

LAKE COUNTY  
ZONING ORDINANCE

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ZONING ORDINANCE  
LAKE COUNTY, OREGON

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AN ORDINANCE ESTABLISHING ZONING REGULATIONS  
IN LAKE COUNTY

ARTICLE 1: INTRODUCTORY PROVISIONS

Section 1.01 Title. This Ordinance shall be known as the amended Lake County Zoning Ordinance of 1980.

Section 1.02 Purposes. The purposes of this Ordinance are to promote public health, safety and general welfare, and to carry out the Comprehensive Plan, recognizing the probability of an increase in population and the resulting change in land use, all according to Chapters 197 and 215 Oregon Revised Statutes.

Section 1.03 Definitions. As used in this Ordinance, the masculine includes the feminine and neuter and the singular includes the plural.

The following words and phrases, unless the context otherwise requires, shall have the meaning set forth hereinafter. For words and phrases not specifically defined in this Ordinance, the applicable State Statute definition shall apply.

Accepted Farming Practice. As used in this Ordinance, 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. (ORS 215.203(2)(c))

Accessory Farm Dwelling. A dwelling customarily provided in conjunction with farm use and found to be accessory to and necessary for the subject farm use.

Accessory Farm Structures. Buildings customarily provided in conjunction with farm use including corrals, pens, barns, sheds, maintenance buildings, personal use elevators or storage buildings, chemical storage facilities, etc., not including farm dwellings.

Accessory Structure or Use. A use of a structure, or a portion of a structure, the use of which is incidental and subordinate to the main use of the property or structure and is located on the same premises as the main or primary use and/or structure.

Adult Foster Home. Any family home or facility in which residential care is provided for five or fewer adults who are not related to the provider by blood or marriage. "Provider" means any person operating an adult foster home. (ORS 443.705(1))

Agriculture. See Farm Use.

Airport or Aircraft Landing Facility. Any land area, runway, landing pad or other facility designed, used or intended to be used by aircraft, including helicopters and including all necessary taxi-ways, hangars and other necessary buildings and open spaces.

Alteration. A change in construction or a change in occupancy or use. Where the term "alteration" is applied to a change in construction, it is intended to apply to any change, addition or modification. Where the term is used in connection with a change in occupancy or use, it is intended to apply to any change in occupancy or use to another occupancy or use.

Animal Husbandry. Includes the keeping, feeding, or breeding of livestock or poultry, or dairying.

Automobile Wrecking Yard. A premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof.

Bed and Breakfast Facility. Any establishment located in a structure designed for a single family residence, regardless of whether the owner or operator of the establishment resides in such structure, which: (a) Has more than two rooms for rent on a daily basis to the public; and (b) Offers a breakfast meal as part of the cost of the room. Bed and Breakfast facilities shall also mean an establishment which limits breakfast meal hours to 7 a.m. to 12 noon and serves the breakfast meal only to Bed and Breakfast guests. (OAR 333-170-000)

Billboard. A sign which has a surface space upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

Boarding House, Lodging House, or Rooming House. A building where lodging with or without meals is provided for compensation for not less than five or more than ten guests.

Building. A structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Christmas Valley Townsite. The Christmas Valley Townsite is that land contained within Township 27 South, Range 17 East, Sections 18, 17, S1/2 S1/2 of Section 9, N1/2 N1/2 of Sections 16, 10, N1/2 N1/2 and N1/2 SE1/4 NE1/4 of Section 15, SW1/4 of Section 11, N1/2 of Section 14, NW1/4 of Section 13.

Commercial Activities in Conjunction with Farm Use. The processing, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products; including the following uses and their accessory uses: a. Storage, distribution and sale of feed, fertilizer, seed, chemicals and other products used for commercial agriculture in the area; b. Farm product receiving plants, including processing, packaging and reshipment facilities; c. Livestock feed or sales yards; d. Storage, repair or sale of fencing, irrigation, pipe, pumps and other farm related equipment and implements; e. Farm equipment storage and repair facilities; f. Bulk storage and distribution facilities for fuels, pesticides, herbicides and fertilizers; g. Veterinarian clinic for livestock; h. Horticultural specialties such as nurseries or greenhouses for wholesale or retail sales of plants and products; i. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside enclosed building; and j. Other such uses which may be determined by the County as similar to the uses listed above.

Commercial agricultural operation. The amount of land necessary, given area characteristics, for the production of an agricultural commodity for commercial purposes. Area characteristics include but are not limited to the following: soil productivity, drainage, terrain, special soil or land conditions, availability of water, type and acreage of crops grown, crop yields, number and type of livestock, processing and marketing practices.

Comprehensive Plan or Plan. A generalized, coordinated land use map and policy statements, including supporting and background data and findings, appendices and related or supporting documents adopted as a part thereof, of the governing body of the County that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A Plan is "coordinated" when the needs of all levels of government, semipublic and private agencies and the citizens of the area have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface and the air. (ORS 197.015(5))

Contiguous Land. Except as provided otherwise in "qualifying" exclusive farm use zones in this Ordinance, "Contiguous Land" means two or more parcels or units of land under a single ownership which are not separated by an intervening parcel of land under separate ownership including limited access right-of-way which would deny access between the two parcels under a single ownership or parcels under single ownership or which are not separated by a public road, street or other public right-of-way.

County. The County Commission, County Planning Commission or authorized designate of either body.

Current Employment of Land for Farm Use. Includes:  
a) Farmland, the operation or use of which is subject to any farm-related government program; b) Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; c) Land planted in orchards or other perennials, other than land specified in subparagraph d) of this paragraph, prior to maturity; d) Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years; e) Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use; f) Land under buildings supporting accepted farm practices; g) Water impoundments lying in or adjacent to and in common ownership with farm use land; and h) Any land constituting a woodlot, not to exceed 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 use. (ORS 215.203(2)(b))

Custom Slaughtering Establishment. A mobile or stationary establishment wherein meat animals, caused to be delivered by the owners thereof, are slaughtered for compensation, payment or remuneration of any kind, and are thereafter returned to the owner thereof or to the order of the owner. (ORS 603.010(2))

Dairy Cattle. Includes the recognized breeds of bovine animals used primarily for the production of milk, including crosses of such breeds with beef type animals. (ORS 599.205(1))

Day Care Facility. Any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider or similar unit oper-

ating under any name, but excluding those uses specified by ORS 418.805(4) (a) through (4) (f).

**Destination Resort.** A self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a destination resort, a proposed development shall meet the standards set forth in ORS 197.435 through 197.465 and be approved in accordance therewith and as a Type II Conditional Use pursuant to Section 24.02 of this Ordinance.

**Disposal Site.** Land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning services, transfer stations, resource recovery facilities, incinerators for solid waste, composting plants, and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 468.740, a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or indirectly through a solid waste collection service, or a site operated by a wrecker issued a certificate under ORS 822.110 and approved by the County pursuant to the applicable provisions of this Ordinance. (ORS 459.005(8))

**Dude or Guest Ranch.** A resort or ranch furnishing food, lodging and other amenities including but not limited to horseback and trail riding, tours, related ranch activities, hunting and/or fishing. May be conducted in conjunction with a commercial operating ranch as a commercial activity in conjunction with farm use.

**Dwelling, Duplex or Dwelling, Two-family.** A detached or semi-detached building containing two dwelling units and designed for occupancy for two families or two households living independently of each other.

**Dwelling, Multi-family.** A building or portion thereof, designed for occupancy by three or more families or households living independently of each other.

**Dwelling, Single-family.** A detached building containing one dwelling unit designed for occupancy by one family or one household only.

**Dwelling Unit.** A building, or portion thereof, consisting of one or more rooms, including a bathroom and kitchen facilities, which are arranged, designed or used



as living quarters for one family or one household.

Easement. A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

Energy Facility. (a) An electric power generating plant with a nominal electric generating capacity of more than 100 kilowatts and related or supporting facilities, including but not limited to a thermal power plant, hydropower plant or combustion turbine power plant. (b) A high voltage transmission line of more than 10 miles in length with a capacity in excess of 230,000 volts; but excluding lines proposed for construction entirely within an existing corridor occupied by high voltage transportation lines with a capacity in excess of 230,000 volts. (c) A solar collecting facility using more than 10 acres of land, or providing more than 25,000 kilowatts, or (d) A pipeline that is (A) at least six inches in diameter, and five or more miles in length, used for the transportation of crude petroleum or a derivative thereof, liquified natural gas or other fossil energy resource, or (B) at least 16 inches in diameter and five or more miles in length, used for the transportation of natural or synthetic gas, or (C) at least 16 inches in diameter and five or more miles in length used to carry a geothermal energy form but excluding a pipeline used to distribute heat within a geothermal heating district, and (e) A synthetic fuel plant which converts a natural resource, including but not limited to coal, oil or biomass to a gas, liquid or solid product capable of being burned to produce the equivalent of  $2 \times 10^9$  Btu of heat a day. (ORS 469.020(7))

Family or Household. An individual or two or more persons related by blood, marriage, legal adoption or guardianship, living together in a dwelling unit in which board and/or lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption or guardianship, living in a dwelling unit.

Farm Use. The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or 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" also includes the propagation, cultivation, maintenance and harvesting aquatic species. It does not include the use of land subject to the provisions of ORS 321, except land used exclusively for growing cultured

Christmas trees as defined by ORS 215.203 (3). (ORS 215.203(2) (a))

Fence, Sight Obscuring. A fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting, arranged and maintained in such a manner as to obscure vision.

