in this Ordinance, provided the use is of the same general type as the uses permitted there by this Ordinance.

Section 4.220

ACCESS:

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.

Section 4.230

VISION CLEARANCE:

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

- (1) In an agricultural or residential zone, the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet;
- (2) 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 30 degrees the distance shall be 25 feet;

- (3) The vision clearance area shall not contain any planting, wall, structure, or obstruction of any kind exceeding 2 1/2 feet in height measured from the grade of the street centerline.

Section 4.240

OUTDOOR STORAGE IN RESIDENTIAL ZONES:

- (1) 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;
- (2) 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;
- (3) 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.

Section 4.300

MOBILE HOMES:

Siting Mobile homes may be maintained for residential purposes in the unincorporated portions of Umatilla 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 F-H Flood Hazard subdistrict;
- (3) Temporary Mobile Home placement in conformance with Section 5.200.

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 Ordinance 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 Ordinance;
- (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 June 15, 1976; 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.

Nonconforming Use Mobile homes not conforming with this subsection on the date of adoption of this Ordinance 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.

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.

Section 4.400

FENCES:

Fences are allowed in any zone and do not require a zoning permit for construction. There shall be no height limitation except at corners of street intersections and service drives where vision clearance requirements shall be met. Fences shall meet all UBC requirements.

Section 4.500

DRIVEWAYS:

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.

CHAPTER 5

Section 5.010

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 Ordinance and all other applicable ordinances shall be permitted in required yards.

Section 5.020

ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT: In any farm or residential zone, more than one allowed principal structure or use may be erected on a single lot under one ownership, provided that yard and other requirements of this Ordinance are met for each structure as though it were an individual lot no smaller than the minimum allowed in that zone and as though there were lot lines between them. In a commercial or industrial zone each principal structure or use shall be on an individual tax lot. Should a portion of a single tax lot be under separate ownership, either by sale or by an undivided interest, a new separate tax lot must be created before a zoning permit will be issued.

Section 5.030

BOUNDARY ADJUSTMENTS:

- (1) 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;
- (2) 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 a 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 Clerk and shall be considered for all purposes a covenant attached to and running with the land and binding on subsequent interests.

Section 5.040

HOME OCCUPATIONS: 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, and shall be allowed in any zone, provided that:

- (1) The residence 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 characteristic 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.

Section 5.050

CONVERSION OF EASEMENT TO TAX LOT: A recorded easement of a specific size on the date of this Ordinance 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.

Section 5.100

SPECIAL EXCEPTIONS TO MINIMUM AREA REQUIREMENTS: The purpose of this section is to establish special exceptions to the minimum area requirements of certain residential districts. The Special Exceptions to Minimum Area Requirements is intended to provide a means for modifying such area requirements in cases where a strict adherence to them might cause unusual or undue hardship to a property owner and contravene the goals of the Comprehensive Plan for Umatilla County. The Special Exceptions to Minimum Area Requirements is not intended to authorize directly or indirectly speculative land division otherwise prohibited by zoning area requirements. Nothing in this section shall be construed to require the granting of such a Special Exception. A result of this section shall be the preservation of family farms and the preservation of large parcels of farm and forestry lands. The overall density provisions of the applicable zoning district should be retained whenever possible.

Section 5.102

REQUIREMENTS FOR THE GRANTING OF A SPECIAL EXCEPTION:

The provisions of this section shall apply only to those residential zoning districts in which applications for Special Exceptions to Minimum Area Requirements are specifically authorized. In such zoning districts, the Special Exception is appropriate for use in the following kinds of situations:

- (1) The applicant wishes to create a parcel with an area smaller than that required by the existing zoning for the purpose of establishing a building site for the residence of a relative by blood, marriage, or legal adoption, where such relative has need to reside near the applicant's residence in order to share in the operation and maintenance of the applicant's farm or timber raising activity;
- (2) Where there exists a personal, but not necessarily financial hardship on the part of the applicant and because of this hardship the applicant wishes to partition his or her land for sale, but reserving for the applicant a homestead of less than minimum parcel size required by existing zoning and where:
 - (a) The applicant owned the parcel at a time when the proposed partitioning would not have been in violation of the Zoning Ordinance:

- (b) Relocation of the applicant's house or household from the property would be detrimental to the applicant's well-being.

Section 5.104

CRITERIA: The Hearings Officer shall consider the following criteria in evaluating an application for Special Exceptions to Minimum Area Requirements:

- (1) Unusual Need or Circumstances: The applicant shall be required to show that an unusual combination of circumstances and needs similar to those expressed in (1) or (2) above necessitates the granting of a Special Exception;
- (2) Lack of Suitable Alternatives: A Special Exception should be granted only in cases where the applicant's needs cannot be satisfied in a suitable manner under the other procedures and provisions of this Ordinance, except for those dealing with zone changes;
- (3) Preservation of Economic Land Units: While this granting of any single Special Exception is unlikely to cause significant detrimental effects upon any residential zoning district, the cumulative effects of such exceptions should be analyzed carefully. The trends and patterns in division of land to insure that the granting of a special exception will not initiate, accelerate, or otherwise cause the conversion of a zoning district's agricultural or forest lands to more intensive development and uses;
- (4) Conformance with Land Division Regulations: Any parcel to be created as the result of the granting of a Special Exception shall conform with all applicable provisions of this Ordinance and specifically the section on subdivision and partitioning except for those dealing with minimum parcel area. The Hearings Officer may develop and recommend to the Board for adoption additional criteria and policies regarding applications for Special Exceptions.

Section 5.106

PARTITION PROCESS REQUIRED: The granting of a Special Exception by the Hearings Officer shall be considered only a waiver of Minimum Area Requirements. Such a granting does not constitute an approval to partition land; any applicant granted a Special Exception shall be required to conform to all appropriate procedures and requirements for partitioning land.

Section 5.108

MULTIPLE APPLICATIONS: Application for a Special Exception to circumstances or needs of the applicant; the burden of demonstrating such circumstances or needs shall be successively greater for any application beyond the first by the same property owner or for the same parcel.

Section 5.110

CONDITIONS: In granting a Special Exception, reasonable conditions may be imposed as are necessary to meet the

purposes and criteria of this section and the goals and policies of the Umatilla County Comprehensive Plan. Guarantees and evidence of compliance with such conditions may be required.

Section 5.200

SPECIAL EXCEPTIONS FOR TEMPORARY MOBILE HOME PLACEMENT:

The purpose of this section is to establish Special Exceptions for temporary mobile home placement. These exceptions are intended to provide a means for modifying mobile home placement requirements in cases where a strict adherence to them might cause unusual or undue hardship to a citizen and contravene the goals of the Comprehensive Plan for Umatilla County. 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 seasonal farm labor, aged or disabled family members, domestic employees 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 a Special Exception.

Section 5.202

CIRCUMSTANCES FOR GRANTING A SPECIAL EXCEPTION FOR

TEMPORARY MOBILE HOME PLACEMENT: A mobile home may be temporarily located on a building site or lot under the following circumstances:

- (1) Where there exists a personal, but not necessarily financial, hardship on the part of the applicant, whereby it is necessary to have someone living on the same premises as the applicant's dwelling or mobile home; however, the installation of a separate subsurface sewage disposal system for a temporary mobile home permit granted pursuant to this subsection is prohibited;
- (2) Where the resident of the mobile home is to be engaged in bona fide agricultural, forestry management or mineral extraction work on the subject property.

Section 5.204

CONDITIONS: The following conditions shall be applied by the Hearings Officer in evaluating an application for Special Exception for Temporary Mobile Home Placement:

- (1) Approval shall clearly set forth the conditions under which the temporary mobile home placement is allowed;
- (2) Approval shall be for a period of one year which may be renewed. However, the mobile home shall be removed thirty (30) days after the original need has ceased;
- (3) The Hearings Officer may require doctor's certification for applications based upon family member dependency due to medical reasons;
- (4) The location of a temporary mobile 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 Mobile Home Placement, the Hearings Officer 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.

Section 5.300

USE OF EXISTING AGRICULTURAL BUILDINGS IN RESIDENTIAL ZONES:

Agricultural buildings (barns, sheds, etc.) 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 Section 5.040(2)), or very limited commercial or manufacturing uses, as a conditional use in accordance to Section 7.010-030 of this Ordinance. 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 ten 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 free-standing sign that conforms to a Type 5 sign as outlined by Section 4.020 of this Ordinance and by a ruling of the County Hearings Officer;
 - (g) DEQ noise regulations that may apply.

CHAPTER 6

NON-CONFORMING USES

Section 6.010

NON-CONFORMING USES: Except as is hereinafter provided in this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this Ordinance.

Section 6.020

CHANGES IN NON-CONFORMING USE:

- (1) A non-conforming 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 non-conforming use;
- (2) A non-conforming 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 non-conforming use at the time of the passage of this Ordinance may be granted by administrative action as a minor variance to the provisions of this Ordinance;
- (3) A non-conforming mobile home may be replaced or altered if the new mobile home or alteration does not deviate further from the standards of this Ordinance.

Section 6.030

VESTED RIGHTS: Nothing contained in this Ordinance 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 Ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time construction was commenced.

Section 6.040

DISCONTINUANCE OF A NON-CONFORMING USE: When a non-conforming use of a structure or property is discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.

Section 6.050

UNLAWFUL USE NOT A NON-CONFORMING USE: No unlawful use of property existing at the time of passage of this Ordinance shall be deemed a non-conforming use.

Section 6.060

RESTORATION OF A NON-CONFORMING BUILDING, STRUCTURE OR LOT:

- (1) A non-conforming 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, 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 (1) year and is diligently prosecuted to completion;

- (2) The restoration or reconstruction of a non-conforming building or structure may not increase the floor area or create a greater non-conformance than existed at the time of damage or destruction;
- (3) Nothing in this Ordinance shall be construed to prevent the reconstruction or replacement of a pre-existing building or structure conforming as to use on a non-conforming lot, so long as such lot did not become non-conforming in violation of the provisions of this Ordinance.

Section 6.070

CONVEYANCE OF A NON-CONFORMING USE: Nothing in this Ordinance shall be construed to limit the sale, transfer, other conveyance of property on which exists a non-conforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

Section 6.080

ALTERATIONS OR REPAIRS OF A NON-CONFORMING USE:

- (1) Alterations or repairs of a non-conforming use may be permitted to continue the use in a reasonable manner subject to the provisions of Section 1.050 of this Ordinance 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;
- (2) Any proposal for the alteration or repair of a non-conforming use, pursuant to Section 1.050, may be permitted to reasonably continue, restore or replace the use.
- (3) As used in this section, "alteration" of a non-conforming use includes:
 - (a) A change in the use of no greater adverse impact to the neighborhood; and
 - (b) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

Section 6.090

NON-CONFORMING LOTS: Any lot which is smaller than the minimum area required in any zone except any Exclusive Farm Use, Forest Conservation, 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 Ordinance 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.

A non-conforming 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 from 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 ten (10) years, proof of which shall be provided by the person seeking the change of the lot.

Section 6.095

SETBACKS ON NON-CONFORMING LOTS OF RECORD: Any structure built on a non-conforming lot of record 100 feet or less in width shall be exempt from the sideyard setback requirements of the various zones, except that no structure shall be located less than five feet from a side property line or ten feet from a structure on an adjoining lot unless the facing wall of the new structure is a non-combustible masonry fire-wall without openings or roof overhang.

CHAPTER 7

CONDITIONAL USES

Section 7.010

GENERAL PROVISIONS REGARDING CONDITIONAL USES: Conditional Uses are 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. Conditional Uses listed in this Ordinance may be permitted, enlarged or altered upon authorization by the Hearings Officer, in accordance with the standards and procedures set forth in Section 7.010 through 7.060 inclusive.

- (1) In permitting a new Conditional Use or the alteration of an existing Conditional use, the Hearings Officer may impose conditions which the Hearings Officer considers necessary to protect the best interests of the surrounding area or the county as a whole;
- (2) In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a Conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for a Conditional Use;
- (3) 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.

Section 7.020

PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION: The procedure for taking action on a Conditional Use application shall be as follows:

- (1) A property owner or the Planning Commission may initiate a request for a conditional use by filing an application with the secretary of the Planning Commission, using forms prescribed pursuant to Section 16.030;
- (2) Within 60 days of receipt of the application, the Hearings Officer of the County shall hold a hearing and take action thereon. Applicant shall be given written notice of the decision by the Planning Director or the secretary of the Planning Commission within 5 days of the decision;
- (3) A Conditional Use Permit shall not be approved unless the proposed use of the land would be in conformance with the Umatilla County Comprehensive Plan;
- (4) An applicant granted a Conditional Use Permit must also obtain a zoning (development) permit before commencing construction.

Section 7.030

TIME LIMIT ON A CONDITIONAL USE PERMIT:

- (1) A Conditional Use permit shall be void after one year or such lesser time as the permit may specify unless 20% of the total estimated project cost has occurred or the proposed use has occurred. However, the Hearings Officer may extend authorization for an additional period not to exceed one year, on request from the applicant. The total time allowed shall not exceed two years from the original approval date;
- (2) 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 Hearings Officer may extend the time limit imposed by Section 7.030(1) for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish with the Hearings Officer, that the state or federal permits have not yet been issued and that the delay has not been caused by the applicant.

Section 7.040

LIMIT ON REAPPLICATION: No application for a Conditional Use Permit shall be considered by the Hearings Officer within one year of the denial of such a request, unless in the opinion of the Hearings Officer new evidence or a change of circumstances warrant it.

Section 7.050

GENERAL CONDITIONS: In addition to the requirements and criteria listed in this chapter of the Ordinance, the Hearings Officer may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

- (1) 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, glare or odor;
- (2) Establishing a special yard, other open space or lot area or dimension;
- (3) Limiting the height, size or location of a building or other structure;
- (4) Designating the size, number, location and nature of vehicle access points;
- (5) Increasing the required street dedication, roadway width or improvements within the street right-of-way;
- (6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;
- (7) Limiting or otherwise designating the number, size, location, height and lighting of signs;
- (8) Limiting the location and intensity of outdoor lighting and requiring its shielding;
- (9) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance;

- (10) Designating the size, height, location and materials for a fence;
- (11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources;
- (12) Parking area requirements as listed in Section 4.110 to 4.130.

