

FILED  
WASCO COUNTY

IN THE COUNTY COURT OF THE STATE OF OREGON

2004 DEC 16 A 8:50

IN AND FOR THE COUNTY OF WASCO

KAREN LEBRETON COATS  
COUNTY CLERK

IN THE MATTER OF THE WASCO COUNTY )  
PLANNING COMMISSION'S RECOMMENDATION TO )  
APPROVE THE PROPOSED ZONING TEXT AND MAP )  
AMENDMENTS TO BRING WASCO COUNTY )  
EXCEPTION AREA ZONING INTO COMPLIANCE ) ORDINANCE  
WITH OREGON LAND USE GOAL 14. (FILE )  
NUMBERS LUA-04-104 AND ZNC-04-103/REC-04-102) )

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

4  
5 IT APPEARING TO THE COURT: That pursuant to the Land Conservation and  
6 Development Commission Periodic Review Task Number #7 for Wasco County, Wasco County's  
7 Zoning Ordinances and Map are not consistent with State Land Use Goal 14 and are required to  
8 be updated; and pursuant to Measure 56, Wasco County sent notification to all affected  
9 landowners on October 12, 2004; and

10  
11 IT FURTHER APPEARING TO THE COURT: That on Friday, November 5, 2004, the  
12 Wasco County Planning Commission postponed the hearing due to the lack of a quorum and  
13 rescheduled the hearing for Tuesday, November 16, 2004; and

14  
15 IT FURTHER APPEARING TO THE COMMISSION: That on Tuesday, November 16,  
16 2004, the Wasco County Planning Commission met to conduct a legally notified public hearing on  
17 the above matter. Following receipt and review of evidence, the Commission deliberated and, on a

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1 vote of 5 to 0, voted to recommend approval of the request by the Wasco County Planning Office,  
2 for zoning text and map amendments to bring Wasco County's exception area into compliance with  
3 Goal 14 via Recommendation 04-102; and  
4

5 IT FURTHER APPEARING TO THE COURT: That the Wasco County Planning  
6 Commission recommends, to the Wasco County Court, approval of the request for zoning text and  
7 map amendments to bring Wasco County's exception area into compliance with Oregon Land Use  
8 Goal 14; and  
9

10 IT FURTHER APPEARING TO THE COURT: That the Wasco County Court met at the  
11 hour of 11:00 a.m. on Wednesday, December 8, 2004, in the Wasco County Courtroom, Room  
12 202, of the Wasco County Courthouse, in The Dalles, Oregon, to review the Wasco County  
13 Planning Commission's Recommendation to approve the request by the Wasco County Planning  
14 Office, for zoning text and map amendments to bring Wasco County's exception area into  
15 compliance with Oregon Land Use Goal 14. The members of the Court were determined to be  
16 qualified to hear the matter; and  
17

18 IT FURTHER APPEARING TO THE COURT: That the Court reviewed the record, heard  
19 the Staff recommendation and all relevant comments from the parties. The Court considered the  
20 matter, and based upon the testimony presented, the Court, being fully apprised in the premises,  
21 voted 3 to 0 to approve the request by the Wasco County Planning Department, for zoning text  
22 and map amendments to bring Wasco County's exception area into compliance with Oregon  
23 Land Use Goal 14, as laid out in **Attachment A**; and  
24

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1 NOW THEREFORE IT IS HEREBY ORDERED: That the request by the Wasco County  
2 Planning Office, for zoning text and map amendments to bring Wasco County's exception area  
3 into compliance with Oregon Land Use Goal 14 is approved.

4  
5 SIGNED this 15th day of December, 2004  
6

7 WASCO COUNTY COURT

8   
9 Dan Ericksen, Judge

10   
11 Scott McKay, Commissioner

12   
13 Sherry Holliday, Commissioner

14 Approved as to Form:

15   
16 \_\_\_\_\_

17 Eric J. Nisley  
Wasco County District Attorney

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## **RECOMMENDED FINDINGS**

*Findings to support Planning Commission Recommendation to County Court for adoption of ordinance and comprehensive plan & zoning map amendments required under periodic review to implement Goal 14*

## RECOMMENDED FINDINGS

***Findings to support adoption of Ordinance Language necessary to ensure rural uses are permitted outside Urban Growth Boundaries and Unincorporated Communities***

### ***Purpose***

The purpose of these findings is to support recommendation by the Planning Commission and adoption by the County Court of amendments to the County's Land Use and Development Ordinance (LUDO) necessary to: 1) bring rural residential zones into compliance with Division 4 language implementing Goal 14; 2) bring rural industrial zoning into compliance with precepts of the Curry County case using unincorporated community limits on permissible industrial uses as a guideline for limitations on rural industrial uses outside an unincorporated community boundary; 3) bring rural commercial zoning into compliance with precepts of the Curry County case using unincorporated community limits on permissible commercial uses as a guideline for limitations on rural commercial uses outside an unincorporated community boundary; 4) bring the AR zone into compliance with Division 4 and precepts of the Curry County case related to commercial uses allowed in the zone; and 5) amend the zoning and comprehensive plan map as necessary to implement the new zones effectively.