Forest Land. Land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied. Forest tree species does not include Christmas trees on land used solely for the production of Christmas trees as defined in ORS 215.203(3). (ORS 527.620(4)) Forest lands also include: (1) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; (2) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; and (3) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use. (Goal 4)

Forest Practices. Any operation conducted on or pertaining to forest land, including but not limited to: (a) Reforestation of forest land; (b) Road construction and maintenance; (c) Harvesting of forest tree species; (d) Application of chemicals; and (e) Disposal of slash. "Operation" means any commercial activity relating to the growing or harvesting of forest tree species. (ORS 527.620(5)).

Geothermal Area. Any parcel of land that is or reasonably appears to be underlaid by geothermal resources. (ORS 522.005(9))

Geothermal Resources. The natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, the natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, exclusive of helium or of oil, hydrocarbon gas or other hydrocarbon substances. (ORS 522.005(11))

Grade (Ground Level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to, and within five feet of a sidewalk, the ground level shall be measured at the sidewalk elevation nearest the center of the wall.

Grazing. The use of land for pasture of horses, cattle,

sheep, goats, or other domestic animals.

Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the highest point of other types of roofs.

Home Occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building on the resident's property in compliance with the provisions set forth by this Ordinance.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials.  
(ORS 377.605(5))

Junkyard. Any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing, keeping, buying or selling of junk and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities. (ORS 377.605(6))

Kennel. A lot or building in which four (4) or more dogs, cats or other animals at least four (4) months of age are kept commercially for board, propagation, training or sale.

Livestock. Domestic animals of types customarily raised or kept for profit or other purposes, and includes horses, mules, asses, cattle, sheep, swine, goats, llamas, and poultry, including turkeys, or any age or sex. (ORS 599.205(5))

Livestock Auction Market. Any place of business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis, but, specifically does not include breed or livestock associations operating subject to and in compliance with the provisions of the Oregon Nonprofit Corporation Law (ORS 61.005 to 61.215), FFA and 4-H groups, auction sales conducted in conjunction with County, State or private fairs or auctions by or for a person on the premises of the person. (ORS 599.205(6))

Livestock Feeding Yard. An enclosure designated or used for the purpose of the concentrated feeding or fattening of livestock for marketing, other than winter feeding.

Livestock Sales Yard. An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction consignment, or other means.

Lot. A unit of land that is created by a duly platted and approved subdivision or partitioning of land, or a parcel, tract or contiguous parcels or tracts of land under a single ownership on or before the effective date of this Ordinance.

Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road rights-of-way or easements for access.

Lot, Corner. A lot abutting on two intersecting streets other than an alley.

Lot, Interior. A lot other than a corner lot.

\* Lot, Through. A lot having frontage on two parallel or approximately parallel streets other than alleys.

Lot Line, Front. The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

Lot Line, Rear. The lot line which is opposite and the most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot Width. The average horizontal distance between the side lot line, ordinarily measured parallel to the front lot lines.

Maintain. To allow to exist. (ORS 377.605(7))

Management Unit. The minimum acreage necessary to operate, lease or otherwise maintain land in agricultural use. A management unit is not necessarily an economic unit.

Minerals. Includes soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in the County. (ORS 517.750(6))

Mobile Home. a) A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for resident-

ial purposes and was constructed before January 1, 1962.  
b) A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. c) A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction. (ORS 446.003(17))

Mobile Home Park. Any location where two or more mobile homes are parked within 500 feet of one or 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 to be paid for rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such person; Except that for a construction company, timber company, or for farm laborers, four or more such units shall constitute a mobile home park. "Mobile home park" does not include a lot or lot located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved as a mobile home subdivision at the time of platting and approval by the County. (ORS 446.003)

New Construction. Any structure for which the "start of construction" commenced on or after the effective date of this Ordinance.

Nonconforming Structure or Use. A lawful structure or use which exists at the time this ordinance or any amendment thereto becomes effective, and which does not conform to the requirements of the zone in which it is located.

Open Space. a) Any land so designated by the County Comprehensive Plan; or b) Any land area, the preservation of which in its present use would: (A) Conserve and enhance natural or scenic resources; (B) Protect air or streams or water supply; (C) Conserve landscaped areas, such as public or private golf courses, which reduce air pollution and enhance the value of abutting or neighboring property; (D) Promote conservation of soils, wetlands, or marshes; (E) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (F) Enhance recreation opportunities; (G) Preserve historic sites; (H) Promote orderly urban or suburban development; or (I) Retain tracts of land in their natural state. (ORS 308.740(1))

Organizational Camp. Includes any area designated by the person establishing, operating, managing or maintaining the same for recreational use by groups or organizations which include but are not limited to youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps, camps which are operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations. (ORS 446.310(6))

Owner. The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records. (ORS 215.503(1))

Parcel. A unit of land that is created by a partitioning of land (ORS 92.010), except that "parcel" does not include a unit of land created solely to establish a separate tax account. (ORS 215.010)

Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planning Commission. The County Planning Commission or authorized designate.

Primary, Principal or Main Use. The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. As used relative to dwelling units, the primary dwelling shall be the first dwelling unit to be located on a lot or parcel.

Processing, Minerals. Includes, but is not limited to, crushing, washing, milling and screening of mineral aggregate into asphaltic and portland cement concrete products located within the operating permit area, except as may be provided for otherwise in ORS 215.213(2)(d) relative to EFU Zoning.

Public or Semi-Public Use. A use owned and operated by a public, governmental or nonprofit organization for the benefit of the public in general. Does not include landfill sites, solid waste disposal sites, garbage dumps, recycling facilities, utility facilities, or other uses or facilities set forth as a specific use classification in any particular zone designation.

Recreational Vehicle. 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 gross floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer. (ORS 446.003(26))

Recreational Vehicle Park or Park. Any area designated by the person establishing, operating, managing or maintaining the same for picnicking or overnight camping by the general public or any segment of the public. "Recreation park" includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to those areas divided into two or more lots, parcels, units or other interests for purposes of such use. Includes, but is not limited to such areas accommodating recreation or camping vehicles, tents, trailers, etc. (ORS 446.310(9))

Renewable Energy Resources. Biomass, geothermal, wind, solar, and/or hydro resources.

Residential Care. Service such as supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board. (ORS 443.400(4))

Residential Facility. A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

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

Right-Of-Way. The area between the boundary lines of a street, road or other easement.

Road or Street. A public or private way that is created to provide ingress and egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such

land in conjunction with the use of such land for agricultural or forestry purposes.

Roadway. That portion of a street or road right-of-way developed for vehicular traffic.

Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

Start of Construction. The first placement of permanent construction of a structure (other than a mobile home) on a site such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation. For mobile homes not within a mobile home subdivision or mobile home part, the "start of construction" means the date on which construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed.

Structural Alteration. Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any change in the supporting members of a roof.

Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

Surface Mining. Includes all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method, including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access roads), and prospecting and exploration activities. "Surface mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or



maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction, or nonsurface impacts of underground mines; and also does not include rock, gravel, sand, silt or similar substances removed from the beds or banks of any waters of the State pursuant to a permit issued under ORS 541.605 to 541.625 and 541.627 to 541.660. (ORS 517.750 (13))

Transfer Station. A fixed or mobile facility normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a disposal site, including but not limited to, a large hopper, railroad gondola or barge. (ORS 459.005 (22))

Traveler's Accommodations. Any establishment, which is not a hostel as defined by ORS 446.310(5), having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities. (ORS 446.310(11))

Travel Trailer or Motor Home. A portable building or vehicle, originally designed or presently constructed, to be used as a temporary dwelling or lodging place and to be readily movable from place to place over streets.

Travel Trailer Park. A lot upon which two or more travel trailers, motor homes, or similar vehicles or devices are located, (except as used for storage purposes, or other than approved as a temporary use), regardless of whether a charge is made for such accommodations.

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

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 products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substation, dams, water towers, sewage lagoons, sanitary landfills and similar facilities; but excluding local sewer, water, gas, telephone, and electrical power distribution lines, and similar minor facilities allowed in any specific Zone.

Wrecking Yard. Any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags,

batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicle parts, iron, steel, or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials, and the term includes automobile wrecking yard, garbage dumps, and scrap metal processing facilities.

Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, Front. An open space between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of a building.

Yard, Rear. An open space between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of the main building.

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

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

Section 1.04 Classification of Zones. In order to carry out the purposes of this Ordinance, areas of the County are divided into zones designated as follows:

<u>Name</u>	<u>New Designation</u>	<u>Old Designation</u>	<u>Old Name</u>
Exclusive Farm Use	A-1	A-1	
Agriculture Use	A-2	A-2	General Rural
Forest Use	F-1	F-R	Forest-Recreational
Rural Center	A-3	A-3	
Rural Residential	R-1	R-1	
Farm Residential	R-2	*	
Suburban Residential	R-3	*	
Commercial	C-1	C-1	Commercial-Light Industrial
Industrial Light	M-1	M-1	
Industrial Heavy	M-2	M-2	
Public Facility	P-F	*	
Airport Approach	A-A	F-A	
High Groundwater Combining Zone	H-G	*	

<u>Name</u>	<u>New Desig- nation</u>	<u>Old Desig- nation</u>
Mobile Home Exclusion Combining Zone	R-A	R-A
Waste Disposal, Inactive Uranium Mill Tailings	WD	*
Geological Hazard Combining Zone	G-H	*
Significant Resource Combining Zone	S-R	*
Limited Use Combining Zone	L-U	*
*New Zone		

In addition to the above zone classifications, the following Plan classifications are indicated on the zoning map(s):

<u>Name</u>	<u>Designation</u>
Urban	U
Industrial	I
Commercial	C
Rural/Recreation Center	RC
Rural Residential	RR
Farm Residential	FR
Suburban Residential	UR
Forest	F
Range	R
Agriculture	A
Public	P
Quarry	*
Geological Hazard	GH
Significant Resource	SR
Possible Future Use	

#### Section 1.05 Zoning Map.

- A. The location and boundaries of the zones designated in Section 1.04 are hereby established and shown as solid lines on the map, entitled "Zoning Map of Lake County" dated with the effective date of this Ordinance and signed by the County Commission and the County Clerk and hereafter referred to as the "zoning map(s)."
- B. The location and boundaries of the Plan classifications designated in Section 1.04 have been transferred from the County Plan map(s), and are shown as dashed lines on the map(s) entitled "Zoning Map of Lake County."
- C. The signed copy of the zoning map and amendments thereto shall be maintained on file in the office of the County Clerk and/or County Planning Office and is/are hereby made a part of this Ordinance.