Section 7.060

STANDARDS FOR CONDITIONAL USES: The following standard shall apply for the review by the Hearings Officer of specific Conditional Uses listed in this Ordinance:

- (1) Agricultural commodity, collection, sorting or processing establishment:
 - (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. The Hearings Officer may require a buffer or setback area from adjacent properties appropriate 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) Complies with other conditions as the Hearings Officer deems necessary.
- (2) Airport or Landing Strips:
 - (a) The proposed use will not be hazardous to the safety and general welfare of surrounding properties;
 - (b) 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;
 - (c) The airport or landing strip is located five hundred (500) feet from the existing dwellings on adjacent lands;
 - (d) A site plan is submitted with the application showing topography of the surrounding area, especially those areas in the flight path.
- (3) Asphalt Plants:
 - (a) Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;
 - (b) Processing equipment shall not be located or operated within 500 feet from a residential dwelling;
 - (c) Haul roads shall be constructed to a standard

- approved by the Public Works Director to reduce noise, dust and vibration;
- (d) 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;
 - (e) Complies with other conditions deemed necessary by the Hearings Officer.
- (4) Automobile Service Station:
- (a) The proposed use will not create a traffic hazard;
 - (b) Access points are well marked and designated through the use of bumper rails or landscaping;
 - (c) 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;
 - (d) The Hearings Officer may require landscaping around the perimeter of the site to help screen the use from other adjacent uses;
 - (e) Additional setbacks may be required by the Hearings Officer to protect adjacent land uses.
- (5) Automobile Wrecking Yard or Junkyard:
- (a) The proposed use is the most appropriate use of the land;
 - (b) 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;
 - (c) Landscaping be provided around the perimeter of the site;
 - (d) Lighting be directed away from adjacent properties;
 - (e) Access points be clearly defined through the use of additional landscaping or bumper rails;
 - (f) Complies with other conditions that the Hearings Officer deems necessary;
- (6) Blacksmith Machine Shop or Welding Shop:
- (a) The activity is conducted wholly within a building;
 - (b) Outside storage is confined behind a site obscuring fence;
 - (c) Lighting is directed away from adjacent properties;
 - (d) The Hearings Officer may limit the hours of operation so as to be compatible with surrounding land uses.
- (7) Boarding of Horses for Profit, Stables:
- (a) The activity is the most appropriate use of the land;
 - (b) Adequate area is provided for trucks and trailers to turn around, load and unload;
 - (c) Access roads are of a durable and dustless surface so as to avoid creating dust on adjacent properties;
 - (d) Adequate fencing and corrals are provided to keep horses on the applicant's property;

- (e) Barns, outbuildings, sheds and corrals are kept free of accumulation of manure and other animal wastes that would attract flies and other vermin;
 - (f) Outside lighting be directed away from adjacent properties, if provided;
 - (g) The Hearings Officer may consider and impose other such requirements as it deems 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.
- (8) Boarding, Lodging or Rooming House:
- (a) The activity will be compatible with adjacent land uses;
 - (b) The residential characteristic of the building is maintained;
 - (c) Adequate off-street parking is provided and in such a manner as to not detract from the residential characteristic of the area;
 - (d) Suitable methods for fire escape are available for each sleeping room in the house;
 - (e) Complies with other conditions that the Hearings Officer deems necessary.
- (9) Bunkhouse or farm or forest related dwellings other than principals dwellings, provided that:
- (a) The resident(s) of the dwelling will be engaged in a bona-fide farming, grazing, forestry activity or mineral work on the subject property;
 - (b) The least amount of farming, grazing, and forestry land is taken out of production.
 - (c) Have the same required lot area density as need for principal dwellings;
 - (d) Complies with other conditions deemed necessary by the Hearings Officer.
- (10) Cemetery:
- (a) Evidence in written form from an agronomist or other official competent in soils analysis, that the terrain is suitable for interment 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) The Hearings Officer may require that the cemetery have landscaping around the perimeter of the site.

(11) Churches:

- (a) Such uses may be authorized as a Conditional Use only upon a finding that:
 - (A) 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 therefor.
- (b) 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 therefor;
 - (C) Site location relative to land uses in the vicinity;
 - (D) Adequacy of access to and from principal streets 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 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.

(12) Church Camp:

- (a) Adequate off-street parking is provided for personal owners, and users as prescribed in Section 4.110;
- (b) The development has access to a dedicated state, county, or public road;
- (c) Recorded easements and interior roads shall be improved to a standard approved by the Public Works Director;
- (d) Fire prevention measures 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 thirty (30) feet of structures.
- (e) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, etc. This provision shall also apply to signs associated with the use;
- (f) Development plans consider surrounding land uses and be designed to minimize conflicts with scenic values, and other multiple use area development;
- (g) The facility is designed not to materially alter the stability of the overall land use pattern of the area;

- (h) Ingress and egress are provided and designed not to create traffic hazards;
- (i) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;
- (j) Complies with other conditions as the Hearings Officer deems necessary.

(13) Cold Storage

- (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. The Hearings Officer may require a buffer or setback area from adjacent properties appropriate to reduce detrimental effects. The establishment of a buffer shall consider such factors as prevailing winds, 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 jurisdictions and all applicable permits are obtained;
- (e) Complies with other conditions as the Hearings Officer deems necessary.

(14) Commercial activities that are in conjunction with farm use including but not limited to public grain elevators, feed and seed cleaning and processing facilities, commercial and personal use feedlots, livestock sale yards, commercial agricultural chemical storage tanks, agricultural products for sale commercially, provided that:

- (a) The activity is compatible with adjacent farm, forest, rural residential or multiple use uses;
- (b) 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;
- (c) Does not materially alter the stability of the overall land use pattern of the area;
- (d) 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;
- (e) 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. The Hearings Officer may require a buffer or setback area from adjacent properties appropriate 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;
- (f) Ingress and egress are provided and designed not to create traffic hazards;
 - (g) Takes the least possible amount of agricultural land out of production;
 - (h) 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;
 - (i) Complies with other conditions as the Hearings Officer deems necessary.
- (15) Comercial Activity (to support Multiple Use areas):
- (a) Use has access to a dedicated state highway, county or public road;
 - (b) Ingress and egress are provided and designed not to create traffic hazards;
 - (c) Development plans consider surrounding land uses and be designed to minimize conflicts with scenic values and other multiple use development;
 - (d) The facility is designed not to materially alter the stability of the overall land use pattern of the area;
 - (e) The location is conveniently and centrally located to serve multiple use designated areas and the travelling public;
 - (f) Adequate off-street parking is provided for employees and customers as prescribed in Section 4.110;
 - (g) Fire protection measures 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 thirty (30) feet of stuctures.
 - (h) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, etc. This provision shall also apply to signs associated with the business.
 - (i) Where adjacent to the FC or GF Zone, buildings shall be setback at least two hundred (200) feet.
 - (j) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality.
 - (k) Complies with other conditions deemed necessary by the Hearings Officer.

(16) Commercial Amusement Facilities:

- (a) The activity is the most appropriate use of the site;
- (b) Adequate off-street parking is provided;
- (c) All parking areas shall be of a paved surface;
- (d) Lighting shall be directed away from adjacent properties;
- (e) The commercial amusement facility shall be completely fenced and the Hearings Officer may require landscaping around the perimeter of the site to protect adjacent properties;
- (f) The site shall have direct access onto a dedicated public or county right-of-way or state highway;
- (g) Access points shall be clearly defined by the use of landscaping or bumper rails;
- (i) Litter and debris shall be hauled away within 24 hours after each business day to an approved landfill site;
- (j) Limited hours of operation may be set by the Hearings Officer.

(17) 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.

- (a) Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:
 - (A) In an existing pit:
 - 1. 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.
 - 2. 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:
 - 1. 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.
- (b) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:
 - (A) In an existing pit:
 - 1. Equipment shall not be located within 50 feet of a public road, county road or utility right-of-way or further if the Hearings Officer deems it necessary.
 - 2. 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 the Hearings Officer deems it necessary.

- (B) In a new pit:
1. Where the use of processing equipment such as crushers, batch plants, etc., 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.
- (c) All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;
- (d) 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 by the Hearings Officer, 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 the site from the public;
- (e) 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;
- (f) 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. The Hearings Officer may require dust-free site access roads near concentrated residential areas;
- (g) A reclamation plan has been submitted to the

- County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance;
- (h) 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;
 - (i) Rehabilitation of landscape after the extraction operations are completed.
 - (A) The Hearings Officer may require a time limit and a bond sufficient to cover costs plus ten percent of necessary road improvements, berming, reclamation, landscaping and other pertinent conditions, if in his opinion, 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 being used as a plant site, stockpile, or work area for an ongoing extractive mining or aggregate operation.
 - (j) 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;
 - (k) The activity complies with other conditions deemed necessary by the Hearings Officer which may include but not be 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 an/or processing if located adjacent to concentration of residential dwellings.
- (18) Commercial Greenhouse or Nursery:
- (a) 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;
 - (b) Buildings will be set back 30 feet from property lines;
 - (c) Adequate area for parking and loading;
 - (d) Lighting shall be directed away from adjacent residential properties;
 - (e) The Hearings Officer may limit the hours of operation and deliveries to the use;
 - (f) Machinery and other equipment used in the operation of the greenhouse or nursery shall be packed and stored in an enclosed building;
 - (g) Complies with other conditions that the Hearings Officer considers necessary.
- (19) Commercial recreation use, including marina, riding stable, gun club, resort, motel, lodge, recreational

camp, dude ranch, or similar resort type establishment provided that:

- (a) Sufficient off-street parking for employees, owners, and patrons is provided according to Section 4.110;
- (b) Development has access to a dedicated public or county road or to a state highway;
- (c) Ingress and egress are provided and designed not to create traffic hazards;
- (d) 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;
- (e) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, etc. This provision shall also apply to signs associated with the business;
- (f) 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 thirty (30) feet of structures.
- (g) The location is conveniently and centrally located to serve multiple use designated areas and traveling public;
- (h) The facility is designed not to materially alter the stability of the overall land use pattern of the area;
- (i) Easements and interior roads be improved to a standard and follow grades approved by the Public Works Director;
- (j) Road construction be consistent with the intent and purposes set forth in the Oregon Forest Practices Act of the 208 Water Quality Program to help minimize soil disturbance and help maintain water quality;
- (k) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;
- (l) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
- (m) A site plan be submitted with the Conditional Use application and drawn or certified by an Oregon licensed architect or registered engineer;
- (n) Certification from an Oregon licensed engineer that adequate water supplies are available for both domestic and fire suppression use;
- (o) 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;
- (p) Certification from an Oregon licensed engineer that surface water runoff will be directed so as not to adversely impact adjacent lands;
 - (q) The facility be associated with a unique scenic, historic, or recreational value;
 - (r) Buildings be set back at least two-hundred (200) feet from lands zoned GF-40 and/or FC-40;
 - (s) Complies with other conditions deemed necessary by the Hearings Officer;
- (20) 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 local distribution lines for sewer, water, gas, telephone and power and similar minor facilities. These uses are allowed provided that:
- (a) Facility is designed to minimize conflicts with scenic values and adjacent forest, farming and recreational uses as outlined in policies of the Comprehensive Plan;
 - (b) Facility 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 a recreational residential zone;
 - (c) 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;
 - (d) 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 thirty (30) feet of structures.
 - (e) 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 soil disturbance to maintain water quality;
 - (f) Facility shall not alter accepted timber management operations on adjacent forest land;
 - (g) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
 - (h) Access roads or easements be improved to a

- standard and follow grades recommended by the Public Works Director;
- (i) 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;
 - (j) Complies with other conditions deemed necessary by the Hearings Officer.
- (21) Concrete Manufacturing Plant or Concrete Block or Pipe Manufacturing Plant.
- (a) The activity is the most appropriate use of the land;
 - (b) Adequate area is available for the activity and expansion of the activity in the future;
 - (c) Areas used for stockpiling, storing and parking of vehicles are constructed of a durable, all-weather surface;
 - (d) Measures are taken to eliminate dust created by the activity conducted on the site;
 - (e) Measures are taken to minimize dust and vibration caused by the activity;
 - (f) 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;
 - (g) Complies with other conditions that the Hearings Officer deems necessary.
- (22) Day Care or Nursery
- (a) The activity is the most appropriate use of the land;
 - (b) The site has direct access to a dedicated public or county road or state highway;
 - (c) At least 100 square feet of outdoor play area per child is provided;
 - (d) A sight-obscuring fence at least (4) four feet high shall separate the play area from abutting lots;
 - (e) The Hearings Officer may require landscaping around the site to buffer it from adjacent uses;
 - (f) Complies with other conditions that the Hearings Officer deems necessary.
- (23) Drug Paraphenalia Shop, Adult Bookstore or Adult Movie Theatre (criteria needed here)
- (24) Dwellings (as an accessory use) for the Owner or Operator of Each Existing Permitted Use:
- (a) If a mobile home is to be used, the mobile home shall be skirted and set up to have the appearance of a residential dwelling;
 - (b) A yard area including landscaping shall be maintained around the dwelling;
 - (c) Any mobile home used as an accessory dwelling shall be removed within 30 days after the principal use on the property ceases;
 - (d) Complies with other conditions that the Hearings Officer deems necessary to maintain the integrity of the zoning district.

- (25) Eating or Drinking Establishment:
- (a) The activity will primarily serve the needs of the employees and clientele within the industrial area;
 - (b) The activity is the most appropriate use of the land;
 - (c) The site has direct access to a dedicated public or county road or a state highway;
 - (d) The use is buffered from other adjacent land uses through the use of landscaping or fencing;
 - (e) Additional setback requirements may be necessary to protect existing adjacent land uses from the activity;
 - (f) Complies with other conditions that the Hearings Officer deems necessary.
- (26) Facility for the Primary Processing of Forest Products:
- (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.
- (27) Farm Machinery or Irrigation System Equipment Sales, Service and Storage:
- (a) The site has direct access to a county, public or state highway;
 - (b) Ingress and egress are designed so as not to create a traffic hazard;
 - (c) The activity will provide a service to the agricultural operations located in the area;
 - (d) The activity is buffered from other adjacent land uses through the use of landscaping or fencing;
 - (e) Areas for outdoor storage shall be screened from any adjacent residential dwellings;
 - (f) Complies with other conditions that the Hearings Officer deems necessary;
- (28) Fertilizer and Agricultural Chemical Sales:
- (a) The activity is the most appropriate use of the land considering the existing land use on the surrounding properties;
 - (b) The site has direct access to a dedicated public or county road or state highway;
 - (c) Haul roads leading to the site shall not be through residential areas unless it is the only available road and then the Hearings Officer may limit hours of operation;
 - (d) Additional setbacks from property lines may be required if the use is adjacent to residential property;
 - (e) Complies with other conditions that the Hearings Officer deems necessary to protect adjacent land uses;

- (29) Golf Courses, and their related services and facilities:
- (a) There is sufficient off-street parking for employees, owners and patrons;
 - (b) The use has access to a dedicated public or county road or state highway;
 - (c) Interior access roads shall be improved to a standard and follow grades approved by the Public Works Director;
 - (d) Ingress and egress are provided and designed not to create traffic hazards;
 - (e) The location is conveniently or centrally located to serve local uses;
 - (f) 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;
 - (g) A site plan shall be submitted with the application drawn or certified by an Oregon licensed landscape architect or registered engineer;
 - (h) 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;
 - (i) Certification from an Oregon licensed engineer shall be submitted that surface runoff will be directed so as not to adversely impact adjacent land.
 - (j) A favorable site suitability report from the DEQ is obtained for related services requiring sanitation facilities and is submitted with the application.
- (30) Grain Elevator:
- (a) The activity is the most appropriate use of the land considering the existing land use on the surrounding properties;
 - (b) The site has direct access to a dedicated public or county road or state highway;
 - (c) Haul roads leading to the elevator shall not be through residential areas unless it is the only available road and then the Hearings Officer may limit hours of operation;
 - (d) Additional setbacks from property lines may be required if the use is adjacent to residential property;
 - (e) Complies with other conditions that the Hearings Officer deems necessary to protect adjacent land uses;
- (31) Grange Hall or Community Center
- (a) The activity is the most appropriate use of the land;
 - (b) The site has direct access to a dedicated public or County road or state highway;
 - (c) There is adequate area for parking;
 - (d) Landscaping is provided between the use and surrounding residential uses;
 - (e) Adequate building and site design provisions are provided to minimize noise and glare from the building and site;
 - (f) Complies with other conditions that the Hearing Officer deems necessary.