### ***Procedural Background***

Goal 14 ordinance amendments were originally presented in October 2004. The concept of simplification of land use zoning combined with the explicit application of limits to ensure that permissible development is allowed to occur only to an extent that is rural in nature was presented to Planning Commission and County Court members along with members of the public. Comments were received and requests for information taken. Recommended amendments and findings represent the original proposal as amended to address input received at and since the workshop. This hearing has been noticed as a new hearing, however, the documents and slide show presented at the workshop are incorporated by reference and have been relied upon to prepare the current proposal.

### ***Compliance with Goal 14***

#### **Rule Citation:**

*660-004-0040*

*Application of Goal 14 (Urbanization) to Rural Residential Areas*

*P2004-0432(32)*

*(1) The purpose of this rule is to specify how Statewide Planning Goal 14, Urbanization, applies to rural lands in acknowledged exception areas planned for residential uses.*

*(2)(a) This rule applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Statewide Planning Goal 3, (Agricultural Lands), Goal 4 (Forest Lands), or both has been taken. Such lands are referred to in this rule as rural residential areas.*

*(b) Sections (1) to (8) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family home on such lot or parcel, where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427(3) before the effective date of Sections (1) to (8) of this rule.*

*(c) This rule does not apply to types of land listed in (A) through (H) of this subsection:*

*(A) land inside an acknowledged urban growth boundary;*

*(B) land inside an acknowledged unincorporated community boundary established pursuant to OAR Chapter 660, Division 022;*

*(C) land in an acknowledged urban reserve area established pursuant to OAR Chapter 660, Division 021;*

*(D) land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;*

*(E) resource land, as defined in OAR 660-004-0005(2);*

*(F) nonresource land, as defined in OAR 660-004-0005(3);*

*(G) marginal land, as defined in ORS 197.247, 1991 Edition;*

*(H) land planned and zoned primarily for rural industrial, commercial, or public use.*

### **Findings & Conclusion:**

The County is applying the requirements of the appropriate Oregon Administrative Rule to appropriate rural exception areas.

The proposed ordinance amendments protect development rights on existing legal lots, for existing legal uses, and permissible uses in existing legal structures. Residential zone changes are proposed to apply only to exception areas (non agricultural, non forest) outside Urban Growth Boundaries or Unincorporated Community Boundaries. The County has no urban reserve, marginal lands, or destination resorts nor does it have an adopted program for creating such areas. No Non resource land zones in the County (Seven Mile Hill) are impacted by the proposed rezone. None of the non resource lands in the County allow residential parcel sizes less than 2 acres and zones applied in the non resource land areas would be found to comply with Division 4 limits if they were directly applied. Any additional communities or service centers that can qualify as an unincorporated community may plan for residential densities in accordance with the rural communities rule. This will require full consideration of existing community facilities and community facilities plans. Rural industrial and rural commercial zones will be limited in accordance with guidance provided by the rural communities rule discussed at the end of this document.

**Rule Citation:**

**660-004-0040**

*(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.*

*(b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For the purposes of this rule, that minimum area shall be referred to as the minimum lot size.*

*(c) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.*

*(d) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.*

**Findings & Conclusion:**

The proposed rural residential zone and agricultural residential zone comply with the limits on lot size for residential zones that pre existed the effective date of Division 4 residential zoning limits.

The proposed RR – 2 zone consolidates pre existing residential zones allowing for minimum lot sizes less than 2 acres into a single rural residential zone that specifies a minimum lot size of 2 acres for any new parcels. This zone is not intended for application in new exception areas but is proposed to be applied to all existing residential zones with minimum lot sizes less than 2 acres. The County's RR-5 zone applies only in non resource land areas but is determined to include a rural density and rural lot size based on the guidance provided by Division 4.

Changes proposed to apply to the agricultural residential zone will limit minimum lot size to 2 acres until such time as the area is included within an unincorporated community boundary.

**Rule Citation:**

**660-004-0040 (7)**

*(e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:*

*(A) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10.*

*(B) The number of new lots or parcels to be created does not exceed 10.*

*(C) None of the new lots or parcels will be smaller than two acres.*

*(D) The development is not to be served by a new community sewer system.*

*(E) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.*

*(F) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the local government's land use regulations on the effective date of this rule as the minimum lot size for the area.*

*(G) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there.*



*(H) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.*

*(f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.*

*(g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.*

*(h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:*

*(A) The parcel to be divided has two or more permanent habitable dwellings on it;*

*(B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;*

*(C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it; and*

*(D) The partition would not create any vacant parcels on which a new dwelling could be established.*

*(E) For purposes of this rule, "habitable dwelling" means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).*

### **Findings & Conclusion:**

The proposed Rural Residential 2 Acre Zone (RR-2), and Agricultural Recreation Zone as amended, comply with rural residential use limits in addition to minimum lot size requirements.