Section 1.06 Zoning Boundaries. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights-of-way or such lines extended.

- A. If a Zone boundary, as shown on the Zoning Map, divides a lot or parcel between two Zones, or if there is a question concerning the exact location of a specific Zone boundary, the final location of such Zone boundary shall be determined by the County Planning Commission relative to compliance factors with the Comprehensive Plan.

Section 1.07 Compliance with Ordinance. A lot may not be used and a structure or part of a structure may not be constructed, reconstructed, altered, occupied, or used in any manner which violates the provisions of this Ordinance.

Section 1.08 Compliance with State and Federal Requirements and the Comprehensive Plan. No Zoning Permit or other permit under this Ordinance shall be issued or given final approval until compliance with the Comprehensive Plan and all applicable State and Federal regulations is established or assured. The latter shall include but not be limited to Building Codes, Department of Environmental Quality, Department of Geology and Mineral Industries, State Health Division, State Department of Commerce, State Department of Transportation, and other State, Federal and local government agency regulations and management agreements.

Section 1.09 Plan/Zone Relationship. The County will administer those Plan or Zone respective provisions and/or regulations in accord with the Plan/Zone relationships below:

- A. Plan/Zone Conflicts. Conflicts are those instances where Plan provisions are more restrictive than zoning regulations and therefore, Plan descriptions and guidelines determine use suitability. In such instances Plan provisions supersede zoning regulations.
- B. Plan/Zone Discrepancies. A discrepancy exists when zoning regulations are more restrictive than Plan provisions. In such instances, zone regulations determine use suitability and requirements. This is not a conflict in that zone changes may be considered to allow the uses, densities, standards, etc., provided for in the Plan.

Section 1.10 Existing Agreements and Permits. This Ordinance does not repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or permits or approvals such as preliminary subdivision plat or partitioning approvals, conditional use permits, non-conforming use status, temporary use permits, special use permits, special exceptions or variances, or building permits issued and still valid and in effect on or before the effective date hereof.

Section 1.11 Consolidated Permit Procedure. All applications or permit processes required by this and other County Planning Ordinances for a specific single land use action may be consolidated into a single permit processing procedure, including the public hearings, notice, and Commission action requirements. For example, for a specific single land use action requiring a Zone Change (Map or Text), a Conditional Use Permit, a Dimensional Variance and a Partitioning, all of these required permits or approval actions may be consolidated into a single public hearing process, a single public notice, and a single Decision and Order action record.

Section 1.12 Zoning Permits. Prior to construction, reconstruction, alteration, or change of use of any structure or lot for which a zoning permit is required, a zoning permit for such shall be obtained from the County Planning Office. A zoning permit shall be void after one (1) year unless construction has commenced.

- A. Zoning permits may be issued by the County Planning Director or authorized agent thereof subject to the following criteria:
1. Subject use is a use permitted with a Zoning Permit by the applicable primary Zone.
  2. Approval for subsurface sewage disposal by DEQ is evident as applicable.
  3. Access approval by the appropriate agency is evident.
  4. Compliance with building, plumbing and electrical codes is evident.
  5. All dimensional standards of the applicable primary zone are complied with.
  6. Compliance with any applicable rules and regulations administered by local, state and/or federal agencies is evident.
  7. Compliance with the provisions of any applicable Combining Zone is evident.
  8. In the case of a farm dwelling in an A-1 or A-2 Zone, that compliance with Section 20.14 of this Ordinance is evident.
  9. In the case of a farm or forest dwelling in an F-1 Zone, that compliance with Section 5.03(A) is evident.
- B. Zoning permits may be issued by the Planning Director or authorized agent thereof without hearing or notice, except for farm and/or forest dwellings in A-1, A-2 or F-1 Zones which shall only be issued pursuant to the following provisions:
1. The Planning Director or authorized agent thereof shall, within five (5) days of the receipt of such an application determine if the use meets the criteria set forth in subsection A above and shall notify the applicant of such findings. Tentative approval may be given at that time.
  2. Upon issuance of tentative approval, the Director or agent shall provide notice of the application and tentative approval thereof to adjacent property owners another affected parties. Such notice shall provide

an opportunity for objections and comments relative to the subject application, and shall provide a period of not less than five days for such response. Final decision on the application shall be made within five days of the end of said response period, and a copy thereof mailed or otherwise delivered to the applicant, all persons or parties responding, and to all persons or parties requesting such notice.

ARTICLE 2: EXCLUSIVE FARM USE ZONE: A-1

Section 2.01 Exclusive Farm Use Zone. The purpose of this Zone is intended to preserve productive agricultural land for continued agricultural use in compliance with Comprehensive Plan provisions and in compliance with State Statutes as a "qualified" farm use zone.

Section 2.02 Permitted Uses. The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in ORS 215.203, except the dwelling customarily provided in conjunction with farm use and a use specified in Sections 2.03 and 2.04 of this Article.
- B. The propagation or harvesting of a forest product.
- C. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- D. Nonresidential buildings customarily provided in conjunction with farm use.
- E.<sup>2</sup> Operations for the exploration of geothermal resources as defined by ORS 522.005.
- F. The breeding, boarding and training of horses for profit.

Section 2.03 Uses Permitted With A Zoning Permit. In the A-1 Zone, the following uses and their accessory uses are permitted upon the issuance of a Zoning Permit:

- A. A dwelling customarily provided in conjunction with farm use if the dwelling is on a lot or parcel that is managed as part of a farm operation and meets the criteria set forth in Section 20.14 of this Ordinance; includes a mobile house or a manufactured home.
- B. A dwelling, including mobile house or manufactured home, on real property used for farm use if the dwelling is:
  - 1. Located on the same lot or parcel as the dwelling of the farm operator; and
  - 2. 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.
- C. One mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
- D. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County's inventory as historic property as defined in ORS 358.480; includes mobile house or manufactured home.

Section 2.04 Conditional Uses. In an A-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of this Article and Article 24 of this Ordinance.

A. Type I. Conditional Uses

1. Commercial activities in conjunction with farm use.
2. Home occupations in compliance with ORS 215.448 and Section 24.06 of this Ordinance.
3. A facility for the primary processing of forest products, such facilities intended to be only portable or temporary in nature, and the primary processing of a forest product (as used herein) 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. Such a facility may be approved for a one-year period which is renewable, and shall be found to be in compliance with Section 24.22 of this Ordinance.
4. The propagation, cultivation, maintenance and harvesting of aquatic species.
5. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.
6. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new parcels.
7. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

B. Type II. Conditional Uses.

1. Public or private schools, including all buildings essential to the operation of a school.
2. Churches.
3. 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.
4. Private parks, playgrounds, hunting and fishing preserves and campgrounds and public or private golf courses.
5. Commercial utility facilities for the purpose of generating power for public use by sale.
6. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities as set forth by ORS 215.283(2)(g).
7. A site for the disposal of solid waste approved by the governing body of a city or the 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.

8. Dog kennels as set forth by ORS 215.283(2) (m).
9. Transmission towers over 200 feet in height. DOR
10. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
11. A destination resort which is approved consistent with the requirements of any Statewide planning goal relating to the siting of a destination resort.
12. Single-family residential dwelling, not provided in conjunction with farm use, subject to the requirements set forth in Sections 24.19 and 24.20 of this Ordinance; includes mobile house or manufactured home.
13. Residential homes for handicapped persons, as those terms are defined in ORS 443.580, in existing dwellings, subject to the requirements set forth in Sections 24.19 and 24.20 of this Ordinance.
14. Commercial livestock feedlot or sales yard, hog or mink farm, or slaughter facility located within one-quarter mile from a lot or parcel in an area or zone designated as Farm Residential, Rural Residential or Rural Center, or within one half mile of an Urban Growth Boundary.

Section 2.05 Dimensional Standards. In an A-1 Zone, the following Dimensional Standards shall apply:

- A. A lot or parcel of 160 acres or more shall be considered a farm unit if found to be "currently employed in farm use".
- B. A lot or parcel of less than 160 acres but not less than 80 acres may be approved as a farm unit pursuant to the Type I Conditional Use Permit process and when found to comply with the criteria set forth in Section 24.23 of this Ordinance.
- C. A lot or parcel less than 80 acres may only be approved as a farm unit when found to comply with the criteria set forth in Section 24.23 of this Ordinance through the Type II Conditional Use Permit process.
- D. The parcel size for a permitted nonfarm use or dwelling should not occupy more land area than necessary to accommodate the proposed or intended use.
- E. The minimum Front and Rear yard setbacks shall be 20 feet, and sideyard setbacks shall be a minimum of 10 feet, except that the sideyard setback for a nonfarm use adjacent to a farm use shall be a minimum of 50 feet.
- F. All structures shall be setback at least 60 feet from the centerline of any State or Federal Highway right-of-way, and 45 feet from the centerline of any County or other public road or street right-of-way.