- (32) Handling or Storage of Hazardous Chemicals or Flammable Liquids:
- (a) The activity is the most appropriate use of the land;
 - (b) 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;
 - (c) If the site is located within a fire district, adequate fire fighting equipment and water for fire fighting purposes is available as determined by the fire district.
 - (d) The use is entirely fenced by a security fence of at least six (6) feet in height and landscaping may be required by the Hearings Officer;
 - (e) The site is located at least 1/4 mile away from any residential dwelling;
 - (f) 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;
 - (g) Complies with other such conditions as the Hearings Officer deems necessary.
- (33) Handling and Storage of Radio Active Waste:
- (a) The site will be the most appropriate location for the handling or storage of radio active 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;
 - (b) 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;
 - (c) The site shall be at least 1 mile from the nearest residence;
 - (d) The entire site shall be fenced and security measures shall be provided and approved by the appropriate local and state police agencies;
 - (e) Monitoring equipment shall be installed and maintained in perpetuity by the operator of the facility or any successor of the operator;
 - (f) 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;
 - (g) The request shall comply with all applicable state and federal regulations that may now or hereafter exist concerning the disposal or storage of radio active waste;
 - (h) Complies with other such conditions as the Hearings Officer deems necessary.
- (34) Hauling, Freightng or Trucking Yard or Terminal:
- (a) The activity is the most appropriate use of the land;

- (b) The site has direct access to a dedicated public or county road or a state highway;
 - (c) Limited hours of operation may be imposed by the Hearings Officer if residential uses are adjacent or along the main travel route to the use;
 - (d) Additional setbacks from property lines may be required if the use is adjacent to residential property;
 - (e) Complies with other conditions that the Hearings Officer deems necessary to protect adjacent land uses.
- (35) Home Occupations:
- (a) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling or immediate family members, within the same dwelling or in an accessory building on the same adjacent property;
 - (b) No structural alterations shall be allowed to accommodate the home occupation except when otherwise required by law and then only after the plans for such alterations have been reviewed and approved by the Hearings Officer. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence;
 - (c) 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;
 - (d) 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 customers' vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking;
 - (e) Retail sales shall be limited or accessory to a service.
- (36) Livestock Feedlots or Sale Yards, Hog or Poultry Farms, or the Raising of Fur-bearing Animals:
- (a) The activity is compatible with adjacent farm, forest, rural residential or multiple use uses;
 - (b) 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;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Be located at least 1/4 mile from the nearest residential dwelling;
 - (e) 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 landowners property line and be limited to 75% of the total parcel;
 - (f) The activity and related structures are a minimum of one hundred (100) feet from a stream, river, or irrigation canal;
 - (g) Takes the least possible amount of agricultural land out of production;
 - (h) Complies with other conditions as the Hearings Officer deems necessary.
- (37) Kennels or Dog Pounds:
- (a) The activity is the most appropriate use of the land;
 - (b) Building and site design provisions are adequate to minimize noise and odors caused by the activity;
 - (c) The site has direct access to a dedicated public or county right-of-way or state highway;
 - (d) The Hearings Officer may require a site-obscuring fence or hedge to protect adjacent land uses;
 - (e) Adequate area is provided for parking and the loading and unloading of animals, especially those large animals requiring trucks to transport them;
 - (f) Complies with other conditions deemed necessary by the Hearings Officer;
- (38) Major Manufacturing, Repairing, Compounding, Fabricating, Assembling, Processing or Storage Industries:
- (a) 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;
 - (b) Adequate areas for parking of employees and visitors is available and provided;
 - (c) 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 fire fighting 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 (ie. electricity, gas, oil, coal);
 - (I) What effect the activity will have on communication networks in the area (ie. telephone, telegraph, radio, phone).
- (d) Complies with other conditions that the Hearings Officer deems necessary.
- (39) Mini-Warehouses
- (a) There shall be a minimum of two acres for the use;
 - (b) Parking requirements shall require one parking space for each ten storage cubicles;
 - (c) A minimum six foot high fence shall be required around the entire perimeter of the site;
 - (d) Outdoor lighting shall be directed away from residentially zoned areas;
 - (e) The Hearings Officer may require landscaping around part or all of the site;
 - (f) The site shall have direct access to a dedicated public or county road or state highway;
 - (g) All outdoor storage shall be screened from view to surrounding properties;
 - (h) All parking areas and travel lanes shall be, at a minimum, constructed of an oil mat surface;
 - (i) A minimum of 25 feet shall be provided between buildings to allow room for off-loading and travel lanes.
- (40) Mobile Home Parks or Travel Trailer Parks:
- (a) The request shall comply with all the rules and regulations of the State of Oregon set forth in Oregon Revised Chapter 446 and the Department of Commerce Building Codes Division Mobile Home Park Standards, prior to the construction of the proposed park;
 - (b) In addition to the above requirements, an applicant shall comply with the following regulations:
 - (A) Location of Development
 - 1. 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
 - 1. Development: No mobile home park or travel trailer park shall be created on a parcel of less than five acres in area;
 - 2. Spacing: Each mobile home site shall be large enough to accommodate the mobile

home and maintain an 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;

3. 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 (6) mobile homes per gross acre;
4. Minimum Lot Area: Mobile Homes-- 3,000 square feet per mobile home; Travel Trailer-- 1,200 square feet per travel trailer;
5. Minimum Lot Width: Mobile Homes -- 40 feet per lot; Travel Trailers--30 feet per lot;

(C) Parking Space Requirements:

1. Two parking spaces shall be provided for each mobile home site, either on the site or within two hundred (200) feet thereof inside the development, which shall be not less than nine by twenty (9x20) feet in size and surfaced with at least 4" of screened gravel or crushed rock, size 1 1/2" - 0;
2. Guest parking shall also be provided in every mobile home park based on a ratio of one (1) parking space for each four (4) mobile home sites. Such parking shall be surfaced with at least 4" of screened gravel or crushed rock, size 1 1/2" - 0 and shall be clearly defined and identified.

(D) Signs:

1. 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 Ordinance;
2. Incidental signs for the information and convenience of tenants and the public, relative to parking, traffic movement, office, lavatories, etc., are allowed, providing such signs do not exceed three (3) square feet in size;
3. No advertising signs of any other character shall be permitted;

(E) Fencing and Landscaping:

1. 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;

2. 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;
3. 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;
4. 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:

1. 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 fifty (50) feet;
2. Park Streets: A private street shall connect each mobile home site to a county road;
3. Walkways: Gravel walkways of not less than three (3) feet in width shall be provided from each mobile home site to any service buildings and recreation area;
4. 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 twenty (20) feet for one way streets with parking or two-way streets without parking, or shall be thirty (30) feet for two-way streets with parking on one side only;
5. 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:

1. Recreational area: Two-hundred (200) 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;
2. Pad Improvements: Mobile home pads or stands shall be paved with asphaltic or concrete surfacing or with crushed rock contained with concrete curbing;

3. 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 on- to or become part of any mobile home, and no mobile home shall support any building in any manner;
4. State Requirements: Rules and regulations governing mobile home facilities as contained in Oregon Revised Statutes 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 Ordinance 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 (4) 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 fifty (50) feet. The drawing shall show the following information:

1. Name of the person who prepared the plan;
2. Name of the mobile home park and address;
3. Scale and north point of the plan;
4. Vicinity map showing relationship of mobile home park to adjacent properties;
5. Boundaries and dimensions of the mobile home park;
6. Location and dimensions of each mobile home site. Designate each site by number, letter, or name;
7. Location and dimensions of each existing or proposed building;
8. Location and width of park streets;
9. Location and width of walkways;
10. Location of each lighting fixture, if any, for lighting the mobile home park;
11. Location of recreational areas and building, and area of recreational space;
12. Location and type of landscaping plantings, fence, wall or combination of any of these or other screening materials;

13. Location of water source and subsurface disposal system;
14. Location of available fire and irrigation hydrants;
15. Location of public telephone service for the park;
16. Enlarged plot plan of a typical mobile home site, showing the pad, patio, storage space, parking sidewalk, utility connections and landscaping.

(I) General:

1. All mobile homes in a park shall be skirted around their entire perimeter by a fire resistant siding and shall have an "Insigna of Compliance" seal from the Department of Commerce;
2. Overnight Spaces: Not more than five percent of a mobile home park area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight;
3. Bond Requirements: The posting of a bond for the fulfillment of any requirements of these standards or of the Hearings Officer may be required. The bond shall be posted, determined, and used if necessary, according to Section _____ of this Ordinance;
4. An occupied, abandoned or unoccupied home may be abated if it constitutes a menace to the public health, safety and welfare, thereby rendering it as a public nuisance;

(41) Model Home

- (a) The residential characteristic of the area shall be maintained;
- (b) The exterior of the house shall maintain a residential appearance;
- (c) Yard areas shall be landscaped and maintained;
- (d) No sign shall be allowed except for one free-standing sign that conforms to a Type 5 sign as described in Section 4.020 of this Ordinance and by a ruling of the County Hearings Officer;
- (e) Complies with other conditions that the Hearings Officer deems necessary;

(42) Petroleum Products Sales and Storage:

- (a) The activity is the most appropriate use of the land considering the existing land use on the surrounding properties;
- (b) The site has direct access to a dedicated public or county road or state highway;
- (c) Haul roads leading to the site shall not be through residential areas unless it is the only available road and then the Hearings Officer may limit hours of operation.

- (d) Additional setbacks from property lines may be required if the use is adjacent to residential property;
 - (e) Complies with other conditions that the hearings Officer deems necessary to protect adjacent land uses;
- (43) Public or Private Parks or Playgrounds or Community Center Owned and Operated by a Governmental Agency or a Non-profit Community Organization:
- (a) 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;
 - (b) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;
 - (c) The use is sited where a unique scenic or recreational value exists or is documented or conveniently serves the rural or regional populace;
 - (d) 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;
 - (e) 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 thirty (30) feet of structures.
 - (f) Facility is designed not to materially alter the stability of the overall land use pattern of the area;
 - (g) Adequate off-street parking is provided for users as prescribed in Section 4.110;
 - (h) 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;
 - (i) 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;
 - (j) Complies with other conditions as the Hearings Officer deems necessary;
- (44) Personal Use Airports and Helipads, and Related Structures:
- (a) No aircraft shall be based on a personal-use airport other than those owned or controlled by the owner of the airstrip;

- (b) A site plan is submitted with the application showing topography of the surrounding area;
 - (c) The location of the facility will not be hazardous to the safety and general welfare of surrounding properties;
 - (d) The facility is designed not to materially alter the stability of the overall land use pattern of the area;
 - (e) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;
 - (f) Facility be located five hundred (500) feet from existing dwellings on adjacent properties;
 - (g) The location will not necessarily restrict existing and future development of surrounding properties as indicated in the Comprehensive Plan;
 - (h) Complies with other conditions deemed necessary by the Hearings Officer.
- (45) Public or Semi-Public Use:
- (a) New access roads and easements shall be improved to a standard recommended by the Public Works Director;
 - (b) 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;
 - (c) 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;
 - (d) The development is designed not to materially alter the stability of the overall land use pattern of the area;
 - (e) 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 thirty (30) feet of structures;
 - (f) Structural design shall consider visual impacts of surrounding landscape through use of compatible building materials, colors, etc. This provision shall also apply to signs associated with the use;
 - (g) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;
 - (h) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
 - (i) The development has access to a dedicated state, county or public road;

- (j) Adequate off-street parking is provided for employees, owners and users as prescribed in Section 4.110;
 - (k) Complies with other conditions as the Hearings Officer deems necessary.
- (46) Recreational Resort Facilities, including but not limited to: ski and winter sports facilities, dude ranches, hot springs, resorts, and their related services and facilities (eg. overnight accommodations and lodges, riding stables and horse trails, gift shops, eating facilities):
- (a) Sufficient off-street parking for employees, owners, and patrons is provided according to Section 4.110;
 - (b) The development has access to a dedicated state, county, or public road;
 - (c) Easements and interior roads shall be improved to a standard and follow grades approved by the Public Works Director;
 - (d) 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;
 - (e) 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;
 - (f) 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;
 - (g) Facility does not alter accepted timber management operations on adjacent forest land, nor farm practices on adjacent farm or grazing lands;
 - (h) Facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
 - (i) Land or construction clearing shall be kept to a minimum to minimize soil disturbance and help maintain water quality;
 - (j) 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 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 thirty (30) feet of structures.
 - (k) Structural design considers visual impacts of surrounding landscape through use of compatible building materials, colors, etc. This provision shall also apply to signs associated with the use;

- (l) The location is conveniently or centrally located to serve the traveling public;
 - (m) Ingress and egress are provided and designed not to create traffic hazards;
 - (n) A site plan shall be submitted with the application and drawn or certified by an Oregon licensed architect or registered engineer;
 - (o) Certification from an Oregon licensed engineer shall be submitted showing that adequate water supplies are available for both domestic and fire suppression use;
 - (p) 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;
 - (q) The facility be associated with a unique, scenic, historic or recreational value;
 - (r) The facility is designed not to materially alter the stability of the overall land use pattern of the area;
 - (s) Certification from an Oregon licensed engineer shall be submitted showing that surface runoff will be directed so as not to adversely impact adjacent land;
 - (t) Complies with other conditions deemed necessary by the Hearings Officer.
- (47) Rest Home, Home for the Aged, Nursing Home or Convalescent Home:
- (a) The activity will be compatible with adjacent land uses;
 - (b) Adequate area for off-street parking is provided for both employees and visitors;
 - (c) Landscaping shall be provided and maintained around the perimeter of the activity and throughout the open area;
 - (d) Suitable methods for fire escape are available for each room in the home;
 - (e) Complies with other conditions that the Hearings Officer deems necessary.
- (47) Retail and Service Commercial:
- (a) The activity is the most appropriate use of the site;
 - (b) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. Large commercial activities catering to regional needs shall not be allowed;
 - (c) The site has direct access to a dedicated public or county road or a state highway;
 - (d) The Hearings Officer may require fencing or landscaping to screen the activity from other adjacent land uses;
 - (e) Complies with other conditions that the Hearings Officer deems necessary;
- (49) Roadside Stands for the Sale of Agricultural Products Grown by the Owner:
- (a) Adequate area for off-street parking is available