Planned Unit Development standards are applied unless the land is brought into an unincorporated community boundary. The number of dwellings per lot is limited to one, mobile or manufactured home parks are allowed only subject to applicable limits to density, and minimum lot sizes for land divisions where both parcels include an existing legal habitable dwelling that existed prior to the effective date of Division 4 – 0040 are set.

### **Rule Citation:**

**660-004-0040 (7)**

*i) For rural residential areas designated after the effective date of this rule, the affected county shall either:*

*(A) Require that any new lot or parcel have an area of at least ten acres, or*

*(B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR 660, Division 014. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."*

### **Findings & Conclusion:**

The County has an FF-10 and RR-10 zone. The most appropriate of these zones can be applied to new Goal 3 or Goal 4 exception areas. If a Goal 14 exception is successfully sought the RR-5 or RR-2 zones could potentially be applied though they are not primarily intended for application to new exception areas in Wasco County. The majority of the land base zoned RR-10 or FF-10 currently exists in non resource areas of the County. These zones are determined to be rural based on guidance provided by Division 4.

### **Rule Citation:**

**660-022-0030**

### **Planning and Zoning of Unincorporated Communities**

*(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:*

**Wasco County**

Recommended Findings

Supporting Adoption of Goal 14 amendments required under Periodic Review

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- (a) Uses authorized under Goals 3 and 4;*
- (b) Expansion of a use existing on the date of this rule;*
- (c) Small-scale, low impact uses;*
- (d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);*
- (e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;*
- (11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.*

**Findings & Conclusion:**

The proposed Rural Industrial Zone limits permissible uses in accordance with guidance provided by Division 22 Unincorporated Communities.

The Rural Industrial Zone applies a limitation on floor area that is less than that provided for inside an unincorporated community boundary (35,000 vs. 40,000). Though the unincorporated community rule is not directly applicable, this type of limitation has been found to be consistent with LCDC policy in the past and is the recommended approach by DLCDC staff. The proposed Rural Industrial Zone also requires that permitted uses not require extension of urban services from within an urban growth boundary or community services from within an unincorporated community.

**Rule Citation:**

660-022-0030

**Planning and Zoning of Unincorporated Communities**

*(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:*

- (a) Uses authorized under Goals 3 and 4;*

*P2004-0432(32)*

*(b) Small-scale, low impact uses;*

*(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.*

*(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:*

*(a) Any number of new motel and hotel units may be allowed in resort communities;*

*(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;*

*(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.*

*(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space.*

## **Findings & Conclusion:**

The proposed Rural Commercial Zone and Agricultural Recreational Zone, as amended, limit permissible uses in accordance with guidance provided by Division 22 Unincorporated Communities.

The Rural Commercial and Agricultural Recreational Zones apply a limitation on floor area that is less than that provided for inside an unincorporated community boundary (3,500 vs. 4,000 sq.ft.). Though the unincorporated community rule is not directly applicable, this type of limitation has been found to be consistent with LCDC policy in the past and is the recommended approach by DLCD staff. The proposed Rural Commercial Zone also requires that permitted uses not require extension of urban services from within an urban growth boundary or community services from within an unincorporated community.

It is also important to note that the Agricultural Recreation Zone continues to allow Dude Ranches and hunting and fishing lodges along with Youth/family camps. These uses have been determined to fall short of a purely commercial definition and to differ significantly from a hotel or motel use. For the following reasons neither the 3,500 sq. ft. limit nor the 35 unit limitation are applied:

The sleeping facilities in a ranch, lodge, or camp are typically dormitory style and the facilities are not set up to accommodate overnight guests as much as they are to house campers who will typically eat and sleep in the same establishment while recreating in the rural atmosphere. These camps, lodges, or ranches must be located in a rural setting to feasibly draw campers to the locations and the campers typically stay for a number of days. Employees may be housed at the site and may stay for a number of weeks or months. This distinction is critical and must be allowed to provide valuable economic diversification and increased exposure to rural areas for individuals living in more urban areas. Like all uses allowed in the Agricultural Recreation Zone, these uses will not be allowed to be created or expand in a manner that exceeds the demonstrated carrying capacity of available services (including transportation, water, and sewer or septic systems). The existing definition of youth and family camp distinguishes this use from that of a hotel. The camp facilities are more self contained and are not set up to handle or located to draw and profit primarily from overnight guests. The Definition of Dude Ranch further clarifies the distinction by stating that an establishment offering overnight accommodation not in conjunction with recreational activities shall be deemed a hotel or campground.