ARTICLE 3: AGRICULTURE USE ZONE: A-2

Section 3.01 Agriculture Use Zone. The Agriculture Use Zone is intended to preserve grazing and other agricultural land, except in those areas designated by the Plan as Rural or Farm Residential, and to allow rural homesites, hobby farms and similar "not for profit" farm residences in accord with Comprehensive Plan policies and provisions for such uses.

Section 3.02 Permitted Uses. In an A-2 Zone, the following uses and their accessory uses are permitted outright:

- A. Farm use as defined in ORS 215.203, except the dwelling customarily provided in conjunction therewith.
- B. The propagation or harvesting of a forest product.
- C. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- D. Nonresidential buildings customarily provided in conjunction with farm use.
- E. Operations for the exploration of geothermal resources as defined by ORS 522.005.
- F. The breeding, boarding and training of horses for profit.

Section 3.03 Uses Permitted With A Zoning Permit. In an A-2 Zone, the following uses and their accessory uses are permitted upon the issuance of a Zoning Permit:

- A. A dwelling customarily provided in conjunction with farm use on land "currently employed for farm use" and found in compliance with the criteria or standards set forth in this Article and in Section 20.14 of this Ordinance; includes mobile house or manufactured home.
- B. Single-family dwellings, not provided in conjunction with farm use, on lots or parcels located within areas designated by the Plan as Farm Residential, Rural Residential or Rural Center; includes mobile house or manufactured home.
- C. A dwelling on real property used for farm use, including mobile house or manufactured home, if the dwelling is:
  1. Located on the same lot or parcel as the dwelling of the farm operator; and
  2. 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 management of the farm is required.
- D. One mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
- E. A replacement dwelling, including mobile house or manufactured home, to be used in conjunction with farm use if the existing dwelling has been listed in the County's inventory as historic property as defined in ORS 358.480.

- F. Retention of a life estate in a dwelling and in a tract of land under and around such dwelling upon the sale or transfer of the remaining real property for continued farm use.

Section 3.04 Conditional Uses. In an A-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of this Article and Article 24 of this Ordinance:

A. Type I. Conditional Uses.

1. Commercial activities in conjunction with farm use.
2. Home occupations.
3. A facility for the primary processing of forest products intended to be only portable or temporary in nature.
4. The propagation, cultivation, maintenance and harvesting of aquatic species.
5. 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.
6. Public parks, playgrounds, campground, golf course and community center owned and operated by a government agency or a nonprofit community organization.
7. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
8. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

B. Type II. Conditional Uses.

1. Public or private schools, including all buildings essential to the operation of a school.
2. Churches.
3. 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.
4. Private parks, hunting and fishing preserves, campground or golf course.
5. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.
6. Commercial utility facilities for the purpose of generating power for public use by sale.
7. A site for the disposal of solid waste approved by the governing body of a city or the 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.

8. Dog kennels as set forth by ORS 215.283(2) (m).
9. Transmission towers over 200 feet in height. DOR
10. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
11. A destination resort which is approved consistent with the requirements of any Statewide planning goal relating to the siting of the same.
12. Single-family residential dwelling, not provided in conjunction with farm use, subject to the requirements set forth in Sections 24.19 and 24.20 of this Ordinance; includes mobile house or manufactured home.
13. Residential homes for handicapped persons, as those terms are defined in ORS 443.580, in existing dwellings, subject to the requirements set forth in Sections 24.19 and 24.20 of this Ordinance.
14. Commercial livestock feedlot or sales yard, hog or mink farm, or slaughter facility located within one-quarter mile of a lot or parcel in an area designated or zoned as Farm Residential, Rural Residential or Rural Center, or within one-half mile of an Urban Growth Boundary.

Section 3.05 Dimensional Standards. In an A-2 Zone, the following Dimensional Standards shall apply:

- A. A lot or parcel of 160 acres or more shall be considered a farm unit if found to be "currently employed in farm use".
- B. A lot or parcel less than 160 acres may only be approved as a farm unit when found to comply with the criteria set forth in Section 24.23 of this Ordinance through the Type II Conditional Use Permit process.
- C. In an area designated as Farm Residential, the minimum lot or parcel shall be 10 acres unless rezoned to a higher density.
- D. In an area designated as Rural Residential, the minimum lot or parcel shall be 3 acres unless rezoned to a higher density.
- E. In an area designated as Rural Center, the minimum lot or parcel without either public or community water or sewage disposal system shall be one (1) acre; 20,000 sq. ft. if either an approved public or community water or sewer system is provided; and 10,000 sq. ft. if both an approved public or community water and sewer system is provided.
- F. For nonfarm uses permitted in areas not designated by the Plan as Farm Residential, Rural Residential or Rural Center, the minimum lot or parcel size shall be one (1) acre and should not be more than necessary to accommodate the intended or proposed use.
- G. The minimum Front and Rear Yard setbacks shall be 20 feet, and sideyard setbacks shall be 10 feet, except that a sideyard of a nonfarm use adjacent to a farm use in an area not designated as Farm Residential, Rural Residential or Rural Center shall be 50 feet.

- H. All structures shall be setback at least 60 feet from the centerline of State or Federal rights-of-way and 45 feet from the centerline of any County or other public road or street right-of-way.

ARTICLE 4: RURAL CENTER ZONE: A-3

Section 4.01 Rural Center Zone. This zone is intended to provide minimum standards for a variety of different types of uses as may be located in a rural or recreation community. Development shall be in accord with Comprehensive Plan provisions.

Section 4.02 Permitted Uses. The following uses may be permitted outright in an A-3 Zone:

- A. Raising, harvesting, storing or selling crops.
- B. Feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees.
- C. Dairying and the sale of dairy products.
- D. Other agriculture, horticulture or animal husbandry uses or activities, excluding livestock feedlot, sales yard or auction market.
- E. Propagation or harvesting of a forest product.
- F. Preparation and storage of the above products.
- G. Single family, including mobile house or manufactured home, or two-family dwelling units.
- H. Public schools.
- I. Church or community center.
- J. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- K. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.
- L. Residential Home.

Section 4.03 Conditional Uses. The following uses may be permitted in an A-3 zone according to the provisions of Article 24, and upon conditional use approval:

- A. Type I. Conditional Uses.
  1. Private or public playgrounds, golf courses, hunting or fishing preserves and campgrounds.
  2. Limited Home Occupations.
- B. Type II. Conditional Uses.
  1. Commercial activities that are in conjunction with farm use, and include, but are not limited to the manufacture of alternate fuels from agricultural or forest materials.
  2. 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 material resources or other subsurface resources.
  3. Amusement or recreation uses.
  4. Lodges, hotels, motels.
  5. Restaurant, bar, tavern.
  6. Airport facilities.

## Second Dwelling

7. Campgrounds or travel trailer parks.
8. Mobile home parks.
9. Planned development.
10. Kennels or boarding stables.
11. Aggregate or mineral removal or processing.
12. Wrecking yard or Junk yard.
13. Energy facilities.
14. Other residential, commercial, or industrial uses compatible with the above permitted or conditional uses, and in accord with other zoning and Comprehensive Plan provisions.
15. Livestock sales yard or auction market.
16. Residential Facility or an Adult Foster Home.

Section 4.04 Minimum Parcel Size. Minimum parcel size in an A-3 zone is one acre for parcels without either a public or community water or sewage disposal system; 20,000 square feet if either a State approved public or community water or sewage disposal system is provided; and 10,000 square feet if both a State approved public or community water supply and sewage disposal systems are provided.

Section 4.05 Standards. The following standards shall apply to all development in the A-3 Zone:

- A. Livestock are permitted subject to the limitations set forth by Section 20.15 of this Ordinance.
- B. Setbacks shall be 20 feet front and rear yards and 10 feet sideyards.
- C. All structures shall be at least 60 feet from the centerline of any State or Federal Highway right-of-way and 45 feet from the centerline of any County or other public road or street right-of-way.
- D. Residential or commercial structures shall not exceed 35 feet in height.
- E. Minimum lot width and depth shall be 100 feet.
- F. Commercial, public, or industrial uses shall have a sufficient front yard setback to provide for parking as needed.
- G. Parking requirements per Article 21 and Sign requirements per Article 22 of this Ordinance.

ARTICLE 5: FOREST USE ZONE: F-1

Section 5.01 Forest Use Zone. The purpose of this zone is to provide for the orderly management and development of forest land for the sustained production of forest products and the development of compatible uses.

Section 5.02 Permitted Uses. The following uses and their accessory uses are permitted outright in an F-1 Zone:

- A. Management, propagation, growing and harvesting of forest products, and/or temporary processing, forest practices, and forest operations.
- B. Uses and structures accessory to and necessary for the management, propagation or harvesting of forest products including but not limited to equipment maintenance shops, storage facilities and fire protection facilities including water impoundments, but excluding dwellings.
- C. Livestock grazing, including customary accessory uses including but not limited to corrals, pens, barns, sheds, maintenance buildings, storage facilities, but excluding dwellings.
- D. Farm use as defined in ORS 215.203, except dwellings.
- E. Forest tree nurseries, tree farms and accessory buildings customarily provided with such uses, except dwellings.