- on the site;
 - (b) Access points are clearly marked through the use of bumper rails or landscaping;
 - (c) Buildings on the site are designed so as to be aesthetically pleasing and to fit into the residential characteristics of the neighborhood;
 - (d) Outside lighting, if used, shall be directed away from adjacent residential uses;
 - (e) The Hearings Officer may require landscaping around the stand to screen the use from other adjacent land uses;
 - (f) Sales shall be limited to products raised on the owner's property and not other retail items brought in from other sources;
 - (g) Complies with other conditions that the Hearings Officer deems necessary.
- (50) Sand or Gravel Storage Yard:
- (a) The activity is the most appropriate use of the site and is compatible with adjacent land uses;
 - (b) The site has direct access to a dedicated public or county road or state highway;
 - (c) Access points into the site are clearly marked through the use of fencing, bumper rails or landscaping;
 - (d) The Hearings Officer may require that the site be completely fenced;
 - (e) Complies with other conditions that the Hearings Officer deems necessary.
- (51) Schools:
- (a) The site has direct access to a dedicated public or county road or a state highway;
 - (b) Adequate off-street area is available for the loading and unloading of vehicles and buses carrying school children;
 - (c) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment;
 - (d) The Hearings Officer may require landscaping on the grounds and a fence to enclose the entire school property to separate it from other uses;
 - (e) Complies with other conditions that the Hearings Officer deems necessary.
- (52) Non-Forest, Non-Farm, Non-Grazing Residential Dwellings, Including Cabins, Travel Trailers, Recreational Vehicles, and Mobile Homes; (This sub-section does not apply to the location of single-family dwellings in EFU Zones)
- (a) The use is compatible with farm, forest, and grazing uses;
 - (b) Does not seriously interfere with accepted farming, forestry or grazing practices on adjacent lands devoted to these uses;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) When location is in a forested area, fire safety measures be considered which may include but are not limited to:

- (A) Area surrounding dwelling and accessory use 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 thirty (30) feet of dwellings and accessory uses;
 - (D) Skirting of trailer and mobile homes;
 - (E) Screening of eaves, attics and under floor openings;
 - (e) All dwellings have access to a state highway, a dedicated public or county road, or forest service road approved for public use, or a recorded easement. Easements created after the effective date of this Ordinance must be improved to a D road standard;
 - (f) Complies with other conditions as the Hearings Officer deems necessary.
- (53) Slaughter House:
- (a) The activity is the most appropriate use of the land considering the existing land use on the surrounding properties;
 - (b) The activity is located no closer than 1000 feet from an existing residential dwelling;
 - (c) The site has direct access to a dedicated public or county road or state highway;
 - (d) Landscaping or buffer is provided around the use;
 - (e) 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;
 - (f) Complies with other conditions as the Hearings Officer deems necessary.
- (54) Tire Recapping:
- (a) The activity is the most appropriate use of the site;
 - (b) The site has direct access to a public or county road or state highway;
 - (c) All equipment and materials shall be kept within a building or behind a site-obscuring fence;
 - (d) The applicant shall make provision to eliminate, as far as practical orders, noise and dust which emanate from the activity;
 - (e) The Hearings Officer may require additional setbacks from property lines to ensure compatibility with adjacent land uses;
 - (f) The area around the building has, as a minimum, an oil mat surface;
 - (g) Complies with other conditions that the Hearings Officer deems necessary.
- (55) Truck Stop or Trucking Terminal:
- (a) The activity is the most appropriate use of the land;
 - (b) The activity will not create a traffic hazard;
 - (c) Access points are well marked and designated through the use of bumper rails or landscaping;

- (d) The Hearings Officer may require landscaping around the perimeter of the site to help screen the use from other adjacent uses;
 - (e) Additional setback requirements may be required by the Hearings Officer to protect adjacent land uses;
 - (f) Complies with other conditions that the Hearings Officer deems necessary;
- (56) Utility Facility:
- (a) 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;
 - (b) The facility be of a size and design to help reduce noise or other detrimental effects when located adjacent to recreational residential dwellings;
 - (c) The Hearings Officer may require that the facility be fenced and landscaped buffering and/or screening be provided;
 - (d) The facility does not materially alter the stability of the overall land use pattern of the area;
 - (e) 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 thirty (30) feet of structures;
 - (f) 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;
 - (g) The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations;
 - (h) Access roads or easements be improved to a standard and follow grades recommended by the Public Works Director;
 - (i) 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;
 - (j) Land or construction clearing shall be kept to a minimum to minimize soil disturbances and help maintain water quality;
 - (k) Complies with other conditions deemed necessary by the Hearings Officer.

- (57) Veterinary Clinic or Animal Hospital:
- (a) The activity is the most appropriate use of the land;
 - (b) The site has direct access to a dedicated public or county road or state highway;
 - (c) Adequate area is available for off-street parking, the unloading of animals, and the maneuvering of large vehicles;
 - (d) Access points are clearly marked through the use of bumper rails, fencing or landscaping;
 - (e) The Hearings Officer may require landscaping to buffer the lot from adjacent land uses;
 - (f) Complies with other conditions that the Hearings Officer deems necessary;
- (58) Wholesale Business, Storage Building or Warehouse:
- (a) The activity is the most appropriate use of the land;
 - (b) The site has direct access to a dedicated public or county road or state highway;
 - (c) Access points to the road are well marked through the use of bumper rails, fencing or landscaping;
 - (d) Additional setbacks from property lines may be required if the use is adjacent to residential property;
 - (e) Limited hours of operation may be imposed by the Hearings Officer if residential uses are adjacent or along the main travel route to the use;
 - (f) Complies with other conditions that the Hearings Officer deems necessary to protect adjacent land uses.
- (59) Wood Processing Facilities:
- (a) The site has direct access to a dedicated public or county road or state highway;
 - (b) Access roads are durable, dustless and adequate to handle the traffic generated by the activity as determined by the County Public Works Director;
 - (c) Log decks and equipment storage shall be set back at least 20 feet from property lines;
 - (d) 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;
 - (e) Complies with other conditions that the Hearings Officer deems necessary.

CHAPTER 8
VARIANCES

Section 8.010

AUTHORIZATION TO GRANT OR DENY VARIANCES: The Planning Director may grant a variance to the requirements of this Ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the Ordinance 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 it finds necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purposes of this Ordinance.

Section 8.020

MINOR VARIANCES: Variances involving the following may be granted by the Planning Director after a thorough examination and upon presentation of the following evidence:

- (1) Minor Variances involve only the following circumstances:
 - (a) Deviation from a minimum lot size or setback by not more than 11%;
 - (b) Expansion of a non-conforming use by not more than 10%;
 - (c) Increase in the area or height of a sign by not more than 10%
- (2) Evidence: A minor variance may be granted only where the applicant can show that literal application or enforcement of the Ordinance would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest or the intent or spirit of the Ordinance;
- (3) Procedure: Upon receipt of the application form and payment of the usual application fee for a variance, the Planning Director shall render a decision within five working days, or he may elect to defer the decision to the Planning Commission. Additional information may be requested by the Planning Director in arriving at his decision. If additional information is requested, the Planning Director shall have five additional working days to render this decision beginning when the additional information is given to the Planning Director;
- (4) Notice to Property Owners: Should the Planning Director or the Planning Commission decide to grant a minor variance, the decision shall not become final until 15 days have elapsed. A notice of the proposed variance shall be mailed within two working days to all owners of property within 250 feet of the subject property, and objections and comments solicited. If written objections to the proposed variance are received within the 15 day period, a public hearing shall be held according to Section 16.050 of this Ordinance. If no objections on the variance are received, the decision shall become final and effective at the end of the 15 day period;

- (5) Appeal: A decision of the Planning Director may be appealed only to the Planning Commission. A decision to 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.

Section 8.030

- CIRCUMSTANCES FOR GRANTING A VARIANCE: A variance may be granted under some or all of the following circumstances:
- (1) 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 Ordinance have had no control;
 - (2) 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;
 - (3) The variance would not be materially detrimental to the purposes of this Ordinance, 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;
 - (4) The variance requested is the minimum variance which would alleviate the hardship.

Section 8.040

- PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION: The procedure for taking action on an application for a variance shall be as follows:
- (1) 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 Section 16.050;
 - (2) Upon receipt of an application for a variance, the Planning Director shall follow the procedures listed in Section 8.020 (3-5);
 - (3) An applicant granted a variance must also obtain a zoning permit or land partition before commencing construction or dividing the land.

Section 8.050

TIME LIMIT ON A VARIANCE: A variance shall be void after one year or such lesser time as the permit may specify unless 20% of the estimated project cost has occurred or the land has been separated and has been segregated in the County Assessor's Office. 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 from the original approved date.

Section 8.060

LIMIT ON REAPPLICATION: 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 of circumstances warrant it.

CHAPTER 10
SUBDIVISION AND PARTITIONING

Section 10.010

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.

Section 10.015

LAND DIVISION TYPES:

- (1) 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;
- (2) Land division proposals, consisting of subdivision, major partitions and minor partitions are steps in the land development process and shall comply with requirements and procedures in joint management agreements co-adopted by both the county and appropriate cities if within an urban growth boundary, and shall comply with the County Comprehensive Plan and other legal requirements if proposed within rural lands;
- (3) 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;
- (4) 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, Type III and Type IV Land Division proposals, as defined in this Ordinance 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, particularly no's 9, 10, 11, 13 and 14 and with the Comprehensive Plan.

Section 10.018

DELEGATION OF AUTHORITY FOR LAND DIVISIONS:

- (1) The Planning Commission shall have the authority to approve, deny or modify tentative plans and final plats for Type I Land Divisions;
- (2) The Planning Director shall have the authority to approve, deny or modify maps of Type II, Type III or Type IV Land Division provided that notice is sent to affected property owners;
- (3) The Planning Director shall have the authority to determine into which classifications of a land division

that a proposal falls under. 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.

Section 10.020

TYPE I LAND DIVISIONS: The following proposals are designated Type I Land Divisions:

- (1) Subdivisions;
- (2) Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property, such that determination at a public hearing is required, considering:
 - (a) 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;
 - (b) Plans or programs for the extension of streets or utility systems on or near the proposed division;
 - (c) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, land slides or other existing or potential hazards;

Section 10.022

TYPE II LAND DIVISIONS: The following proposals are designated Type II Land Divisions:

- (1) Major partitions involving:
 - (a) Land areas large enough for future divisions;
 - (b) A proposal that includes or requires the continuation of an existing or planned road to adjacent property;
 - (c) A proposal that eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property;
- (2) A partition which will result in a flag lot;
- (3) A minor partition which will result in one or more parcels with a depth to width ratio exceeding 2.5 to 1;
- (4) A minor partition abutting a substandard public road, county road, or recorded easement;
- (5) A minor partition located at the end of a public or county road;
- (6) A minor partition where a resulting parcel is left large enough for possible future division.

Section 10.024

TYPE III LAND DIVISIONS: The following proposals are designated Type III Land Divisions:

- (1) A major partition when the proposed public road or recorded easement layout is consistent with a future road plan adopted as part of this Comprehensive Plan, or with a road pattern adopted as an element of a special study area;
- (2) Minor partitions not listed in Section 10.022.

Section 10.026

TYPE IV LAND DIVISIONS: The following proposals are designated Type IV Land Divisions:

- (1) Boundary adjustments;
- (2) A boundary adjustment in an EFU zone where it is not possible, due to financing reasons, to combine the lots together;
- (3) A partition in an EFU zone that is done solely for the purpose of financial security, with neither a dwelling located on the proposed parcel nor one proposed.

Section 10.030

PROCEDURE FOR TYPE I LAND DIVISION: Review and approval of a Type I Land Division shall be as follows:

- (1) 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;
- (2) 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 Ordinance, 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;
- (3) 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 Section 10.035. 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 (1) and (2) above;
- (4) Upon receipt of a completed application, the Planning Director shall schedule, not later than 45 days from receipt of the completed application, a public hearing before the Planning Commission;
- (5) 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;
- (6) Failure of an agency or district to provide written comments to the Planning Director concerning the

tentative plan within ten (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.

Section 10.035

CONTENTS OF TENTATIVE PLAN: 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. 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, 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.
- (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, northpoint and scale of drawing;
 - (c) The scale of the drawing shall be 1" = 100 feet, or for areas over 100 acres, one inch equals 200 feet;
 - (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-croppings, 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* shown by contours at minimum intervals as follows:
 - (A) Slopes of 0-15%: 5 feet intervals
 - (B) Slopes of 15-20%: 10 feet intervals
 - (C) Slopes of 20% or over: 20 feet 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, archeological 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(eg. street lighting, etc.).
 - (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;

* Ground elevations shall be related to an established bench mark or other point of reference approved by the County Surveyor.