## ***Compliance with Other Goals***

### **Goal 1 – Citizen Involvement**

Goal 1 has been complied with by public notice and a public work session. The public work shop with the Planning Commissioners, and County Court members present, occurred prior to opening hearings and provided an opportunity to provide input and ask questions or request additional information prior to initiation of the hearing process. The public work session also provided the opportunity for word of mouth news to travel through affected areas and comments and questions provided over the phone following the work session have been addressed as well as possible either over the phone on in this proposal.

### **Goal 2 – Land Use Planning**

An adequate factual base for land use decision making has been assured in this process by:

- 1) Applicable state laws were identified early on in the process,

- 2) Related state laws that provide guidance as to the likely interpretation of the case law in this matter were also identified and considered,
- 3) All county exception areas were identified and the zoning of the various areas was considered for compliance with applicable state laws,
- 4) Distinctions, or the lack thereof, between various residential, commercial and industrial zones (once brought into compliance with state law) were considered and a simplified range of land use zones is recommended,
- 5) Appropriate zone changes were identified based on existing zoning in most cases and existing uses in limited cases where existing zoning alone does not provide sufficient guidance as to the most similar and applicable zone to be applied, and
- 6) County zoning and comprehensive plan maps are amended to apply the new consolidated or amended zoning designations.

Work session review of the proposal also generated the question of what uses can best be accommodated on smaller rural residential parcels. The table below provides a comparison of uses, lot dimensions and set backs between several rural residential zones that is considered when recommending uses for the RR-2 Zone:

Summary Table - Residential Uses, Dimensions and Set Backs

	<b>FF-10</b>	<b>RR-10</b>	<b>RR-5</b>	<b>RR-2</b>	<b>R-1</b>
<b>Permitted</b>	Farm Use Forest Use Public utilities Conservation areas Energy Facilities Ch-19 Ag Produce Stand Horses for profit	Farm Use Forest Use Public Utilities Conservation areas Energy facilities Ch-19 Ag Produce Stand Horses for profit	Farm Use, provided animals kept safe and sanitary Forest Use Ag Produce Stands Home Occupation Cemetery Public Energy Facilities	Farm Use, provided animals kept safe and sanitary Forest Use Ag Produce Stands Home Occupation Cemetery	Home Occupation
<b>Conditional Uses</b>	Commercial activities w/ farm use Aggregate Parks Home Occupations Energy Facilities Ch- 19 PU Airports Schools Churches Aquatic species Solid waste disposal site Sanitary Landfill Kennels	Commercial activities w/ farm use Aggregate Parks Home Occupations Energy Facilities Ch- 19 PU Airports Schools Churches Aquatic species Kennels	Pub and semi pub bldgs Private schools Parks Golf courses Temporary office for sale of lots PU Airports Mobile home parks RV parks Aggregate Kennels Energy facilities Ch-19 B&B Dude ranches	Pub and semi pub bldgs Private schools Parks Golf courses Temporary office for sale of lots Mobile home parks RV parks Public utility facilities B&B Dude ranches	Hospital/school Parks Pub and semi public bldgs Golf courses Public utility facilities B&B
<b>Width</b>	330	330	300	125	100
<b>Set Backs</b>					
<b>Front</b>	25	25	25	25	25
<b>Side</b>	25	25	15	15	15
<b>Rear</b>	40	40	20	20	20
<b>Fire Standards</b>	Yes	Yes	Yes	Yes	None
<b>Scenic Development Standards</b>	None	Yes	None	None	None

### Goal 3 – Agricultural Lands

The proposal does not conflict with Goal 3. It does not promote new non-farm uses on farm lands nor does it limit accepted farm practices on EFU ground.

### Goal 4 – Forest Land

The Goal 4 analysis with respect to forest lands is the same as that set forth under Goal 3 with respect to farm lands.

### Goal 6 – Air, Land, and Water Resources

Limitation of permissible uses to those of a rural nature and extent does not conflict with Goal 6 since these limitations do not promote additional development beyond the

carrying capacity of existing services and are, if anything, complementary to objectives of air, land, and water resource protection.

### **Goal 7 – Areas Subject to Natural Disasters and Hazards.**

Implementation of Goal 7 is not impeded by this proposal. This proposal does not encourage additional structural development in natural hazard areas. If development were to be proposed in an identified hazard area applicable regulations would still be applied regardless of the rural nature of the proposed use.

### **Goal 8 – Recreation Needs**

Providing for recreation needs is important to the Wasco County economy. Enjoyment of fish and wildlife and other rural resources is an integral part of outdoor recreational experience. Goal 14 interests represented by this proposal and Goal 8 interests are compatible.