Section 5.03 Uses Permitted With A Zoning Permit. In an F-1 Zone, the following uses are permitted upon the issuance of a Zoning Permit:

- A. Principal dwellings, including mobile houses and manufactured homes, and their accessory uses customarily provided in conjunction with and necessary for and accessory to forestry, farming and grazing uses permitted in this Zone provided that:
  1. The dwelling is or is to be occupied by a person or persons engaged in a farm, forest or grazing use on the subject property.
  2. A farm, forest or grazing use or combinations thereof exists on and will be continued on the subject property, or that assurances are provided that such a use(s) will be developed and that the subject property is determined capable of supporting the use(s) intended.
  3. The location of the dwelling will not seriously interfere with acceptable forest, farm or grazing practices on the subject and adjoining lands.
  4. The proposed site location is suitable for the proposed dwelling taking into account access, services, fire protection and other locational factors.
  5. The proposed dwelling is to be located on land least suitable for commercial forest production, other forest uses and farm uses.
  6. That the publication "Fire Safety Considerations for



Developments in Forested Areas" shall be used as a guideline in siting the dwelling as applicable.

- B. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- C. Operations for the exploration of geothermal resources as defined by ORS 522.005.

Section 5.04 Conditional Uses. The following uses may be permitted in an F-1 Zone according to the provisions of Article 24 and standards in Section 24.17, and upon conditional use approval:

A. Type I. Conditional Uses.

- 1. Private or public playgrounds, golf courses, hunting or fishing preserves and campgrounds.
- 2. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.
- 3. Home occupation.
- 4. Boarding of horses and riding academies.
- 5. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- 6. Improvement of public roads and highway related facilities such as maintenance yards, weigh and scaling stations, rest areas, chaining areas and runaway truck ramps, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

B. Type II. Conditional Uses.

- 1. Commercial utility facilities for the purpose of generating power for public use by sale.
- 2. Commercial or industrial activities that are undertaken in conjunction with forestry uses, and include but are not limited to (1) wood processing, and (2) the manufacture of alternate fuels from forest materials.
- 3. Personal use airport or private airstrip, and hangars and other facilities.
- 4. Churches, schools, or single-family dwelling not provided in conjunction with forestry uses.
- 5. 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.
- 6. Radio or TV tower.
- 7. Planned developments.

Section 5.05 Minimum Parcel Size.

- A. Lot Size. All F-1 land shall be maintained for forestry uses except as may be approved for other purposes in accord

with Plan and Zoning Ordinance provisions. The minimum required area for construction of church, school, or a seasonal or permanent residence approved in accordance with the provisions of Section 5.04(B) (4) of this Ordinance shall be three acres.

- B. Lot Width. Every lot or building site area in an F-1 zone shall have a width of not less than 220 feet.

Section 5.06 Standards. The following standards shall apply to all development in the F-1 Zone:

- A. Setbacks shall be 20 feet front and rear yards and 10 feet sideyards.
- B. All structures shall be at least 60 feet from the centerline of any State or Federal Highway right-of-way, and 45 feet from the centerline of any County or other public road or street right-of-way.
- C. Structures shall not exceed 45 feet in height.
- D. Parking space and sign requirements as per Articles 21 and 22 of this Ordinance.
- E. Considerations to be taken into account in determining whether a parcel proposed to be created will continue to be utilized for forest uses include, but are not limited to the following:
  - 1. Parcel size and location.
  - 2. Proposed development, and existing forest and other uses and prior uses of the property and vicinity properties, and the impact of the proposed development thereon.
  - 3. The impact of the proposed development on existing forest uses.
  - 4. Whether or not the parcel is suitable for forestry uses.
  - 5. Availability of access and services.
  - 6. Economic (market), social, physical and other considerations determined to be relevant.
  - 7. Statements from the buyer, seller and other interested parties addressing the above and any other appropriate concerns.
- F. Structural setback requirements for riparian habitat areas per Section 20.09.

ARTICLE 6: RURAL RESIDENTIAL ZONE: R-1

Section 6.01 Rural Residential Zone. The Rural Residential Zone is intended to provide for development of one or two-family residential uses in those areas designated on Plan maps as Rural/ Recreation Center, Residential or Rural Residential. Development shall be in accord with Comprehensive Plan provisions.

Section 6.02 Permitted Uses. The following uses may be permitted outright in an R-1 zone.

- A. Raising, harvesting, storing or selling crops.
- B. Feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees, except livestock feed yards or sales yards.
- C. Dairying and the sale of dairy products.
- D. Other agriculture, horticulture or animal husbandry uses or activities, excluding livestock feedlots, sales yards, auction markets and slaughter facilities.
- E. Propagation or harvesting of a forest product.
- F. Preparation and storage of the above products.
- G. Single family dwelling, including mobile houses and manufactured homes.
- H. Residential Home.

Section 6.03 Uses Permitted With A Zoning Permit. In an R-1 Zone, the following uses and their accessory uses are permitted upon the issuance of a Zoning Permit:

- A. Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- B. Operations for the exploration of geothermal resources as defined by ORS 522.005.

Section 6.04 Conditional Uses. The following uses may be permitted in an R-1 zone according to the provisions of Article 24, and upon conditional use approval:

- A. Type I. Conditional Uses.
  - 1. Two-family dwellings (duplexes).
  - 2. Church.
  - 3. Public or private school, parks or playgrounds.
  - 4. Grange hall or community center.
  - 5. Limited Home Occupation.
- B. Type II. Conditional Uses.
  - 1. Cemetery.
  - 2. Golf course.
  - 3. Rest homes.
  - 4. Utility substations and related structures.
  - 5. Mobile home parks.
  - 6. Other public use or facility.
  - 7. Radio or television transmitter or tower.

8. Airport.
9. Kennels or boarding stables.
10. Aggregate removal or processing.
11. Planned development.
12. Residential Facility or an Adult Foster Home.

Section 6.05 Minimum Parcel Size. Minimum parcel size in an R-1 zone is one acre for parcels without a State approved public or community water or sewage disposal system; 20,000 square feet, if either is available; and 10,000 square feet if both are provided; except that R-1 areas designated Farm Residential on the Plan map shall have a minimum parcel size of 10 acres unless a Plan map change is made.

Section 6.06 Standards. The following standards shall apply to all development permitted in the R-1 Zone:

- A. Livestock are permitted subject to the limitations set forth by Section 20.15.
- B. Setbacks shall be 20 feet front and rear yards and 10 feet sideyards. Rear yards on lots in the Christmas Valley Townsite that abut the Christmas Valley Airport shall not be less than 50 feet deep.
- C. All structures shall be at least 60 feet from the centerline of any State or Federal Highway right-of-way, and 45 feet from the centerline of any County or other public road or street right-of-way.
- D. Structures shall not exceed 35 feet in height.
- E. Minimum lot width and depth shall be 100 feet.
- F. Parking space and sign requirements as per Articles 21 and 22 of this Ordinance.

ARTICLE 7: FARM RESIDENTIAL ZONE: R-2

Section 7.01 Farm Residential Zone. The purpose of the Farm Residential Zone is to provide rural homesites, hobby farms, and similar "non-profit" farm residences in accord with the Comprehensive Plan.

Section 7.02 Permitted Uses. The following uses may be permitted outright in an R-2 zone:

- A. Raising, harvesting, storing or selling crops.
- B. Feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees.
- C. Dairying and the sale of dairy products.
- D. Other agriculture, horticulture or animal husbandry uses or activities, excluding livestock feedlots, sales yards, livestock auction markets and slaughter facilities.
- E. Propagation or harvesting of a forest product.
- F. Preparation and storage of the above products.
- G. Single-family dwelling.
- H. Residential Home.

Section 7.03 Uses Permitted With A Zoning Permit. In an R-2 Zone, the following uses and their accessory uses are permitted upon the issuance of a Zoning Permit:

- A. Utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
- B. Operations for the exploration of geothermal resources as defined by ORS 522.005.

Section 7.04 Conditional Uses. The following uses may be permitted in an R-2 zone according to the provisions of Article 24, and upon conditional use approval.

- A. Type I. Conditional Uses.
  1. Two-family dwellings (duplexes).
  2. Church.
  3. Public or private school, parks or playgrounds.
  4. Grange hall or community center.
  5. Limited Home Occupation.
- B. Type II. Conditional Uses.
  1. Cemetery.
  2. Golf course.
  3. Rest homes.
  4. Utility substations and related structures.
  5. Mobile home parks.
  6. Other public use or facility.
  7. Radio or television transmitter or tower.
  8. Airport.
  9. Kennels or boarding stables.
  10. Aggregate removal or processing.

11. Planned development.
12. Residential Facility or an Adult Foster Home.

Section 7.05 Minimum Parcel Size. Minimum parcel size in the R-2 zone is 10 acres.

Section 7.06 Standards. The following standards shall apply to all development in the R-2 zone:

- A. Livestock are permitted subject to the limitations set forth by Section 20.15 of this Ordinance.
- B. Setbacks shall be 20 feet front and rear yards and 10 feet sideyards.
- C. All structures shall be at least 60 feet from the centerline of any State or Federal Highway right-of-way and 45 feet from the centerline of any County or other public road or street right-of-way.
- D. Structures shall not exceed 35 feet in height.
- E. Minimum lot width and depth shall be 100 feet.
- F. Parking space and sign requirements pursuant to Articles 21 and 22 of this Ordinance respectively.

ARTICLE 8: SUBURBAN RESIDENTIAL ZONE: R-3

Section 8.01 Suburban Residential Zone. The purpose of the Suburban Residential Zone is to provide for those urban type uses compatible with and necessary for the proper transition of an urbanizable area within an Urban Growth Boundary.

Section 8.02 Permitted Uses. In an R-3 Zone, the following uses and their accessory uses are permitted outright:

- A. Single-family dwellings, including mobile houses and manufactured homes in compliance with the provisions of Section 20.06 of this Ordinance.
- B. Two-family dwelling or duplex.
- C. Farm use, excluding a commercial livestock feedlot, sales yard, hog or mink farm, or slaughter facility, and subject to the limitations set forth in Section 20.15 of this Ordinance.
- D. Residential Home.