- (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 bylaws and regulations for any proposed homeowners 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 fire fighting 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 animals habitat, and sports fishery streams will be protected, and conflicts minimized;
 - (m) Any other material that the Planning Director deems necessary to assist in 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;
 - (b) Complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with such goals under ORS 197;

- (c) Complies with applicable provisions listed in the zoning regulations of this Ordinance;
- (d) Complies with applicable provisions including the intent and purpose of the Type I Regulations listed in this Ordinance;
- (e) The tentative plan conforms and fits into the existing development scheme in the area, including the logical extension of existing streets and public facilities through the tentative plan;
- (f) Complies with other specific requirements listed in Section 10.040 for approval of certain types of divisions;

Section 10.040

SPECIFIC CRITERIA FOR APPROVAL OF SUBDIVISIONS IN MULTIPLE USE AREAS: In addition to the general requirements for approval of a tentative plan listed in Section 10.035, the following specific criteria must be met to approve a Subdivision in a Multiple Use area:

- (1) Road alignment and construction within a Multiple Use Area Subdivision:
 - (a) Be improved to a standard and follow grades approved by the Public Works Director;
 - (b) 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;
 - (A) 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.
 - (c) Be designed so that all lots have access to a dedicated state, county or public road;
 - (d) 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;
 - (e) 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. Variances down to 80 foot minimum radii can be made for severe topography;
 - (C) Grade of all dedicated roads shall be a maximum of 12 percent. All roads having centerline curves greater than 45 degrees in arc shall have a maximum of 6 percent grade along such curves. On straight line portions, variances to 20 percent 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 90 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 homeowners 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.
- (f) All roads and signs shall be inspected and approved by the Public Works Director.
- (2) 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;
 - (3) 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), (b), or (c) and as follows:
 - (a) If individual disposal systems are proposed, each lot shall be required to have a favorable site suitability report prior to final plat approval;
 - (b) 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.
 - (4) Provision shall be made for the satisfactory water supply to each lot and shall comply with the requirements of ORS 92.090(4)(a), (b), (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.
 - (5) Provisions for fire suppression and control shall be provided in the design and approval of the subdivision as follows:
 - (a) 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.
 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 minimum fire flow of 500 gallons per minute on 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.
- (b) A treated fire fuel break of 25 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 homeowners 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.
- (6) A forest management plan shall be required, if the Planning Commission can find that the undeveloped portions of the property should be managed for timber production as a condition of approving the subdivision. The subdivider may also desire to manage part of the land for timber production. In either case:
- (a) The subdivider shall prepare his own management plan;
 - (b) 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;
 - (c) 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 airphoto copy with property boundaries clearly drawn on the airphoto;

- (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.
- (d) Forest management plans shall be reviewed and approved by the Planning Commission prior to submission of the final plat approval.
- (7) Provision for recreational facilities or recreational assist improvements shall be provided in the design and approval of the subdivision as follows:
 - (a) If the Planning Commission determines that the size, nature, location, and impact of the subdivision requires on-site recreational improvements;
 - (b) 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;
 - (c) 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;
 - (d) 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;
- (e) All recreational facilities and improvements shall be constructed and maintained by the subdivider or a homeowners association.
- (8) 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:
- (a) Is impractical due to topography, soil or subsurface conditions;
- (b) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or
- (c) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.
- (9) 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:
- (a) 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;
- (b) The Planning Commission finds that such a buffer area will provide movement of wildlife;
- (c) If natural buffering cannot be provided, then landscaping shall be required, and a landscaping plan shall be submitted to the Planning Director prior to final plat signing for his approval;
- (d) All roadside buffer or landscaped areas shall be installed and maintained by the subdivider or a homeowners association.
- (10) The design of the subdivision shall consider the effects on natural resources and fish and wildlife habitat. Excessive site clearing of topsoils, trees and natural features before the beginning of construction operations shall be discouraged;
- (11) The applicant shall submit a grading plan detailing proposed excavation, earth-moving procedures, and other changes to the landscape;
- (12) The applicant must provide a plan for disposal of solid waste generated by the subdivision.

Section 10.050

PUBLIC HEARING AND ACTION - TYPE I LAND DIVISION:

- (1) Notice of a hearing on a Type I Land Division shall be given as required in Section 16.050 of this Ordinance.

- (2) The burden of proof is upon the applicant to show that the tentative plan complies with the requirements of this Ordinance;
- (3) 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;
- (4) Approval or disapproval of the tentative plan by the Planning Commission shall be final unless the decision is appealed;
- (5) 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 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 Ordinance.

Section 10.060

FINAL PLAT FOR TYPE I LAND DIVISION: A final plat for a Type I Land Division shall be prepared and submitted in the following manner:

- (1) Submission
 - (a) Within one year after approval of a tentative plan, a subdivider or owners within a cluster development shall prepare a final plat in conformance with the approved tentative plan;
 - (b) The final subdivision or cluster development plat shall be drawn in the manner provided by ORS 92.080 and shall include an exact reproducible copy thereof according to ORS 92.120(2);
 - (c) Six prints of the final plat and any supplementary information required shall be submitted to the Planning Department;
 - (d) If the subdivider wishes to proceed with the subdivision or cluster development after the expiration of the one-year period following approval of the tentative plan by the Planning Commission, he must submit in writing the reasons why the final plat was not filed and ask for an extension of the approval. If the Planning Commission finds that the reasons for approval have not changed, then the Planning Commission may extend approval for a period not to exceed one year.
- (2) Information on Final Plat:
 - (a) In addition to that otherwise specified by law, the following information shall be shown on the final plat:
 - (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, subdivider 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:
 - 1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision;
 - 2. Adjoining corners of adjoining subdivisions. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.
- (e) The exact location and width of streets and easements intersecting the boundary of the tract;
- (f) 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 Section 10.035 of this Ordinance they shall be shown on the final plat;
- (g) 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 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) Easements 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.
- (j) 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;
- (k) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale;
 - (l) Building setback lines, if they are to be made a part of the subdivision restrictions;
 - (m) 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 parcels of land shown on the final map intended for any public use except those parcels 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.
- (3) Supplemental Information with Final Plat:
- (a) The following shall accompany the final plat of a Type I Land Division:
 - (A) Addresses of the owner, subdivider, surveyor and engineer, if one is used;
 - (B) 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;
 - (C) Sheets and drawings showing the following:
 1. 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;
 2. The computation of all distances, angles and courses shown on the final map;
 3. Ties to monuments, adjacent subdivisions, 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 Section 10.050 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.
- (4) Technical Review and Standards for Approval of Final Plat:
- (a) 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;
 - (b) The County Surveyor shall check the subdivision plat or cluster development for compliance with ORS. 92 and County Land Division regulations. Within 15 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 the state law and County Ordinance.

- (c) 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 conforms with the approved tentative plat and with the applicable requirements of this Ordinance, 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 Section 16.050 of this Ordinance, 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 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 final plat shall be signed by the Planning Director and Planning Commission Chairman 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;
- (d) Following review and approval of a subdivision or cluster development plat, the applicant or subdivider shall:
- (A) As required by ORS 92.110, 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 approved subdivision plat and accompanying documents to the Records Department of the County Clerk's Office for recording;

~~(E) Notify the Planning Director in writing that the approved subdivision plat and accompanying documents have been delivered to the Recording Section.~~

(5) Development Phasing: If the preliminary subdivision plat approval pursuant to Section 10.035 of this Ordinance 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 Subsection (1) through (4) of this section, for that phase only.

Section 10.210

TYPE II LAND DIVISION: A review and approval of a Type II Land Division shall be as follows:

- (1) 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. The conference shall take place prior to detailed work by an engineer or surveyor. 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;
 - (b) Following preliminary consultation and discussion, the owner or partitioner may proceed to prepare a completed partition map for submission to the Planning Director;
 - (c) The Planning Director shall furnish copies of the partition map to all affected county, state and federal agencies, special districts and other agencies or groups deemed appropriate for notification with a request for their review and written comment.
 - (d) Failure of an agency or district to provide written comment to the Planning Director concerning a Type II tentative plan within ten (10) business days after the furnishing thereof, shall be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period.
- (2) Planning Director Review and Decision of a Type II Land Division:
 - (a) Within twenty (20) business days of filing a completed Type II Land Division application, the Planning Director shall determine whether the partition application and accompanying material conforms with the applicable requirements of this Ordinance and render a tentative decision. If an agency requests additional review time, the total time for the agency's review shall not exceed 30 days and the Planning Director shall make his tentative decision not more than five (5) days after receipt of the agency's comments.

- (b) A tentative decision by the Planning Director to approve, modify or deny a Type II Land Division shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the criteria for approval listed in subsection 5 of this section;
 - (c) If the Planning Director determines that there are minor inconsistencies, the applicant shall be so advised in writing and afforded an opportunity to make corrections within ten (10) business days of written notification;
 - (d) 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.
 - (e) Within two (2) 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 within 250 feet of the parcel from which the partition is occurring. The notice shall inform the applicant and the surrounding property owners that the Planning Director will approve, approve with modifications and/or conditions, or deny the land division after 20 days unless a public hearing is requested;
 - (f) If a public hearing is requested, then the Planning Director shall schedule a public hearing before the County Planning Commission within 45 days from the receipt of the request for a public hearing according to Section 16.050 of this Ordinance;
 - (g) If no request for a public hearing is received within the twenty (20) days, then the Planning Director's tentative decision shall become final;
 - (h) The final decisions of the Planning Director on a Type II Land Division may be appealed within thirty (30) days to the County Planning Commission pursuant to Section 16.020 of this Ordinance;
 - (i) If no appeal is filed on an approved Type II Land Division, the final decision of the Planning Director shall become final and effective at the end of the 30 day appeal period.
- (3) Recording of Approved Type II Land Division by Applicant:
- (a) After approving a Type II Land Division, and after the 30-day appeal period, the Planning Director shall notify the applicant or partitioner;
 - (b) The partitioner shall, upon receiving the signed Type II Land Division from the Planning Director, deliver the approved partition and related signed improvement agreement documents as specified in Section 10.050 of this Ordinance to the Recorder's Office for recording, or deliver a written description along with a written request to the Assessor's

Office requesting that the tax lot configuration conform to the approved Type II Land Division map within 45 days. Any improvement agreement documents would also have to be recorded in the Recorders Office at the same time.

- (c) Failure to record the partition map and improvement agreements or provide a written description to the Assessor's Office in (b) above within 45 days of the Planning Director's signature, shall void approval of a Type II Land Division.
- (4) Contents of Partition Map for Type II Land Divisions:
 - (a) A partition map 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 Sub-sections (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:
 - (A) 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.
 - (B) Legal description of the tract. If any of the parcels created by the proposed partition results in a lot of 5 acres in size or less and the proposed partition is not located in an area zoned for Exclusive Farm Use, Grazing Farm or Forest Conservation, a boundary survey signed by a licensed professional land surveyor shall be submitted;
 - (C) A list of present and proposed uses on parcel to be partitioned and those present uses on land immediately adjacent to partitioned land;
 - (D) 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;
 - (E) Statement of required improvements to be made or installed and the time schedule therefore;
 - (F) Statements of the manner in which the criteria for approval listed in sub-section (5) are satisfied;
 - (G) A general (site suitability) report from the DEQ as to the sewage disposal potential of each parcel (four acres or less) pertaining to either the parcels partitioned or remaining parcel;
 - (H) 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:

1. The parcel sizes proposed are large enough to be redivided (according to existing zoning densities).
 2. The subject property proposed for partitioning is likely to be redivided in the foreseeable future due to rapid development occurring in the area.
- (I) Improvement agreements required by this Ordinance or other agreements specified by the Planning Director as a condition of approval of Type II Land Division in the manner specified in Section 10.050;
- (c) Map Content: A Type II Partition Map at a scale which best utilizes the space of a 8 1/2 x 11 inches sheet shall indicate the following:
- (A) Date, north point and scale of drawing;
 - (B) 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 Ordinance;
 - (C) The proposed parcels, their dimensions and areas;
 - (D) Location, names, purpose and width of all existing and proposed roads, rights-of-way or recorded easements on or abutting the tract;
 - (E) Natural features, water courses or areas covered by water;
 - (F) The location and use of any buildings or structures proposed to remain after division;
 - (G) The width and location of all easements for drainage or public utilities;
 - (H) The names and addresses of the owner, partitioner and surveyor;
 - (I) Identification as a Type II Partition Map if separate form is used;
 - (J) Location of known surface or subsurface irrigation drainage ditches or drainage lines;
- (5) Standards for Approval of Type II Land Division: In granting approval of a Type II Land Division, the Planning Director shall find that:
- (a) The Type II Partition map and required supplementary material:
 - (A) Complies with applicable elements of the Comprehensive Plan;
 - (B) Complies with applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said goals under ORS Chapter 197;

- (C) 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;
- (D) Complies with the applicable provision, including the purposes and intent of this of this Ordinance;
- (E) Complies with the Zoning requirements or a proposed change thereto associated with the partition map proposal;
- (F) 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;
- (G) Dedicated road or public recorded easement shall be provided to each parcel and conform to right-of-way and improvement standards as follows:
 1. If a recorded easement for access purposes in a Type II Land Division will serve three or fewer lots and will not likely serve other parcels or lots due to existing conditions, such as topography or the size or shape of land, or the parcels are not buildable lots, a minimum of a 30 foot right-of-way shall be required and be improved to a D standard. If the partition is located within a rural fire district or a hospital district which provides service, emergency vehicle considerations for recorded easements which dead end shall provide either circle drives or driveway turn-arounds. The Planning Director or Public Works Director shall determine which type of emergency vehicle access above is most appropriate. Circle drives and turn-arounds shall be improved to D standards.
 2. If a public road or recorded easement for access purposes in a Type II Land Division will serve four or more lots and will likely serve additional parcels due to development pressures in the area, or likely be an extension of a future road as specified in a future road plan, a minimum of a 50 foot right-of-way shall be required and be improved to a B standard.
 3. All recorded easements or dedicated public roads required in the Type II Land Division shall install 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. 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. Road signs shall be installed and maintained by the county, provided the partitioner pays the expense of the initial investment of making and placing the sign.

4. Existing county or public roads shall be improved pursuant to the requirements of this Ordinance.
 5. 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.
- (H) Each parcel under four acres in size, both those partitioned or 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:
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.
- (I) Shall provide easements along existing irrigation ditches that traverse or abut the partition where no such easements have yet been recorded. The purpose of the easement shall be for perpetual maintenance of the ditch and if within a irrigation district, said easement width and purpose shall be approved by the irrigation district board.
- (J) Considers energy conservation measures (eg. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures.
- (K) Conforms with any other county policies that may be adopted by the Planning Commission or Board of Commissioners after approval of this Ordinance.
- (L) All required improvements have signed agreements with the Board of Commissioners to meet the

standards of this Ordinance 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 II Land Division.

- (M) Adequately addresses any known development limitations within the proposed Type II Land Division, outlining appropriate measures to mitigate the limitation.