### **Goal 9 – Economy of the State**

Preservation of rural areas contributes to Oregon's economic sustainability, particularly in less populated areas of the state. The proposal will result in greater clarity regarding the range of potential rural uses. It will also help make sure the these uses can be served affordably. No incompatibility exists between the current Goal 14 proposal and Goal 9 interests.

### **Goal 10 – Housing**

This goal is not impacted by this proposal. The overlays apply only outside the Urban Growth Boundaries (UGB) and under Goal 10 housing needs are to be addressed chiefly by measures taken inside the UGB.

### **Goal 11 – Public Facilities**

The proposal does not encourage new development or promote demand for public facilities outside the UGB. The proposal is not inconsistent with Goal 11 and in fact is compatible with Goal 11 as Goal 11 and 14 are mutually supportive.

### **Goal 12 – Transportation**

Goal 12 response with respect to transportation impacts is the same as that set forth under Goal 11 with respect to public facilities.

### **Goal 13 – Energy Conservation**

Goal 13 response with respect to impacts on energy conservation is the same as that set forth under Goal 11 with respect to public facilities.

### **Goal 15 – 19**

Not applicable



## **Ordinance Citation**

### **CHAPTER 9 ZONE CHANGE AND ORDINANCE AMENDMENT**

#### **SECTION 9.020 Criteria for Decision**

*The Approving Authority may grant a zone change only if the following circumstances are found to exist:*

*A. The original zoning was the product of a mistake; or*

*B. It is established that:*

- 1. The rezoning will conform with the Comprehensive Plan; and,*
- 2. The site is suitable to the proposed zone;*
- 3. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.*

#### **Findings & Conclusion:**

Ordinance amendments as proposed bring existing zones into compliance with Goal 14 rules and case law. All zones as proposed are consistent with the Comprehensive Plan framework. No text amendment to the Comprehensive Plan is required. Zones applied are selected based on existing zoning and suitability of proposed zoning to existing and future uses.

## Chapter 3 - Wasco County Land Use and Development Ordinance

### Section 3.230 – "A-R" Agricultural-Recreational zone; December 16, 2004

#### SECTION 3.230 "A-R" AGRICULTURAL-RECREATIONAL ZONE

##### A. Purpose

The purpose of the "A-R" Agricultural-Recreational zone is to provide areas for outdoor recreation and to allow controlled growth to continue in existing rural communities and rural exception areas. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "A-R" Agricultural-Recreational zone shall comply with the following regulations:

##### B. Permitted Uses

In the "A-R" Agricultural-Recreational zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling on any legally created parcel, including mobile homes at least eighteen (18) feet wide, subject to Section 4.160, provided proper sanitation approval is obtained.
2. Accessory structures customarily provided in conjunction with the primary use.
3. Any new commercial service, or retail use, permissible in this zone that will be located entirely within an existing, lawfully erected commercial building or structure. (CONSISTENT WITH CHAPTER 4)
4. Farm use, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
5. Forest uses, including the propagation and harvesting of forest products.
6. Dude ranches and hunting and fishing lodges, including overnight facilities in accordance with Chapter 20, Site Plan Review and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.
7. Public parks, recreation areas, preserves and community or neighborhood centers in accordance with Chapter 20, Site Plan Review.
8. Water supply and treatment facility.
9. Sewage disposal and treatment facility.
10. Recreational vehicles provided such vehicles are not attached to the land and proper sanitation is maintained.
11. Recreational vehicle parks in accordance with Chapter 17, with a density that meets or exceeds the minimum lot size for the zone, and that is

demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community..

12. Mobile home parks in accordance with Chapter 16 with a density that meets or exceeds the minimum lot size for the zone, and that is demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community..
13. Subdivisions.
14. Agricultural Produce Stand in accordance with Chapter 20, Site Plan Review. (Revised 1-92)
15. Youth/family camp demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community. (Added 9/97).
16. Guest house subject to standards in Section 4.170.

### **C. Uses Permitted Conditionally**

In the "A-R" Agricultural-Recreational zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.
2. Airports.
3. Auditoriums, outdoor stages and entertainment areas.
4. Small scale low impact retail commercial uses provided the following conditions are met:
  - a. the use is in conjunction with the development of a, Subdivision, Mobile Home Park or Recreational Vehicle Park,
  - b. the use is designed to serve the residents and their guests of the development, and
  - c. the Approving Authority may require that the applicant submit a market analysis demonstrating the need for the proposed commercial development.
5. Golf courses (except commercial driving ranges, miniature courses or similar courses operated as a business).
6. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
7. Utility facilities necessary for public service.
8. Home Occupations, subject to Chapter 20. (added 2-89)

9. Bed and breakfast inns. (added 2-89)

**D. Property Development Standards**

1. Property Size - Minimum parcel size for residential lots in the AR zone outside an unincorporated community boundary is 2 acres with a minimum lot width of 150 feet. Other uses shall be located on parcels determined to be sufficient to support the proposed use based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Structure Size - A size limitation is applicable to all small scale low impact commercial uses. The total cumulative floor area of a commercial structure or structures, built to accommodate or support any of the commercial uses listed in the AR zone, shall not exceed 3,500 square feet in an exception area zoned AR
3. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites. (revised 2-89)
  - c. Rear Yard - No structure other than a fence shall be located closer than seven (7) feet from the rear yard property line. (revised 2-89)
4. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
6. Stream or Lake Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities and docks) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 4.