Section 8.03 Conditional Uses. In an R-3 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Article and Article 24 of this Ordinance:

- A. Public or private school or church, including buildings essential to the operation thereof.
- B. Golf course and other open land recreational uses, but excluding intensive commercial amusement use such as driving ranges, automobile race track or amusement park.
- C. Governmental structure or use including, but not limited to parks, playgrounds, recreation building, fire or other emergency services station, library, museum, office or other services building.
- D. Community building owned and operated by a governmental agency or a nonprofit, social or fraternal organization.
- E. Hospital and other medical service facilities including but not limited to, clinics, sanitarium, rest home, home for the aged, nursing or convalescent home.
- F. Telephone exchanges, radio and television facilities, electrical substations, and other public or private utility facilities.
- G. Mobile Home Park and/or Recreation Vehicle Park.
- H. Limited Home Occupation.
- I. Residential Facility or an Adult Foster Home.
- J. Cemetery and/or Mortuary, including Crematorium.
- K. Multi-family dwelling complex.
- L. Planned Unit Development.
- M. Other public or semipublic uses or facilities.
- N. Airport or heliport, including associated hangars, terminals, maintenance and service facilities.

Section 8.04 Dimensional Standards. In an R-3 Zone, the following Dimensional Standards shall apply:

- A. The minimum lot area for lots served by both public sewer and water systems shall be 7,000 square feet; 10,000 square feet if served only by public sewer or water systems but not both; and 20,000 square feet if not served by either. An additional 2,500 square feet is required for each dwelling unit more than one.
- B. Minimum lot width shall be 70 feet.
- C. Minimum lot depth shall be 100 feet.
- D. All lots of more than 14,000 square feet shall be so designed as to permit future re-division unless such lots are proposed or intended for development for other than single-family residential use.
- E. Front yards shall be a minimum of 20 feet.
- F. Each side yard shall be a minimum of 5 feet, except that on corner lots the side yard on the street side shall be a minimum of 15 feet.
- G. Rear yards shall be a minimum of 20 feet.
- H. All structures shall be set back at least 60 feet from the centerline of any State or Federal Highway right-of-way, and 45 feet from the centerline of any County road.
- I. Buildings shall not occupy more than 50 percent of the total lot area.
- J. No building shall exceed a height of 35 feet measured from grade.
- K. Livestock are permitted subject to the limitations set forth by Section 20.15 of this Ordinance.

Section 8.05 Signs. In an R-3 Zone, signs are permitted in accordance with the provisions set forth in Section 22.11 of this Ordinance.

Section 8.06 Off-Street Parking and Loading. In an R-3 Zone, off-street parking and loading facilities shall be provided in accordance with the provisions set forth by Article 21 of this Ordinance.



ARTICLE 9: COMMERCIAL ZONE: C-1

Section 9.01 Commercial Zone. The Commercial Zone is intended to provide for various retail and other types of commercial uses.

Section 9.02 Permitted Uses. The following uses may be permitted outright in a C-1 zone:

- A. Multi-family dwelling complex not exceeding 20 units, and not within 500 feet of an Industrial Zone.
- B. Retail, financial or service commercial uses.
- C. Auto or bicycle or recreational vehicle sales and service.
- D. Eating and drinking establishments, except drive-ins and those serving alcoholic beverages.
- E. Bakery or delicatessen.
- F. Printing or copying.
- G. Building supplies and hardware.
- H. Floor coverings.
- I. Grocery store.
- J. Dance, art or photo studio, museum, or gallery.
- K. Professional offices.
- L. Auctions enclosed within a building, except livestock sales facilities.
- M. Feed, seed, grain, farm supplies.
- N. Hotel, motel.
- O. Farm equipment sales and service.
- P. Plant nursery.
- Q. Trailer or mobile home sales and service.
- R. Equipment rental.
- S. Veterinary clinic or animal hospital wholly enclosed within a building.
- T. Wholesale operation, warehouse and storage.
- U. Truck terminal or freight depot.
- V. Service station or car wash.
- W. Tire shop.
- X. Public or private school, golf course or other recreation use not within 500 feet of an Industrial Zone.

Section 9.03 Conditional Uses. The following uses may be permitted in a C-1 zone according to the provisions of Article 24 and upon conditional use approval:

- A. Single family dwellings, including mobile houses and manufactured homes in compliance with Section 20.06 of this Ordinance, two-family dwellings, and multi-family dwelling complexes of more than 20 units or within 500 feet of an Industrial Zone.
- B. Indoor or outdoor amusement enterprises.
- C. Public or private school, golf course or other recreation use, and other buildings and accessory uses essential to the operation of such uses located within 500 feet of an Industrial Zone.
- D. Fuel storage and distribution.
- E. Cabinet, sheet metal, heating, electrical, welding, or

- plumbing shop.
- F. Church and other buildings accessory and directly related to the functions thereof, including parsonage.
  - G. Recreation vehicle park, campground or temporary mobile home park.
  - H. Government structure or use.
  - I. Telephone exchanges, radio and television facilities including transmitters or towers, electrical substations and other public or private utilities.
  - J. Processing, packing or storage of food or beverages, excluding products involving distillation, fermentation or rendering of fats or oils, or slaughtering.
  - K. Hospitals, rest homes, nursing homes.
  - L. Waste disposal sites, solid waste drop boxes, etc.
  - M. Club, lodge or fraternal organization.
  - N. Veterinary clinic or animal hospital providing large animal care with outside facilities or kennels.
  - O. Energy facilities.
  - P. Other uses permitted by the corresponding Commercial Zone(s) of an affected City within the same Urban Growth Boundary to which this Zone may be applicable.
  - Q. Cemetery, mortuary and/or crematorium.
  - R. Eating and drinking establishments serving alcoholic beverages and drive-ins.
  - S. Livestock sales yards.
  - T. Residential Home, Residential Facility or an Adult Foster Home.

Section 9.04 Dimensional Standards. In a C-1 Zone, the following Dimensional Standards shall apply:

- A. For lots or parcels not located within a duly adopted and "acknowledged" Urban Growth Boundary the following dimensional standards shall apply:
  - 1. For lots or parcels not served by either a State approved public or community sewer or water system the minimum lot or parcel size shall be one acre (43,560 square feet).
  - 2. For lots or parcels served by either a State approved public or community sewer or water system, but not both, the minimum area shall be 20,000 square feet.
  - 3. For lots or parcels served by both public or community sewer and water systems, the minimum area shall be 10,000 square feet.
  - 4. For residential uses the minimum lot width and depth shall be 70 feet and 100 feet respectively.
- B. For lots or parcels served by both public or community water and sewer systems and located within a duly adopted and "acknowledged" UGB the following minimum lot sizes shall apply:
  - 1. For residential uses, the minimum area shall be 7,000 square feet, plus an additional 2,500 square feet for

each dwelling unit more than one, and the minimum lot width and depth shall be 50 feet and 100 feet respectively.

2. For all other uses permitted in this Zone, the minimum lot area shall be governed by the combined yard requirements, off-street parking and loading requirements, and other requirements set forth by this Ordinance.
- C. For residential uses, the minimum yard setbacks shall be: Front - 20 feet; Rear - 20 feet; and each Side - 5 feet, except on corner lots the street side shall be 15 feet.
- D. For non-residential uses, the following minimum standards shall apply:
  1. A side yard abutting a residential zone shall be a minimum of 10 feet.
  2. A rear yard abutting a residential zone shall be a minimum of 20 feet.
  3. A yard abutting a street shall be 12 feet or to an existing sidewalk or bicycle-pedestrian way.
- E. No building shall exceed a height of 35 feet except as approved otherwise by the Commission.
- F. Structures shall be set back at least 60 feet from a State or Federal Highway right-of-way and 45 feet from a County or other public road or street right-of-way.
- G. Livestock are permitted subject to the limitations set forth by Section 20.15 of this Ordinance.

Section 9.05 Signs. In a C-1 Zone, signs are permitted in accordance with the provisions of Article 22 of this Ordinance.

Section 9.06 Off-Street Parking and Loading. In a C-1 Zone, off-street parking and loading facilities shall be provided in accordance with the provisions set forth by Article 21 of this Ordinance.

ARTICLE 10: LIGHT INDUSTRIAL ZONE: M-1

Section 10.01 Light Industrial Zone. The purpose of this zone is to provide for the orderly development and management of light industry.

Section 10.02 Permitted Uses. In an M-1 Zone, the following uses and their accessory uses are permitted outright:

- A. Retail, wholesale or service business establishments except a use set forth in Section 10.03.
- B. Farm use, excluding livestock feedlot, sales yard or auction market and slaughter facility.
- C. Residence for caretaker, night watchman or owner/operator on property with an existing industrial or commercial use.
- D. Freight depot, trucking terminal and railroad facilities.
- E. Automobile service station or truck stop.
- F. Veterinary clinic, animal hospital or kennel.
- G. Laboratory, research or testing facility.
- H. Storage buildings for personal property (mini-storage) and recreation vehicle or boat storage.
- I. Wholesale distribution outlet, including warehousing.
- J. Cabinet shop, contractor's or building materials, and other construction-related businesses including plumbing, electrical, roofing, siding, etc.
- K. Ice or cold storage plant, including food locker rental.
- L. Recreation vehicle and/or boat manufacture, repair, sales and service.
- M. Welding, sheet metal, machine shop or metal fabrication totally enclosed within a building.
- N. Government buildings including armories, maintenance, repair, storage, general and emergency services and offices.
- O. Manufacturing, fabricating, processing, repairing or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, furniture, signs, and similar operations totally enclosed within a building.
- P. Processing, packaging, storage and distribution of foods or beverages, excluding those involving distillation, fermentation, rendering of fats and oils and slaughtering.
- Q. Public or semi-public use, including utility facilities.
- R. Forest products remanufacturing with all manufacturing activities totally enclosed within buildings and not more than 25% of the lot area used for outside storage of materials.