Section 10.310

TYPE III LAND DIVISION: Review and approval of a Type III Land Division shall be as follows:

- (1) An applicant requesting a Type III Land Division shall file with the Planning Director a completed partition map, including 5 copies of the completed partition map. The completed partition map shall be accompanied by the required fee;
- (2) The Planning Director shall furnish copies of the partition map to all affected county, state and federal agencies, special districts and other agencies or groups deemed appropriate for notification with a request for their review and written comment;
- (3) Failure of an agency or district to provide written comment to the Planning Director concerning a Type III tentative plan within (10) business days after the furnishing thereof, shall be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period;
- (4) Planning Director Review and Decision of a Type III Land Division:
 - (a) Within fifteen (15) business days of filing completed Type III Land division application, the Planning Director shall determine whether the partition and accompanying material conforms with the applicable requirements of this Ordinance and render a decision. If an agency requests additional review time, the total time for the agency's review shall not exceed thirty (30) days and the Planning Director shall make his determination not more than five (5) days after receipt of the agency's comments.
 - (b) A tentative decision by the Planning Director to approve, modify or deny a Type III Land Division shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship between the proposal and the criteria for approval listed in subsection 7 of this section.
 - (c) If the Planning Director determines that there are minor inconsistencies, the applicant shall be so advised in writing and afforded an opportunity to make corrections within ten(10) business days of written notification.
 - (d) 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.
 - (e) Within two (2) 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 within 250 feet of the parcel from which the partition is occurring. The notice shall inform the applicant

- and the surrounding property owners that the Planning Director will approve, approve with modifications and/or conditions, or deny the land division after twenty (20) days unless a public hearing is requested.
- (f) If a public hearing is requested, then the Planning Director shall schedule a public hearing before the County Planning Commission within 45 days from the receipt of the request for a public hearing according to Section 16.050 of this Ordinance.
 - (g) If no request for a public hearing is received within the twenty (20) days, then the Planning Director's tentative decision shall become final.
 - (h) The final decision of the Planning Director on a Type III Land Division may be appealed within thirty (30) days to the County Planning Commission pursuant to Section 16.020 of this Ordinance.
 - (i) If no appeal is filed on a approved Type III Land Division, the final decision of the Planning Director shall become final and effective at the end of the thirty (30) day appeal period.
- (5) Recording of Approved Type III Land Division by Applicant:
- (a) After the approval of a Type III Land Division, the Planning Director shall notify the applicant or partitioner;
 - (b) The partitioner shall, upon receiving the signed Type III Land Division from the Planning Director, deliver the approved partition and related improvement agreement documents to the Recorder's Office or deliver a written description to the Assessor's Office requesting that the tax lot configuration conform to the approved Type III Land Division Map within forty-five(45) days. Any improvement agreement documents would also have to be recorded in the Recorder's Office at the same time.
 - (c) Failure to record the partition map and improvement agreements in (b) above, within forty-five (45) days of the Planning Director's signature, shall void approval of a Type III Land Division.
- (6) Contents Of Partition Map for Type III Land Division:
- (a) A completed partition map for a Type III 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 sections (b) and (c) which follow. All applicable information below shall be provided and/or addressed, or the application for a Type III Land Division will not be accepted or processed;
 - (b) Written and Supplementary Information: Written and supplementary information shall include:
 - (A) Proof of record ownership of the tract, and if a representative is acting in behalf of an owner, written authorization from the owner that the representative is acting in his behalf.

- (B) Legal description of the tract. If any of the parcels created by the proposed partition result in a lot of 5 acres in size or less and the proposed partition is not located in an area zoned for Exclusive Farm Use, Grazing Farm or Forest Conservation, a boundary survey signed by a licensed professional land surveyor shall be submitted.
 - (C) A list of present and proposed uses on the parcel to be partitioned and those present uses on land immediately adjacent to partitioned land.
 - (D) Description of the water supply, condition of existing adjacent roads or easements and proposed roads or easements, and storm water disposal, and the availability of other utilities.
 - (E) Statement of required improvements to be made or installed and the time schedule therefore.
 - (F) Statements of the manner in which the criteria for approval listed in subsection 7 of this section are satisfied.
 - (G) A general (site suitability) report from the DEQ as to the sewage disposal potential of each parcel four (4) acres or less pertaining to either the parcels partitioned or the remaining parcel.
- (c) Map Content: A Type III Partition Map at a scale which best utilizes the space of a 8 1/2 by 11 inches sheet, shall indicate the following:
- (A) Date, north point and scale of drawing;
 - (B) A drawing showing all outside boundaries of the property which is to be partitioned;
 - (C) 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 Ordinance;
 - (D) The proposed parcels, their dimensions and areas;
 - (E) Location, names or purpose and width of all existing and proposed rights-of-way or recorded easements on or abutting the tract;
 - (F) Natural features, water courses or areas covered by water;
 - (G) The location and use of any buildings or structures proposed to remain after division;
 - (H) The width and location of all easements for drainage or public utilities;
 - (I) The names and addresses of the owner, partitioner and surveyor;
 - (J) Identification as a Type III Partition Map, if separate form is used;
 - (K) Location of any known surface or subsurface irrigation ditches or drainage lines.

- (7) Standards for Approval of Type III Land Division: In granting approval of a Type III Land Division, the Planning Director shall find that:
- (a) The Type III Paritition Map and required supplementary materials:
 - (A) Complies with applicable elements of the Comprehensive Plan;
 - (B) Complies with applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said goals under ORS Chapter 197;
 - (C) If approved, will permit development of the remainder of the property under the same ownership, if any, or if adjoining land or of access thereto, in accordance with this and other applicable ordinances;
 - (D) Complies with the applicable provisions, including the purposes and intent of this Ordinance;
 - (E) Complies with the zoning requirements of a proposed change thereto associated with the partition map proposal;
 - (F) Shall provide dedicated public road or recorded easement access to each parcel and conform to right-of-way and road improvement standards as follows:
 - 1. All recorded easements or dedicated public roads required in a Type III Land Partition shall install 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. 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. Road signs shall be installed and maintained by the county provided the owner pays the expense of the initial improvement;
 - 2. Existing county or public roads shall be improved pursuant to the requirements of this Ordinance;
 - 3. 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.
 - (G) Shall have accompanying a Type III Land Division site suitability approval for each parcel

under four (4) acres, both those partitioned or the remaining piece, which are to be used for residential purposes. A waiver to this requirement may be requested to the Planning Director and approved if:

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; this parcel shall not require such suitability approval.
- (H) Shall provide easements along existing irrigation ditches that traverse or abut a Type III Land Division where no such easements have yet been recorded. The purpose of the easement shall be for perpetual maintenance of the ditch; and if within an irrigation district, said easement shall be approved by the irrigation district board.
1. Considers energy conservation measures (eg. road, lot and building orientation for solar and wind usage) unless vegetation, topography, terrain, or adjacent development will not allow these energy conservation measures.
 2. Conforms with other county policies that may be adopted by the Planning Commission or Board of Commissioners.
- (I) All required improvements have signed agreements with the Board of Commissioners to assure meeting standards of this Ordinance or improvements specified by the Planning Director and are recorded in the Recorder's Office prior to signing the Type III Partition Map.
- (J) Adequately addresses any known development limitations with the proposed Type III Land Division outlining appropriate measures to mitigate the limitation.

Section 10.410

TYPE IV LAND DIVISION

Review and approval of a Type IV Land Division shall be as follows:

- (1) An applicant requesting a Type IV Land Division shall file with the Planning Director 3 copies of the completed map. The completed map shall be accompanied by the required fee;
- (2) The Planning Director's review and decision of a Type IV Land Division shall be as follows:
 - (a) Within fifteen (15) business days of the filing of a completed Type IV Land Division application, the Planning Director shall determine whether the partition and accompanying materials conform with the applicable requirements of this Ordinance and render a decision;
 - (b) The Planning Director shall approve a Type IV Land Division with or without modification or disapprove it and furnish a copy of the decision to the applicant and to any other person who requests a copy within two (2) business days of his decision.
 - (c) A decision by the Planning Director on a Type IV Land Division shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationship of the proposal and its conformance with the criteria for approval.
 - (d) If the Planning Director determines that there are minor inconsistencies, the applicant shall be so advised in writing and afforded an opportunity to make corrections within 10 business days of the written notification from the Planning Director.
 - (e) If the applicant makes the necessary corrections as specified by the Planning Director, the Director shall approve the land division following the procedures listed in (b) and (c) above.
 - (f) Notice of the decision on a Type IV by the Planning Director shall be mailed within two (2) business days to the applicant and to any other person who request that a copy be mailed to them.
 - (g) The decision of the Planning Director shall not become final until 30 days after his decision. During the 30 days after approval, the Planning Director's decision may be appealed pursuant to Section 16.100 of this Ordinance.
- (3) Recording of Approved Type IV Land Division by Applicant:
 - (a) The partitioner shall, upon receiving the signed Type IV Land Division from the Planning Director, deliver the approved land division and any related agreements to the Recorder's Office or deliver a written description to the Assessor's Office requesting that the tax lot configuration conform

to the approved Type IV map within 45 days. Any agreements that are a part of the approval would also have to be recorded in the Recorder's Office at the same time.

- (b) Failure to record the land division map and related agreements required for approval within 45 days of the Planning Director's approval date shall void the approval of the Type IV Land Division.
- (4) Contents of Land Division Map for Type IV Land Divisions:
- (a) A completed land division map for a Type IV Land Division shall consist not only of a map but also of written and supplementary information and material adequate to provide the required information listed below. All applicable information below shall be provided and/or addressed, or the application for a Type IV Land Division will not be accepted or processed.
 - (b) Map Content, Written and Supplementary Information:
 - (A) A Type IV Land Division map shall be at a scale which best utilizes the space of an 8-1/2 by 11 inch sheet of paper.
 - (B) The map shall indicate the following:
 1. Date, north point and scale of drawing.
 2. A drawing showing all outside boundaries of the property to be partitioned.
 3. 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 Ordinance.
 4. The proposed parcels, their dimensions and areas.
 5. Location, names or purpose and width of all existing and proposed rights-of-way or recorded easements on or abutting the tract.
 6. Natural features, water courses or areas covered by water.
 7. The location and use of any buildings or structures proposed to remain after division.
 8. The width and location of all easements for drainage or public utilities.
 9. The names and addresses of the owner, partitioner or surveyor.
 10. Identification as a Type IV Land Division if separate form is used.
 11. Location of any known surface or subsurface irrigation ditches or drainage lines.
 12. 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 in his behalf.

13. Legal description of the tract.
 14. A list of present and proposed uses on the parcel to be partitioned and those present uses on land immediately adjacent to partitioned land.
- (5) Standards for Approval of Type IV Land Divisions:
- (a) Complies with applicable elements of the Comprehensive Plan.
 - (b) Complies with applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said goals under ORS Chapter 197.
 - (c) Complies with applicable provisions, including the purpose and intent, of this Ordinance.
 - (d) If the proposed land division is located in an EFU Zone and the purpose of the land division is for financial reasons, the owner of the parcel shall be required to record a statement declaring that upon completion of the finance agreement the partitioned lot will be recombined into an adjacent parcel of land.
 - (e) That the proposed land division will not increase the number of dwellings or decrease the number of acres per dwelling on any of the parcels created by the land division the result of which would not be in conformance with any plan or policy adopted now or hereafter by the County.

Section 10.500

IMPROVEMENT AGREEMENTS

- (1) 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.
- (2) 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).
- (3) To assure full performance of the improvement agreements, an applicant shall provide one of the following:
 - (a) 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.
 - (b) Cash deposit with the County Treasurer.
 - (c) Escrow Account: The subdivider or owner shall deposit cash, or collateral readily convertible to cash at face value, either with the governing body 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 governing body 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 for the completion of these improvements.
 - (d) 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 governing body.
- (e) Special Improvement District: The governing body 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.
- (f) 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 governing body and shall certify the following:

- (A) That the creditor guarantees funds in 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 governing body.
- (4) 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 subsection (3)(f) of this section of the Ordinance.
- (5) Failure to Complete Improvements:
- (a) 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 subsection (1) of this section, the county may either complete the work and recover the full cost and expense thereof from the subdivider including attorneys fee or shall deem the approval of the tentative plan to have expired.
 - (b) 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 sub-divider or owner shall be liable to the county for the difference.
- (6) Development Phasing: If the preliminary subdivision plan approval pursuant to subsection 10.035 of this Ordinance 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 subsection 10.060 for that phase only.

- (7) Access Improvements Requirements:
- (a) 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 ten (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 (5) years of the date of approval of the preliminary plat. Until the amount is paid in full, Umatilla 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 pro-rata 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.

- (b) 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 eleven (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 (5) years of date of approval of the preliminary plat. Until the amount is paid in full, Umatilla County shall have a lien on the subject parcel(s) for the amount of the unpaid balance.
- (c) 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 subsection (3) of this section.
- (d) 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 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.

It is the proponet'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 subsection.

Section 10.600

SUPPLEMENTARY INFORMATION

- (1) Creation of Streets: The creation of a street or road shall be in conformance with the requirements of this Ordinance and any master road 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 and not by deed.
- (2) Creation of Easements and Private Streets and Rights-of-way: A private easement, street, or right-of-way, or any other device created to provide access to property which is not otherwise described or controlled by this Ordinance, shall be submitted to and approved by the Planning Director and shall be described and recorded in the Recorder's Office of the County Clerk's Office. If, in the opinion of the Planning Director, the proposed easement, private street 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.
- (3) Minimum Standards:
 - (a) Unless otherwise stated in the Ordinance, dedicated rights-of-way for public use shall have a minimum width of 50 feet and shall be improved to a D road standards;
 - (b) Unless otherwise stated in this Ordinance, 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, then the easement shall conform to the standards listed in subsection (a) above;
- (c) Cul-de-sacs, permanent or temporary, not otherwise covered in this Ordinance, shall have a minimum radius of 60 feet and shall be improved to a D road Standard for the entire radius.
- (4) 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.
- (5) The subdivision of land zoned EFU-40, EFU-20, EFU-10, EFU-4, GF-40 and FC-40 shall not be allowed unless the division of the land fulfills the requirements of the duly attested will or by a court that so orders that the land be divided to satisfy a court decree.
- (6) Vacation of a Subdivision Plat:
- (a) If any person or persons desire to vacate any or all of a recorded subdivision, and the subdivision is located in an area that is under the jurisdiction of this Ordinance, and such person or persons own the land within the subdivision that is to be vacated such person or persons may do so by petition to the the Board of County Commissioners. The petition shall set forth the particular circumstances for requesting the vacation, along with an accurate legal description of the property to be vacated and the names of the person or persons who are requesting the vacation, and those who are adjacent to the area to be vacated. The petition shall be accompanied by the required fee.
- (b) Notice of the proposed vacation shall appear in a paper of general circulation in Umatilla County, and in at least three conspicuous places for the area proposed to be vacated, at least 10 days prior to the Board of County Commissioners holding a meeting on the proposed vacation. The notice shall contain a description of the land to be vacated, and the time and the place that the Board of County Commissioners will conduct a hearing on the matter. Notice shall also be sent to all adjoining property owners within 250 feet of the area to be vacated.

- (c) No vacation of any part of a road, street or alley shall be allowed unless the consent of the persons owning the property immediately adjoining the part to be vacated, and the consent of persons holding a recorded license, franchise or easement in the part to be vacated, is obtained in writing.
- (d) The Board of County Commissioners shall hold a public hearing pursuant to Section 16.050 of this Ordinance, and render a decision on the matter within 60 days from the date of receiving the request, unless the petitioner(s) agree(s) to an extension of time.
- (e) A vacated lot or tract shall vest in the rightful owner who has title thereof according to law. A vacated road, street or alley shall be attached to the land bordering thereon, and all property thereof shall vest in the persons owning property on the side thereof, in equal proportions according to the length or breadth of such lots or ground as the same may border on such road, street or alley.