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9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.
10. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

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## Chapter 3 - Wasco County Land Use and Development Ordinance

### Section 3.310 – "RR-2" Rural Residential 2 acre zone; December 16, 2004

#### SECTION 3.310 "RR-2" RURAL RESIDENTIAL 2 ACRE ZONE

##### A. Purpose

The purpose of the "RR-2" Rural Residential 2 acre zone is to provide for single-family residential use plus related compatible uses such as schools and parks. This zone is designed for those areas outside an Urban Growth Boundary or acknowledged Unincorporated Community Boundary, subject to a resource land goal exception prior to November 4, 2000, and not necessarily served by a public water or public sewer system. Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RR-2" Rural Residential 2 acre zone shall comply with the following regulations.

##### B. Permitted Uses

In the "RR-2" Rural Residential zone the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. One single-family dwelling on any legally created parcel including mobile homes at least eighteen (18) feet wide subject to Section 4.160, provided proper sanitation approval is obtained.
2. Buildings accessory to a single-family dwelling such as garages, store-rooms, woodsheds, laundry room, playhouse, greenhouse, hobby shop, animal or fowl shelter or similar and related accessory uses.
3. Farm uses, provided animals and fowl are properly caged or housed and proper sanitation is maintained.
4. Forest uses, including the propagation and harvesting of forest products.
5. Agricultural Produce Stands in accordance with Chapter 20, Site Plan Review.
6. Home occupation, subject to chapter 20.
7. Cemetery.
8. Subdivisions in accordance with Chapter 21.
9. Guest house subject to standards in Section 4.170.

##### C. Uses Permitted Conditionally

In the "R-2" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to: fire stations, schools, granges, community halls, churches and libraries.
2. Private schools or day nursery centers.
3. Parks, playgrounds and recreation areas and community or neighborhood centers.
4. Golf courses (except commercial driving ranges, miniature golf courses or similar course operated as a business), country club, swimming club or tennis club.
5. Temporary tract office for the sale of lots in subdivision in which the office is located.
6. Utility Facility necessary for public service.
7. Bed and breakfast inns.
8. Dude ranches and hunting and fishing lodges, including overnight facilities in accordance with Chapter 20, Site Plan Review and demonstrated not to require service by a new community sewer or extension of an existing sewer system from within an urban growth boundary or from within an unincorporated community.

#### **D. Property Development Standards**

1. Property Size - The minimum property size is two (2) acres with a one hundred twenty five (125) foot average lot width.
2. Setbacks -
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all dwellings shall be thirty-five (35) feet. Height is measured from average grade. Detached accessory structures shall not exceed a maximum height of eighteen (18) feet. (Added 1-92)
5. Stream Setbacks - All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.

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- a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Fire Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:
- a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and
  - b. Separate power service independent of the dwelling shall be provided for the pump utilized in a. above, and shall be provided by a public utility. Any exception to this requirement shall be approved in writing by a state licensed fire engineer; and
  - c. A minimum water flow equal to twenty (20) gallons per minute for fifty (50) minutes, for a total water capacity of one thousand (1,000) gallons shall be provided. This water source shall be available year-round, and must be usable by the rural fire protection provider (if applicable); and
  - d. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and
  - e. Power and telephone should be located underground where practicable. *Practicable is defined as 'feasible in the circumstances' by Blacks Law Dictionary. For the purposes of this section, practicable means whether the power lines can be physically put underground without undue hardship or difficulty because of circumstances in the land that are unique to this development. Cost alone does not allow for a determination that power lines cannot be located underground.* (added 6-98); and
  - f. If a water supply, such as a swimming pool, pond, stream or lake, exists within one hundred (100) feet of the driveway or road at a reasonable grade, then access to within fifteen (15) feet of the water's edge should be provided for pumping units. Access shall be a minimum of twelve (12) feet in width, maximum twelve percent (12%) grade, with a fourteen (14) foot vertical clearance. The access road shall have a fifty thousand (50,000) pound carrying capacity. Access roads over one hundred fifty (150) feet in length shall provide a turn-around for vehicles. (added 6- 98); and
  - g. Exterior roofing shall be of fire-resistant materials (added 6-98); and
  - h. The owners of the dwelling and structures shall: maintain a primary fuel free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below or to the