Section 10.03 Conditional Uses. In an M-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of this Article and Article 24 of this Ordinance:

- A. Any use permitted by Section 10.02 which is located within 200 feet of a lot within a residential zone or a lot within a duly platted subdivision.
- B. Any use permitted by Section 10.02 which involves outside storage and is located within 200 feet of a residential or commercial zone.
- C. Any use permitted by Section 10.02 which is located within 200 feet of a residential or commercial zone and requires a DEQ contaminant discharge permit.
  - 1. Occupy more than 70% of the land area.
  - 2. Require more than one (1) acre of land area.
  - 3. Generate more than 20 truck-trailer or other heavy equipment trips to and from the premises during the busiest hour of the day.
  - 4. Generate any odor, dust, fumes, glare, flashing lights, or noise which is perceptible within 500 feet from the property line of the subject use without instruments.
- D. The resumption of a residential use where the subject use has previously been conducted and has not been discontinued for a period exceeding six months.
- E. Livestock sales or auction market and slaughtering facility, excluding rendering plant.
- F. Energy facilities.
- G. Temporary mobile home park.
- H. Wrecking yard or junk yard.
- I. Forest products remanufacturing with all manufacturing activities totally enclosed within buildings except as set forth in Section 10.02(R).

Section 10.04 Use Limitations. In an M-1 Zone, the following limitations and standards shall apply to all permitted uses:

- A. Any use which creates noise, smoke, odor, gases, vibrations, or other environmental impacts is prohibited unless maintained in compliance with applicable DEQ and/or EPA standards.
- B. Vehicular access to streets and highways shall be limited and shall meet with the approval of the Planning Commission in accordance with the following factors and guidelines:
  - 1. Access to public streets shall be so located as to minimize traffic congestion.
  - 2. Access shall be so located as to avoid directing industrial traffic onto residential streets.
  - 3. There should not be more than one ingress and one egress per each 300 feet of street frontage or fraction thereof and, if deemed necessary, the Commission may require shared ingress and egress.
  - 4. All parking demand created by a use permitted in this zone shall be accommodated on the subject premises entirely off-street.

5. No use permitted in this zone shall require the backing of traffic onto a public street or highway right-of-way to accommodate ingress or egress to any use or premises thereof.
- C. Materials shall be sorted and grounds maintained in a manner which will neither attract or aid the propagation of insects or rodents, or otherwise create a public health hazard, a public safety hazard, or an unsightly condition.
- D. All service, processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone or street or highway by a permanently maintained, sight-obscuring fence or sight-obscuring landscape at least 6' in height.
- E. Building entrances or other openings adjacent to or facing a residential or commercial zone shall be prohibited if they cause excessive noise not in compliance with DEQ and/or EPA standards, or otherwise can be shown to adversely affect the use or value of the adjacent or facing property(s).

Section 10.05 Dimensional Standards. In an M-1 Zone, the following Dimensional Standards shall apply:

- A. The minimum lot size shall be determined in accordance with the provisions of this Article and this Ordinance relative to setback requirements, off-street parking, loading and access requirements, lot coverage limitations, and as deemed necessary by the Commission to maintain air, water and land resource quality and to protect adjoining and area land uses.
- B. Except as required when abutting another zone and particularly when abutting a residential zone, full coverage of the lot area is allowable, provided that when one party has constructed a building on the boundary of the abutting parcel, the adjoining landowner shall either use that wall as a common party wall or shall put his wall immediately adjacent to the other party's wall or shall maintain a setback of six (6) feet from the wall.
- C. Building Setback Requirements: Front, side and/or rear yard setbacks are not required except as set forth herein:
  1. The minimum setback between a structure and a property line abutting a lot in a residential zone shall be 50 feet.
  2. The minimum setback between a structure and a property line abutting a lot in a commercial zone shall be equal to that required by the abutting zone.
  3. The minimum setback between a structure and a right-of-way line of an arterial or major collector street or highway shall be 20 feet.
- D. Building Height Limitation: No structure shall exceed a height of 45 feet.

Section 10.06 Off-Street Parking and Loading. In an M-1 Zone, off-street parking and loading facilities shall be provided in accordance with the provisions of this Article and Article 21 of this Ordinance.

Section 10.07 Signs. In an M-1 Zone, signs are permitted as authorized by Article 22 of this Ordinance.

Section 10.08 Site Plan Review. In an M-1 Zone, all uses permitted are subject to the site plan review provisions of Article 23 of this Ordinance.

Section 10.09 Lakeview Industrial Site Master Plan. In an M-1 Zone, all uses proposed within the boundaries of the Lakeview Industrial Site Master Plan are subject to approval under the provisions of that "Plan".

ARTICLE 11: HEAVY INDUSTRIAL ZONE: M-2

Section 11.01 Heavy Industrial Zone. The purpose of this zone is to provide for the orderly development and management of heavy industry.

Section 11.02 Permitted Uses. In an M-2 Zone, the following uses and their accessory uses are permitted outright:

- A. Retail, wholesale or service business establishment except a use set forth in Section 11.03.
- B. Farm use, excluding livestock feedlot, sales yard or auction market, and slaughter facility.
- C. Residence, including mobile home, for a caretaker or night watchman on property with an existing industrial or commercial use, or for the owner or manager of such use.
- D. Freight depot, trucking terminal, private or public transportation station and railroad facilities.
- E. Contractor's or building materials business, and other construction-related business including plumbing, electrical, roofing, siding, cabinet shop, etc.
- F. Ice or cold storage plant, bottling plant or food processing and/or packaging plant.
- G. Wholesale distribution outlet, including warehousing.
- H. Welding, sheet metal, machine shop or other metal fabrication establishment.
- I. Veterinary clinic, animal hospital or kennel.
- J. Laboratory for experiment, research, testing and education.
- K. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, excluding refining or rendering of fats and oils.
- L. Government buildings including armories, maintenance, repair or storage facilities.
- M. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, furniture, signs and similar operations.
- N. Storage buildings for personal property, and/or storage buildings or areas for recreational vehicles and boats.
- O. Lumber and other wood products manufacturing or remanufacturing.
- P. Repair, rental, sales, servicing and storage of machinery, implements, heavy equipment, recreation vehicles and boats, and mobile, modular or prefabricated homes, and the manufacturing and/or assembling of the same.
- Q. Automobile, truck, farm and heavy equipment sales and service, including service stations and truck stops.
- R. Public and semi-public uses, including utility facilities.

Section 11.03 Conditional Uses. In an M-2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this Article and Article 24 of this Ordinance:



- A. Any use permitted in Section 11.02 that is adjacent to or across the street from a residential use or lot in a residential zone or a duly platted and approved residential subdivision or development.
- B. The resumption of a residential use where such use has previously been conducted and has not been discontinued for a period exceeding six months.
- C. Concrete, ready-mix, concrete batching or other concrete products facility.
- D. Automobile or other automotive wrecking yard and junk yard.
- E. Commercial livestock feedlot, stock yards, sales yard, auction market, slaughter facility, and rendering plant.
- F. Petroleum, synthetic or other fuel producing and/or packaging or processing plant, including storage and distribution, and by-products thereof.
- G. Chemical manufacturing, storage and distribution facility, including farm chemicals.
- H. Operations conducted for the exploration, mining and processing of geothermal resources.
- I. Commercial utility facilities or other facilities for the purpose of generating power for sale.
- J. Recycling centers or facilities.
- K. Temporary Mobile Home Park.
- L. Any use permitted by Section 11.02 that generates any odor, fumes, glare, flashing lights or noise that is perceptible without instruments from a lot or use in a residential or commercial zone within 500 feet of the proposed use.
- M. Any other industrial use not declared a nuisance by the County or a court of competent jurisdiction provided such use is not expected to create a nuisance because of odor, noise, dust, smoke, traffic, gas or other factors, and is found to be in compliance with applicable nuisance and pollution regulations.

Section 11.04 Use Limitations. In an M-2 Zone, the following limitations and standards shall apply to all permitted uses:

- A. No use shall be permitted which has been declared a nuisance by action of the County or by a court of competent jurisdiction. For uses requiring pollution or contaminant discharge permits by an agency other than the County, final approval for such a use shall not be issued by the County prior to review and approval by the applicable permit reviewing authority.
- B. Materials shall be stored and grounds maintained in such a manner as to prevent the attraction of or aid in the propagation of insects or rodents, or in such a manner as to not otherwise create a health or safety hazard or attractive nuisance hazard.
- C. Points of access from a public street or highway to properties and uses permitted in this Zone shall be located, constructed, maintained and controlled so as to minimize traffic congestion and hazards, and shall avoid directing

traffic onto streets or highways that pass directly through residential, school, hospital or other noise sensitive use areas and safety zones and shall be maintained to minimize adverse impacts from dust.

- D. All parking demand created by any use permitted in this Zone shall be accommodated entirely off-street on the subject premises or on another adjoining premise shared by one or more uses permitted in this Zone.
- E. No use permitted in this Zone shall require the backing of traffic onto a public right-of-way to accommodate ingress and egress to the subject use.
- F. All uses permitted in this Zone shall be screened from abutting residential zones by a sight-obscuring fence or sight-obscuring landscaping at least six feet in height.
- G. Except as approved otherwise by the Commission, there shall not be more than one ingress and one egress per each 300 feet of frontage on an arterial street or highway or fraction thereof. As deemed necessary in the best interest of public safety, the Commission may require the sharing of such ingress and egress by more than one use.