Section 10.700

GENERAL PROVISIONS

(1) Variances:

- (a) A variance from the provisions of Sections 10.010 through 10.310 of this Ordinance may be authorized by the Planning Commission, as appropriate. Such a variance may be authorized only when all of the following factors exist:
 - (A) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;
 - (B) The variance is necessary for the preservation and enjoyment of a substantial property right of the application and extraordinary hardship would result from strict compliance with the ordinance requirements;
 - (C) The authorization of the variance will not be materially detrimental to the public welfare of injurious to other property in the vicinity.
 - (D) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and
 - (E) The circumstances of any hardship are not of the applicant's making.
- (b) Application for a variance shall be filed with the Planning Department on the forms provided at the time of application for Type I or Type II or Type III Land Division. The applicant shall be accompanied by the required fee. Notice of the hearing on a Type I or Type II or Type III Land Division shall include notice of the proposed variance and follow procedures in Section 16.060 (Public Hearings) of this Ordinance.

- (c) In granting a variance, the Planning Commission shall make written findings and shall specify any conditions which the commission feels necessary. The Planning Department shall keep the findings on file as a matter of public record.
- (2) Previous Approvals:
 - (a) A preliminary subdivision plan, major partition, or a minor partition map completed, approved and on file in the Planning Department Office prior to the effective date of this Ordinance, shall have one year from the date a tentative plan for a subdivision or map for a major or minor partition was approved, in which to record in the Recorder's Office and/or have segregated through the Assessor's Office lots in a subdivision (cluster development), major partition or minor partition.
 - (b) All subdivision, major partitions and major partitions not acted upon according to subsection (a) above, shall comply with the new provision of this Ordinance.

CHAPTER 15

AMENDMENTS

Section 15.010

AUTHORIZATION TO INITIATE AMENDMENTS: An amendment to the text of this Ordinance 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 secretary of the Planning Commission, using forms prescribed pursuant to Section 16.050 of this Ordinance.

Section 15.020

COMPLIANCE WITH COMPREHENSIVE PLAN: An amendment to the text of this Ordinance or to a zoning map shall comply with the provisions of the Umatilla County Comprehensive Plan text and Comprehensive Land Use map. 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.

Section 15.030

PUBLIC HEARINGS ON AMENDMENTS: The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures of Section 16.050 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 Ordinance, 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 Section 16.050 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 Section 16.050. Appeal shall be heard on a de novo basis.

Section 15.050

CONDITIONS TO AMENDMENTS: 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.

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 Chapters 15 and 16 of this Ordinance, 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 the County Clerk, 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 property parties pursuant to the procedure set forth in Chapters 15, 16 and 17 of this Ordinance.
- (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 the County Clerk.
- (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 requirement of Section 10.500 of this Ordinance.

Section 15.060

RECORD OF AMENDMENTS: The County Clerk shall maintain records of amendments to the text and zoning map of the Ordinance.

Section 15.070

LIMITATION ON REAPPLICATION: No application of a property owner for an amendment to the text of this Ordinance 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.

CHAPTER 16

ADMINISTRATIVE PROCEDURES

Section 16.010

ADMINISTRATION: The Planning Director shall have the power and duty to enforce the provisions of this Ordinance. The County Board of Commissioners may appoint agents to issue zoning permits and to otherwise assist the Planning Director in the processing of applications.

Section 16.020

APPEALS:

- (1) An appeal from a ruling of the Planning Director or his authorized agent regarding a requirement of the Ordinance may be made only to the Planning Commission.
- (2) An action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the County Board of Commissioners within 15 days after the Planning Commission has signed its Findings of Facts and Conclusions of Law. 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. 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. The Board may amend, rescind, affirm or remand the action of the Planning Commission.
- (3) An action or decision of the Hearings Officer may be appealed to the Board of Commissioners within 15 days of his decision. 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. A decision not appealed within 15 days shall be final. 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. The Board of Commissioners may amend, rescind, affirm or remand the action of the Hearings Officer.
- (4) 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.

Section 16.030

FORM OF PETITIONS, APPLICATIONS, AND APPEALS: Petitions, applications, and appeals provided for in this Ordinance shall be made on forms prescribed by the county. 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;
- (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) Such other information as needed in order to determine conformance with this Ordinance;

Section 16.040

- FILING FEES: An application required by this ordinance shall be accompanied by a filing fee in an amount as established by order of the County Board of Commissioners. A filing fee under this Ordinance may be waived as follows:
- (1) By the Planning Director where the strict application of this Ordinance 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.

Section 16.050

- PUBLIC HEARINGS:
- (1) Each notice of hearing authorized by this Ordinance, except amendments to the text of this Ordinance, shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the date of the hearing;
 - (2) Each notice of an amendment to the text of this Ordinance shall be published in a newspaper of general circulation in the County once a week for the two successive weeks prior to the hearings;
 - (3) In addition, a notice of hearing on a conditional use, a variance, or an amendment to the zoning map shall be mailed to all owners of property within 250 feet of the property according to the latest assessment role in the County Assessor's office, for which the variance, conditional use, or zoning map amendment has been requested. The notice of hearing shall be mailed at least ten (10) days prior to the date of the hearing;
 - (4) Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing;
 - (5) 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;
 - (6) 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;

- (7) The Hearings Officer, Planning Commission and Board of County Commissioners shall conduct their public hearings pursuant to the requirements of this Ordinance in the following manner:
- (a) Nature and Conduct of Hearing:
 - (A) 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;
 - (B) No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing;
 - (C) No proponent or opponent shall speak more than once without obtaining permission from the presiding officer;
 - (D) No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address;
 - (E) No person shall present irrelevant, or repetitious testimony or evidence;
 - (F) There shall be no audience demonstrations, such as applause, cheering, display or signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing;
 - (G) 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:
 - (A) Any proponent or opponent of a proposal to be heard by the Hearings Officer, Planning Commission or Board of Commissioners may challenge the qualification 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.
 - 1. 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;

2. Such challenge shall be incorporated into the record of the hearing.
- (B) No Planning Commissioner or Board member shall participate in a hearing or a decision on a proposal when he:
1. Is a party to or has a direct personal or pecuniary interest in the proposal;
 2. Is related to the proponent or opponent;
 3. Is in business with the proponent;
 4. For any other reason, has determined that he cannot participate in the hearing and decision in an impartial manner;
- (c) Presiding Officer:
- (A) Chairman of the Planning Commission or Chairman of the Board of County Commissioners shall be the presiding officer at all hearings. In their absence, or with their consent, the Commission or Board may designate one of its members to act as presiding officer at any appropriate hearing. The presiding officer shall have the authority to:
1. Regulate the course and decorum of the hearing;
 2. Dispose of procedural requests or similar matters;
 3. Rule on offers of proof and relevancy of evidence and testimony;
 4. Take such other action authorized by the Commission or Board which is appropriate for conduct commensurate with the nature of the hearing;
 5. Impose time limits on those appearing before the 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 Ordinance.
 2. Conformance with the criteria specifically listed in this Ordinance.
 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:
- (A) Commence the Hearing: Announce the nature and purpose of the hearing and the rules for the conduct of the hearing;

- (B) Call for Abstentions: Inquire of the Commission or Board whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing his abstention shall not participate in the hearing, participate in discussion of the question, or vote on the question.
1. Any member whose participation has been challenged by allegation of bias, prejudice, personal interest, or partiality or who has been subject to significant ex-parte or prehearing contact from proponents or opponents may make statement in response thereto or in explanation thereof, for the record, and his 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.
- (C) Objections to Jurisdiction: Inquire of the audience whether there are any objections to jurisdiction of the 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 his inquiry results in substantial evidence that the Commission or Board lacks jurisdiction or the procedural requirements of the Ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission or Board.
- (D) 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 Planning Commission if the matter was heard by the Planning Commission, and provide such other information as may be requested by the Commission or Board.
- (E) Proponent's Case:
1. The applicant-proponent shall first be heard, on his own behalf or by representative;
 2. Upon failure of applicant or his representative to appear at the hearing on his proposal, or upon his express waiver of presenting testimony and evidence the Commission or Board shall consider the written application as presenting the applicant's case.
 3. Persons in favor of the proponent's proposal shall next be heard.

- (F) 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;
- (G) Opponents Case: Opponents shall be heard in the following order:
 1. Neighborhood associations, special organizations formed for the purpose of opposition, or other groups represented by counsel or a spokesman shall be allowed by the presiding officer to first proceed.
 2. Person who received notice of the hearing or who was entitled to receive notice of the hearing is presumed to have an interest in the proposal and shall next be heard.
 3. Person who did not receive notice and who was not entitled to notice shall next be heard.
- (H) 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.
- (I) Public Agencies: Allow representatives of any city, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to next be heard.
- (J) 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.
- (K) Close of Hearing and Deliberation: 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 finding, which may incorporate findings proposed by the proponent, opponents, the Planning Commission or may continue its deliberations to a subsequent 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.
- (g) Record of Proceedings:
 - (A) A designee of the presiding officer shall be present at each hearing and shall provide that the proceedings be electronically or stenographically recorded.
 - (B) Written minutes of all meetings will be made which give a true reflection of matter

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:

1. Members present.
 2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
 3. The results of all votes, and upon the request of a Commission or Board member, the vote of each member, by name.
 4. The substance of any discussion on any matter.
- (C) 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.
- (h) Review by the Board of County Commissioners:
- (A) 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 fifteen (15) days of the decision of the Hearings Officer or Planning Commission.
 - (B) The review shall be conducted in the same manner provided for in appeals.

Section 16.060

HEARINGS OFFICER

- (1) 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 sign requests, Variances and Conditional Use Permits under this Ordinance.
- (2) In the absence of a Hearings Officer or his inability to serve, the Planning Commission shall serve as Hearings Officer with all the same powers and duties.
- (3) The Hearings Officer may also refer a request to the Planning Commission if the Hearings Officer and Planning Commission agree that the request involves new policies or would have a large impact on county facilities.
- (4) The Hearings Officer shall use the same procedures for the conduct of hearings as does the Planning Commission.

- (5) An action or decision of the Hearings Officer may be appealed to the County Board of Commissioners, following the procedures set forth in Section 16.020, and the Board of Commissioners shall hold a hearing thereon.
- (6) The Hearings Officer may use the procedures of Section 15.050 to impose conditions upon Variances and Conditional Use Permits.

Section 16.070

DEQ APPROVAL: 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 for the Oregon Department of Environmental Quality for the connection to the sanitary subsurface disposal system.

CHAPTER 17

GENERAL PROVISIONS

Section 17.010

INTERPRETATION: Where the conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other Ordinance, the provisions which are more restrictive shall govern.

Section 17.020

SEVERABILITY: The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

Section 17.030

REMEDIES: A person violating a provision of the Ordinance shall be subject to the provisions of ORS 92.990, ORS 215.185, 215.190 and as follows:

ORS 92.990: Penalties (1) Violations of any provision of ORS 92.010 to 92.090 and 92.100 to 92.160 or any regulation or ordinance adopted thereunder, is punishable, upon conviction, by a fine of not less than \$50.00 nor more than \$500.00 or imprisonment in the County jail of not less than 25 days nor more than 50 days or both.

ORS 215.185: Remedies for unlawful structures or land use: In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be used in violation of an ordinance or regulation designed to implement a comprehensive plan, the governing body of the county or a person whose interest in real property in the county is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under ORS 22.010, the person shall furnish undertaking as provided in ORCP 82 A (1).

ORS 215.190: Violation of regulations: No person shall locate, construct, maintain, repair, alter, or use a building or other structure or use or transfer land in violation of an ordinance or regulations authorized by ORS 215.101 to 215.190.

Section 17.040

REPEAL: All previous Umatilla County Zoning Ordinances, whether permanent, interim or special purpose, and all amendments thereto are hereby repealed.

Section 17.050

ORS CHAPTERS: When the state legislature amends, repeals, or modifies any section of an ORS chapter quoted within this Ordinance, the section of the ORS chapter cited in this Ordinance shall be automatically amended, repealed or modified unless the County holds a public hearing pursuant to Section 16.050 of this Ordinance.

CHAPTER 18

DEFINITIONS

As used in this Ordinance, the following words and phrases shall mean:

1. Abut - Adjoining with a common boundary line or property line.
2. Access - The way or means by which pedestrians or vehicles physically enter and leave property.
3. 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.
4. Adult Bookstore or Adult Movie Theatre - 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 intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region or female breasts.
5. Agriculture, Agriculture Use - The use of the land for crop and tree farming; the raising of livestock, poultry, fur-bearing animals or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries, and greenhouses, and the necessary uses for storing produce that is incidental to that of normal agriculture activity. Agriculture includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise. Agriculture use shall not include auction yard, slaughter houses or rendering plants (also see Farm Use).
6. Airport - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.
7. Alley - A street which affords only a secondary means of access to property.
8. Alter - Any change, addition or modification in construction or occupancy of a building or structure.
9. 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.
10. Amendment - A change in the wording, context, or substance of this Ordinance, or a change in the zone of district boundaries or subdistrict boundaries upon the zoning map.
11. Applicant - A person submitting an application for development.
12. 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, tires, batteries and similar accessories.
13. 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.
14. Base Flood - The flood that has a one percent chance of being equalled or exceeded in any single year as designated by the Flood Insurance Study and Rare Maps prepared by the Federal Insurance Administration dated June 15, 1978 (see also Intermediate Regional Flood).

15. Basement - A portion of a building included between a floor with its level two feet or more below the level from which the height of the building is measured and the ceiling next above said floor.
16. 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 of the use, or the nature of the business conducted on such premises or the products primarily sold or manufactured thereon.
17. 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.
18. 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 governing body. All bonds shall be approved by the governing body wherever a bond is required by this Ordinance.
19. Board - The Board of County Commissioners of Umatilla County.
20. 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.
21. Boarding Stable - A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premise.
22. Boundary Adjustment - Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the zoning district where the proposed boundary adjustment is located. A lot line adjustment shall be defined as an alteration which does not create a tax lot additional to those existing in the subject area or tract of land at the beginning of the calendar year in which the adjustment is made.
23. Buffer - A horizontal distance between certain uses, intended to preserve vegetation, reduce noise and glare, or maintain privacy.
24. Buildable Area - The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.
25. Building - A structure built for the support, shelter or enclosure of person, animals, chattels, or property of any kind. For the purposes of this Ordinance, a canopy is not a building.
26. Building Coverage - The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.
27. Building Height - The vertical distance of a building measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof.
28. Building Line - A line of a plat indicating the limit beyond which buildings or other structures may not be erected.
29. Building Principal - A building in which is conducted the principal use of the lot on which it is located.
30. Bumper - A permanent device used in parking lots which blocks the front wheels of a vehicle.
31. 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.
32. Cemetery - Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium when operated within the boundary of the cemetery.