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property boundaries whichever is the shortest distance. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground (added 6-98); and

**Size of fuel break safety zone by percent slope**

<u>% Slope</u>	<u>feet of primary zone</u>	<u>feet of secondary zone</u>
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

- i. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs equal to those listed below or as far as the property size and configuration allows if the full setback cannot be accomplished. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below (added 6-98); and Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

<u>On a slope change Where the downhill slope is</u>	<u>Feet of Setback</u>
10%	50
20%	75
25%	100
40%	150

- 9. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials.
- 10. New Driveways – All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

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## Chapter 3 - Wasco County Land Use and Development Ordinance

### Section 3.410 – "RC" Rural Commercial zone; December 16, 2004

#### SECTION 3.410 "RC" Rural Commercial

##### A. Purpose

The "RC" Rural Commercial Zone is intended to provide for a wide variety of commercial housing and related activities. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities. Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RC" Rural Commercial Zone shall make application for a site plan review, and comply with the following regulations.

##### B. Permitted Uses

In the "RC" Rural Commercial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new commercial service, or retail use, listed in section C of this zone that will be located entirely within an existing, lawfully erected commercial building or structure, demonstrating compliance with off-street and public parking and loading area requirements in Chapter 4.

##### C. Uses Permitted Subject Site Plan Review

In the "RC" Rural Commercial Zone The following small scale low impact commercial uses or any combination of these uses and their accessory uses are permitted in a building or buildings not exceeding 3,500 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Retail or service business.
2. Eating or drinking establishment.
3. Offices.
4. Veterinary clinic and kennel entirely within an enclosed building.
5. Studio.
6. Public garage, including usual automobile repairs and servicing enclosed within the building that, when within fifty (50) feet of an "A-1" or "R" zone, there shall be no openings in the building walls facing the boundaries of an "A-1" or "R" zone other than stationary windows, except where such building walls abut streets or alleys.
7. Residential use in the same building as an allowed use.

#### **D. Uses Permitted Conditionally**

In the "RC" Rural Commercial Zone, the following small scale low impact commercial uses or any combination of these uses and activities and their accessory building or buildings, not exceeding cumulative floor area of 3,500 square feet, are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this section:

1. Automobile service stations.
2. Wind energy conversion system subject to the provisions of Chapter 19 (Standards for Energy Facilities).
3. Utility facilities necessary for public service, except landfill.
4. Recreational Vehicle Park.
5. Church.
6. Place of public assembly, stadium, auditorium, recreation building or natatorium.
7. Public or semi public buildings.
8. Commercial amusement establishments when enclosed in a building (stadium, theatre, bowling alley, theatre).
9. Public or private school
10. Child care center
11. Parks, athletic fields, playgrounds or community centers owned by a governmental or non profit agency or community organization
12. Medical center
13. Water supply or treatment facility.

#### **D. Property Development Standards**

1. Property Size - The minimum property size for development shall be determined based on the amount of area required for proper sanitation, off-street parking, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks
  - a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yard - Where the side of a lot or parcel in a "C-1" zone abuts the side of an "A-1" or an "R" zone, there shall be a side yard of not less than seven (7) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of ten (10) feet from exterior side property lines for corner building sites. In other cases, a side yard for commercial buildings shall not be required.

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- c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.
5. Stream Setbacks - All structures or similar permanent fixtures shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.
6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
  - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises.
  - b. No sign shall project above the building.
  - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
  - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
  - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
  - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
  - g. Signs capable of movement shall be prohibited.
  - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.
7. Parking - Off-street parking shall be provided in accordance with Chapter 4.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. The exterior of shielding and hooding materials shall be composed of nonreflective opaque materials.
9. New Driveways - All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

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## Chapter 3 - Wasco County Land Use and Development Ordinance

### Section 3.510 – "RI" Rural Industrial zone; December 16, 2004

#### SECTION 3.510 "RI" RURAL INDUSTRIAL ZONE

##### A. Purpose

The "RI" Rural Industrial Zone is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. This designation is designed for application in exception areas outside Urban Growth Boundaries of incorporated cities and community boundaries of acknowledged unincorporated communities

Buildings and structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "RI" Rural Industrial Zone shall make application for a site plan review and comply with the following regulations.

##### B. Permitted Uses

In the "RI" Rural Industrial Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

Any new industrial use listed in C of this zone, that will be located entirely within an existing, lawfully erected commercial or industrial building or structure demonstrating compliance with off-street and public parking and loading area requirements in Chapter 4.