33. 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 or their occupants served.
34. 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 mean a use which is outside the group number (3 number) classification as set forth in the Standard Industrial Classification Manual (SIC).
35. Church - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.
36. Clinic - A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.
37. 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.
38. Commercial - An activity carried out for monetary gain.
39. 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.
40. 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.
41. Complete Application - An application form completed as specified by this Ordinance and the rules and regulations adopted by the Planning Director, Planning Commission or governing body.
42. 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.
43. Conditional Use - An activity specified by this Ordinance as a principal or an accessory use, permitted when authorized by the Hearings Officer or Planning Commission after a public hearing.
44. County - The County of Umatilla, Oregon.
45. 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.
46. Cross-Section - A profile of the ground surface perpendicular to the center line of a stream or valley bottom.
47. Cul-de-Sac - A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
48. 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.
49. Dedication - Under these regulations, the transfer of property from private to public ownership.
50. 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. The conditions under which such payments will be allowed and the formula for calculating the amount are spelled out in these regulations.

51. 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.
52. Developer - The owner of land proposed to be developed or his representative; consent shall be required from the legal owner of the premises.
53. 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.
54. Development Permit - Zoning permit required by this or other Umatilla County Ordinance as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.
55. 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 Ordinance is transferred to a new owner.
56. District or Zone - A section of district of the county within which the standards governing the use of buildings and premises are uniform.
57. Drug Paraphenalia 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 heads or punctured metal bowls, carburetion tubes and devices including carburetion masks, bongos, chillums, ice pipes or chillers, cigarette rolling papers and rolling machines, and cocaine free-basing dits.
58. Dwelling, Multi-Family - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
59. Dwelling, Seasonal - A residential dwelling unit, including a mobile home and travel trailer, providing meals or lodging not to more than two additional persons, excluding servants, or a group of not more than five unrelated persons living together as one house-keeping unit, using one kitchen.
60. Dwelling, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
61. 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.
62. Dwelling, Two-Family - A detached residential building containing two dwelling units for occupancy by not more than two families; a duplex.
63. 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.
64. Easement - A grant of the right to use a unit of land for specific purposes.
65. 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.

66. Eave - The projecting lower edges of a roof overhanging the wall of the building.
67. Egress - An exit.
68. Existing Use - The use of a lot or structure at the time of the enactment of this Ordinance.
69. Farm Use - Shall mean the current employment of land including that portion of such lands under buildings supporting accepted farming practices for the 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 other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and for the disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321 (timber taxation) or to the construction and use of dwellings customarily provided in conjunction with the farm use. As used in this definition, "current employment" of land for farm use includes land subject to soil-bank provisions of the Federal Agriculture Act of 1956, as amended; lands lying fallow for one year as a normal and regular requirement of good agricultural husbandry, or land planted in orchards or other perennials prior to maturity, or any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm, or waste-land in an exclusive farm use zone, dry or covered with water 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; or land under dwellings customarily provided in conjunction with the farm use in an exclusive farm use zone; or land under buildings supporting accepted farming practices.
70. Family - An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging not to more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit, using one kitchen.
71. 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.
72. Final Plat - The map or plan or record of a subdivision or cluster development and any accompanying material as described in the regulations.
73. Flag Lot - Means a parcel which includes a private driveway as a part thereof.
74. Flood - A general or temporary condition or partial or complete inundation of normally dry land areas from:
 - (a) Overflow of inland or tidal water and/or
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
75. 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 or Intermediate Regional Flood.
76. 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.
77. 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.

78. 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.
79. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot.
80. Floor Area - The total interior dimensions of a building.
81. 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.
82. Frontage Street - A minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.
83. Glare - The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
84. Golf Course - A tract of land for playing golf, improved with trees, greens, fairways, hazards and which may include clubhouses and shelters.
85. Governing Body - The Umatilla County Board of Commissioners.
86. Grade - The slope of a road, street, or other public way, specified in percentage (%) terms.
87. 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.
88. Gravel Pit - An open land area where sand, gravel and rock fragments are mined or excavated for sale of off-site use.
89. Grazing - The use of land for the purpose of feeding animals or livestock from vegetation that is common to and growing on the land.
90. 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.
91. 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 room, fueling, and maintenance equipment.
92. 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.
93. Hog Farm - Any premises where 25 or more weaned hogs are maintained.
94. Home Occupation - A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.
95. Hotel - A facility offering transient lodging accommodations to the general public and providing additional services such as restaurant, meeting rooms and recreation facilities.
96. 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.
97. Ingress - Access or entry.
98. Intermediate Regional Flood - The flood that has a one percent chance of being equalled or exceeded in any single year as designated by the "Flood Plain Information" reports prepared by the U.S. Army Corps of Engineers (see Base Flood).

99. 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.
100. 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.
101. Kenel - Any lot or premises on which four or more adult dogs, cats or other pets are kept, whether by owners of the animals or by persons providing facilities and care, whether or not for compensation. An adult dog or cat is one that has reached the age of six months.
102. Land Division - A lot or parcel of land created through the process of dividing land. This includes major and minor partitions and subdivisions.
103. 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 Ordinance 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 uses such as junkyards, parking lots, or gravel pits. And they can act as buffers, visually separating different types of uses.
104. Land Use - A description of how land is occupied or utilized.
105. Land Use Action - A conditional use, variance, zoning map amendment, land division, or development permit.
106. Livestock - Domestic animals of types customarily raised or kept on farms for profit or other purposes.
107. 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.
108. Livestock Sales Yard of Lot - An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.
109. 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.
110. Lot - A unit of land that has been created by a subdivision or partitioning of land in accordance with this Ordinance; or a unit of land recorded in the office of County Clerk, Record's Office or County Assessor's Office prior to the adoption of the County Zoning Ordinance of 1972 on July 19, 1972.
111. 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 135 degrees.
112. Lot, Interior - Defined as a lot other than a corner lot with only one frontage on a street.
113. Lot, Through - A lot having frontage on two parallel or approximately parallel streets other than alleys.
114. 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.

115. 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.
116. Lot Depth - The horizontal distance between the front and rear lot lines.
117. 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.
118. 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.
119. Lot Line, Rear - A lot line which is opposite and most distance 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.
120. Lot Line, Side - Any lot line not a front or rear lot line.
121. Lot Width - The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
122. Major Partition - A partition which includes the creation of a road or street.
123. Manufacture - The converting of raw unfinished materials or products, or any or either of them into an article or articles or substance of a different character or for use for a different character or for use as a different purpose.
124. Map - A final diagram, drawing or other writing concerning a minor or major partition.
125. Mini-Warehouse - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
126. Minor Partition - A partition which does not include the creation of a road or street.
127. 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: (1) whether said unit or component is placed upon property for a temporary, semi-permanent or permanent residence; or (2) 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.
128. 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 Section _____ which shall take precedence.
129. Mobile Home Subdivision - A subdivision intended to be occupied primarily or exclusively for mobile homes.
130. 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.
131. Modular Home - See Prefabricated Homes.
132. 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.

133. Nonconforming Development of Use - A development or use lawfully existing at the time this Ordinance 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.
134. Nonconforming 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 Ordinance.
135. Nonconforming Structure or Use - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
136. Nursery - Land or greenhouse used to raise flowers, shrubs, and plants for sale.
137. 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.
138. 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.
139. Outdoor Storage - The keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.
140. 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.
141. Parcel - A lot or a tract of land.
142. Park - A tract of land designated and used by the public, regardless if a fee is charged or not, for active and passive recreation.
143. Parking Lot - An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
144. Parking Space - A space for the parking of a motor vehicle within a public or private parking area.
145. Partition Land - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include division of land resulting from lien foreclosures; division of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.
146. Pedestrian Way - A right-of-way for pedestrian traffic.
147. Person - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.
148. Permitted Use, Principal Uses Permitted Outright - A use by right which is specifically authorized in a particular zoning district.
149. Planning Commission - The Umatilla County Planning Commission.
150. Planning Director - The person designated by the Board of County Commissioners who is charged with the responsibility of administering the Development Ordinance in terms of the Comprehensive Plan and in accordance with the decisions of the Planning Commission, the Hearings Officer, and Board of County Commissioners.

151. Plat - A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
152. 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.
153. 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 homesite 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 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.
154. Preliminary Plat - The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of a subdivision to be submitted to the county for approval.
155. 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.
156. 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.
157. 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.
158. Public Hearing - A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.
159. 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.
160. 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.
161. Recreational Vehicle (or Travel Trailer) - A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 sq. ft., excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.
162. Recreation 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.
163. 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.
164. Residential - Any dwelling unit or group of units built or used for human occupancy.
165. Retail Commerical - 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.

166. Right-Of-Way - The area between boundary lines of a street or other easement.
167. 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.
168. Sanitary Land Fill - A site for solid waste disposal.
169. School - Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge and licensed by the State of Oregon where necessary and required.
170. Screen/Screening - A vertical barrier in a limited space, including fences, berms, walls or densely planted vegetation, designed to block visual or noise impacts.
171. 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.
172. Service Commerical - An establishment providing services or entertainment as opposed to products.
173. Service Station - See Automobile Service Station.
174. Setback - The open yard space on a lot between any building and a lot line or a line defining an access easement or road right-of-way.
175. Sidewalk - A pedestrian walkway with permanent surfacing.
176. 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.
177. 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.
178. Sign Area - The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.
179. Site - A plot of land intended or suitable for development; also the ground or area on which a development occurs.
180. Site Plan - A plan, to scale, showing uses and structures proposed for a parcel of land as required by this Ordinance. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features (both natural and man-made) and proposed utility lines.
181. 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 4 1/2 feet above the established grade, or is set back, above average ground level at frontline of building.
182. Street - The entire width between the boundary lines of every public way provided for public use for vehicular and pedestrian traffic, and the placement of utilities, and including "road," "highway," "lane," "place," "avenue," "alley," or similar designations.
 - (a) Alley: A narrow street through a block primarily for access by service vehicles to the back or side of properties fronting on another street.
 - (b) Arterial: A street of considerable continuity which is primarily for inter-communication between large areas.
 - (c) Collector: A street supplementary to the arterial street system and a means of inter-communication between this system and smaller areas, used partly by through traffic and partly for access to abutting properties.
 - (d) Cul-de-Sac (Dead-End Street): A short street with one end open to traffic and the other terminated by a vehicle turn-around.
 - (e) Half Street: a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

- (f) Frontage Road: A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (g) Minor Street - A street intended primarily for access to abutting properties.
183. Structure - Something constructed or built and having a fixed base on, or fixed connection to the ground or another structure.
184. Subdivide Land - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exits as a unit or contiguous units of land under a single ownership at the beginning of such year.
185. Subdivision - Either an act of subdividing land or a tract of land subdivided as defined in this section.
186. Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
- (a) Before the improvement or repair is started; or
 - (b) If the structure has been damaged and is being restored, before the damage occurred.
- For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure listed on the "National Register of Historic Places" or a "State Inventory of Historic Places".
187. 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.
188. 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.
189. Trailer Park - A plot of ground upon 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).
190. Trailer, Travel - See Vacation Trailer, Recreation Vehicle.
191. 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.
192. 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.
193. 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.
194. 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:

- (a) A single lot of record;
- (b) A lot as defined in this section;
- (c) A parcel as defined in this section.

Units of land that do not meet the minimum zoning requirements are then considered non-conforming (see Non-Conforming Lot of Record).

- 195. Use - The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
- 196. Utility Facility - Any major 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.
- 197. Variance - A device which grants a property owner relief from certain provisions of this Ordinance 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.
- 198. Veterinary Clinic - A business establishment in which veterinary services are rendered to domestic animals.
- 199. Vicinity - The area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke or similar influences.
- 200. 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 in these regulations. The third side of the triangle is a line across the 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.
- 201. Warehouse - A building used primarily for the storage of goods and materials.
- 202. Water Table - The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.
- 203. 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.
- 204. Yard - An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance. When determining setback, yard does not include an access easement or a road right-of-way.
- 205. Yard, Front - A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
- 206. 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.
- 207. 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.
- 208. 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.

209. 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.
210. Zoning Permit - An official finding that a planned use of a property, as indicated by an application, complies with the requirements of this Ordinance or meets the special conditions of a variance or conditional use permit (see also Development Permit).

AGRICULTURAL LAND USE

215.203 Adoption of Zoning Ordinances Establishing Farm Use Zones; Definitions for Ordinances. (1) Zoning Ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zone. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213. Farm use zones shall be established only when such zoning is consistent with the comprehensive plan.

(2)(a) As used in this section, "farm use" means 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 of any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation of and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. 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 subsection (3) of this section.

(b) "Current employment" of land for farm use includes (A) land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188); (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 prior to maturity; (D) any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true case value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use; (E) wasteland, in an exclusive farm use zone, dry or covered with water, 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) land under dwellings customarily provided in conjunction with the farm use in an exclusive farm use zone; and (G) land under buildings supporting accepted farm practices.

(c) As used in this subsection "accepted farming practice" means a mode of operation that is common to farms 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.

(3) "Cultured Christmas trees" means trees:

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

(b) Of a species for which the Department of Revenue requires a "Report of Christmas Trees Harvested" for purposes of ad valorem taxation;

(c) Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agricultural 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.

215.213 Non-farm Uses Permitted Within Farm Use Zones. (1) The following uses may be established in any area zoned for exclusive farm use:

(a) Public or private schools.

(b) Churches.

(c) The propagation of harvesting of a forest product.

(d) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.

(e) A dwelling on real property used for farm use if the dwelling is:

(A) Located on the same lot or parcel, as those terms are defined in ORS 92.010, as the dwelling of the farm operator; and

(B) Occupied by a relative, which means grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.

(f) The dwellings and other buildings customarily provided in conjunction with farm use.

(g) Operations for the exploration of geothermal resources as defined by ORS 522.005.

(h) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

(2) The following non-farm uses may be established, subject to the approval of the governing body or its designate in any area zoned for exclusive farm use:

(a) Commercial activities that are in conjunction with farm use.

(b) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds.

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

(e) Golf Courses.

(f) Commercial utility facilities for the purpose of generating power for public use by sale.

(g) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means 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 Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

(h) Home occupations carried on by the resident as an accessory use within dwellings or other buildings referred to in ORS 215.203(2)(b)(F) or (G).

(i) A facility for the primary processing of forest products, provided that such 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. These facilities are intended to be only portable or temporary in nature. 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 methods 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.

(j) The boarding of horses for profit.

(k) A site for the disposal of solid waste approved by the governing body of a city or county or both and 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.

(3) Single-family residential dwellings, not provided in conjunction with farm use, may be established, subject to approval of the governing body or its designate in any area zoned for exclusive farm use upon a finding that each such proposed dwellings:

(a) Is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243;

(b) Does not interfere seriously with accepted farming practices, as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use;

(c) Does not materially alter the stability of the overall land use pattern of the area;

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

(e) Complies with such other conditions as the governing body or its designate considers necessary.