##### C. Uses Permitted Subject to Site Plan Review

In the "RI" zone, the following small scale low impact industrial uses and activities and their accessory buildings and uses are permitted in a building or buildings not exceeding 35,000 sq. ft. of floor space when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 20 (Site Plan Review) and this Chapter:

1. Light manufacturing, compounding or assembly, reprocessing, recycling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, glass, leather, metal, stone, canvas, bone, cellophane, cork, feather, fiber, shell, wax, wire, wood yards, and paint not employing a boiling process.
2. Assembly, rebuilding, repair and maintenance of motor vehicles, including painting and upholstery.
3. Wood products manufacture but excluding paper and pulp manufacture and planing and lumber mill.
4. Retail or combination retail wholesale lumber and building materials yard, not including concrete mix.

5. Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's offices and equipment storage yard, or storage and rental of equipment commonly used by contractors.
6. Welding, sheet metal or machine shop provided such use is wholly enclosed within a building.
7. Transfer company and trucking companies.
8. Laundry and cleaning service industries.
9. Circus, rodeo or like activity.
10. Similar manufacturing, repairing, fabricating, processing, parking or storage uses not listed above.
11. Feed and seed store conducted wholly within a completely enclosed building except that package material may be stored in an enclosed outside yard.
12. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19 (Standards for Energy Facilities).
13. One mobile home for watchman's quarters in conjunction with a permitted or conditional use.

#### **D. Uses Permitted Conditionally**

In the "RI" Rural Industrial zone, the following small scale low impact rural commercial and industrial uses and activities and their accessory buildings and uses may be permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 (Conditional Use Review), the applicable limit on commercial (3,500 square feet) or industrial (35,000 square feet) floor area, and this section:

1. Any use permitted subject to site plan review or conditionally in the Rural Commercial zone.
2. Primary or value added processing and/or sale of raw material produced in the rural vicinity of the proposal (NOTE: this type of activity is exempt from any small scale low impact commercial or industrial size limitation but may be subject to conditions imposed through the Conditional Use Review).
3. Junk yard or automotive wrecking yard, enclosed in a view obscuring fence or wall.
4. Recreation areas and facilities, including but not limited to: golf courses.
5. Bulk storage of petroleum or gas.
6. Operations conducted for the exploration, mining and processing of aggregate and other minerals as subsurface resources.
7. Concrete batching plants and the manufacture and sale of concrete products.
8. Campground as defined by OAR 660-033-0130

#### **D. Property Development Standards**

1. Property Size - The minimum property size shall be determined based on the amount of area required for proper sanitation, off-street parking, loading, maintenance of setbacks and compatibility with adjacent uses.
2. Setbacks

- a. Front Yard - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of ten (10) feet in depth shall establish the front yard depth of the entire frontage.
  - b. Side Yards - Where the side or rear of a lot or parcel in an "M-1" zone abuts the an residential zone, there shall be a side or rear yard of not less than fifty (50) feet. In all cases, on a corner lot or parcel, there shall be a side yard setback of at least ten (10) feet from exterior side property lines for corner building sites. Where the side of a lot or parcel in the "RI" zone abuts the side of an "A-1" zone, there shall be a side or rear lot setback of 100 feet from the common property line. In other cases, a side yard shall not be required.
  - c. Rear Yard - No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line unless a greater setback is required next to an adjoining agricultural or residential zone in 2.b. above.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  4. Height - Maximum height for all structures shall be forty-five (45) feet. Height is measured from average grade.
  5. Stream Setback - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle. Exception may be granted upon a demonstration that the proposed use will not have an adverse effect on streams or lakes.
  6. Signs - Except as is necessary for traffic safety, the following sign regulations shall apply to all uses:
    - a. Signs shall be limited to business identification and or goods and services manufactured and or sold on the premises .
    - b. No sign shall project above the building.
    - c. Signs are permitted in a ratio of one square foot of sign area to each linear foot of store frontage and shall be placed flat against the walls of the buildings with the exception of athletic field scoreboards which shall be the minimum size necessary for the intended purpose.
    - d. Signs shall not be placed upon walls or surfaces abutting an "A-1" or an "R" zone.
    - e. Separate directional signs not to exceed an area of sixteen (16) square feet are permitted on property of an Automobile Service Station or public parking area, but must not project beyond the property line of such establishment.
    - f. Flashing, digital, electronic, and LED (light emitting diode) signs shall be prohibited except as is necessary for athletic scoreboards.
    - g. Signs capable of movement shall be prohibited.
    - h. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of public road.

7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways waterways. The exterior of shielding and hooding materials shall be composed of non reflective opaque materials.
9. New Driveways – All new driveways which access a County road shall obtain a Road Approach Permit from the Wasco County Public Works Department.
10. Outdoor Storage – Outdoor storage must be enclosed by a sight obscuring fence, wall, or landscaping; all of which shall be maintained.

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