Section 11.05 Dimensional Standards. In an M-2 Zone, the following Dimensional Standards shall apply:

- A. The minimum lot area shall be determined in accordance with the provisions of this Ordinance relative to yard and setback requirements, off-street parking and loading requirements and other requirements as deemed necessary by the Commission to maintain air, water and land resource quality and to protect adjoining and area land uses.
- B. The minimum building setback between a structure and the right-of-way line of an arterial or major collector street or highway shall be 50 feet except as otherwise approved by the Commission.
- C. A side yard or rear yard abutting a residential zone shall be 25 feet.
- D. A side or rear yard abutting a commercial zone shall be 10 feet.
- E. Lot Coverage: Except as abutting another zone and for the provision of off-street parking, loading and access, full coverage of the lot area is allowable, provided that when one party has constructed a building on the boundary line of an adjoining parcel, the abutting landowner shall either use that wall as a common party wall, or shall put his wall immediately adjacent to the other party's wall or shall maintain a setback of six feet from that wall.
- F. Building Height: No structure shall exceed a height of 45 feet except as otherwise approved by the Commission.

Section 11.06 Off-Street Parking and Loading. In an M-2 Zone, Off-street parking and loading facilities shall be provided in accordance with the provisions of this Article and Article 21 of this Ordinance.

Section 11.07 Signs. In an M-2 Zone, signs are permitted as authorized by Article 22 of this Ordinance.

Section 11.08 Site Plan Review. All uses permitted in this Zone are subject to review pursuant to the Site Plan provisions of Article 23 of this Ordinance.

Section 11.09 Lakeview Industrial Site Master Plan. In an M-2 Zone, all uses proposed within the boundaries of the Lakeview Industrial Site Master Plan are subject to approval in accordance with the provisions of said "Plan".

ARTICLE 12: PUBLIC FACILITY ZONE: P-F

Section 12.01 Public Facility Zone. The purpose of this zone is to provide areas which are suitable for government or public utility activities, and which can be held or developed by such entities in a manner that assures adequate public service and compatibility with surrounding uses.

Section 12.02 Permitted Uses. In a P-F zone, public facilities and services, and minor betterments thereof, are permitted outright. Public facilities and services shall include, but not be limited to, government administrative offices, schools, parks, airports, cemeteries, sewage treatment plants, utility substations, energy facilities, those deemed to be necessary for the maintenance of the public health, safety, and welfare, plus such other activities consistent with Comprehensive Plan policies.

Section 12.03 Minimum Parcel Size. There shall be no minimum parcel size in a P-F zone.

Section 12.04 Standards. Standards in the P-F zone shall be those applicable to the C-1 zone, as described in Section 9.04.

ARTICLE 13: AIRPORT APPROACH COMBINING ZONE: A-A

Section 13.01 Airport Approach Zone. The purpose of this zone is basically to provide safe and suitable airport approaches without dangerous obstruction to air space. Provisions of this zone shall apply to those areas mapped and officially recognized as the airport approach (approach safety and clear) zones and as transitional surfaces. Such maps shall be appended hereto, and become a part of this Ordinance.

In a zone with which is combined an A-A district, the following regulations shall apply:

Section 13.02 Special Definitions.

- A. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; 1,500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a nonprecision instrument approach; 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than 3/4's of a statute mile; 4,000 feet for a nonprecision instrument runway having visibility minimums as low as 3/4's statute mile; and 16,000 feet for precision instrument runways. The Airport Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34:1 for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50:1; thence upward at slopes of 40:1 for an additional distance of 40,000 feet.
- B. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by Airport Imaginary Surfaces.
- C. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- D. Clear Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.
- E. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet for all nonprecision instrument runways other than utility at 150 feet above the airport

- elevation) and upward extending to a height of 350 feet above the airport elevation.
- F. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
  - G. Noise Sensitive Areas. Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
  - H. Place of Public Assembly. Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
  - I. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 250 feet for Utility Runways having nonprecision instrument approaches, 500 feet for other than utility runways and 1,000 feet for nonprecision instrument runways with visibility minimums of 3/4's of a mile or less and for precision instrument runways.
  - J. Transitional Zones. Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
  - K. Utility Runway. A runway that is constructed and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Section 13.03 Permitted Uses. In an A-A Zone, only the following uses and their accessory uses, if so permitted by the primary zone, are permitted outright:

- A. Farm use, excluding livestock feedlots, sales yards, auction markets, the raising and feeding of animals which would be adversely affected by aircraft passing overhead, and those uses involving structures and dwellings.
- B. Airport related uses and facilities providing such uses are in accord with an applicable and duly adopted Airport Master Plan.
- C. Utility facilities necessary for public service, excluding such facilities involving structures such as substations, transmission towers, sewage lagoons, and commercial facilities for the purpose of generating power for public use by sale.
- D. Landscape nursery, cemetery or open recreation areas which

do not include buildings or structures.

- E. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.

Section 13.04 Conditional Uses. In an A-A Zone, the following uses and their accessory uses, if permitted by the primary zone, are permitted when authorized in accordance with the requirements of this Article and the Article 24 of this Ordinance:

- A. A structure or building accessory to a permitted use.
- B. Single family dwellings, including a mobile house or manufactured home, and duplexes, provided the landowner signs and records in the deed and mortgage records of the County a "Hold Harmless Agreement and Avigation and Hazard Easement" and submits them to the airport owner/operator and the County Planning Department.
- C. Commercial and industrial uses provided the use does not result in the following:
  - 1. Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
  - 2. Making it difficult for pilots to distinguish between airport lights or others.
  - 3. Impairing visibility.
  - 4. Creating bird strike hazards.
  - 5. Endangering or interfering with the landing, taking off or maneuvering of aircraft.
  - 6. Attracting large numbers of people.

Section 13.05 Use Standards and Limitations. All uses and structures within a zone with an A-A Zone shall conform to the requirements of FAA Regulations (F.A.R.) Part 77, or successor, and to other federal and state laws regulating structural height, smoke, steam or dust and other hazards to flight, air navigation, or public health, safety and welfare. Within the various airport areas, certain uses are compatible and certain uses are not because of possible negative effects on either the airport or the use. Such effects on the airport may include danger to property or life from accident, noise and vibration. Because of these factors, uses within an A-A Zone are further limited or restricted as follows:

- A. Approach Zones. Within Approach Zones, the following uses are prohibited except as required for airport use:
  - 1. Places of public assembly.
  - 2. Residential density greater than one (1) unit per five (5) acres.
  - 3. Retirement homes and other residential institutions.
  - 4. Hospitals.
  - 5. Schools.
  - 6. Aggregate extraction and/or processing where ponding

- and birds pose a strike hazard.
- 7. Above ground power lines within clear zones.
- 8. Storage of hazardous material as defined by the National Fire Protection Association (NFPA).
- 9. Communications towers.
- 10. Solid waste disposal sites and sewage lagoons.
- 11. Commercial or industrial uses with potential operations hazards such as electrical interference, high intensity lighting, smoke, glare, noise, etc.
- 12. All other uses as listed in the primary zone with a hold harmless agreement and navigational easement.
- B. Clear Zones. In a Clear Zone, the following standards and limitations shall apply:
  - 1. The clear zone shall be free of any construction or obstruction and shall be minimally used by people.
  - 2. Agriculture which does not attract birds is compatible but no structures are allowed.
  - 3. Above ground power lines are prohibited.
  - 4. Airport clear zones are subject to the conditions as shown in the airport's master plan.
- C. Moderate Noise Impact Zone (Lnd 55+). The following standards shall apply in said noise impact zones:
  - 1. Schools, hospitals, nursing homes, theaters, auditoriums, residential development and all other places of public assembly shall have noise insulation in accordance with DEQ standards.
  - 2. Housing shall be oriented such that screening with fences, berms or other treatment reduce awareness of the airport.
- D. Substantial Noise Impact Zone (Ldn 65+). The following uses may be permitted in said noise impact zones:
  - 1. Airport terminal with appropriate insulation.
  - 2. Hangars.
  - 3. Other airport-related uses only.
- E. The height of any structure or part of a structure, such as a chimney, tower, antenna, etc. shall not project above airport approach, transitional, horizontal or conical surfaces, and may be further limited according to requirements established by the Planning Commission or by other government authorities and specifically as may be set forth by the State Department of Aeronautics and/or the Federal Aviation Administration.
- F. As applicable, all development proposed in this zone is subject to the appropriate provisions of the applicable Airport Master Plan and the Site Plan Review provisions of Article 23 of this Ordinance.

Section 13.06 Exceptions.

- A. In an area lying within the limits of the horizontal zone and conical zone, no special permit under this zone shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree



- or structure extends above the height limits prescribed for such zones.
- B. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 5,000 feet from each end of the runway, no special permit under this zone shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - C. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no approval under this zone shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such zones.
  - D. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this zone.

Section 13.07 Procedures and Information Required. An applicant seeking a conditional use under this zone shall follow procedures set forth in Article 24 of this Ordinance. Information accompanying the application shall also include the following:

- A. A site plan drawn to scale and showing, at a minimum, the following:
  - 1. Property boundary lines as they relate to the Airport Imaginary Surfaces; and the
  - 2. Location and height of all existing and proposed buildings, structures, utility lines and roads.
- B. Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

Section 13.08 Approval Requirements. In the consideration and approval of a proposed use in an A-A Zone, the Commission shall find that:

- A. The proposal is in compliance with applicable State and Federal aviation compatibility guidelines and has approval pursuant thereto as applicable.
- B. The Commission may require establishment and maintenance of screenings, the use of glare resistant materials in construction and landscaping, special noise insulation materials, or may attach other similar conditions or limitations that will serve to reduce hazards to airport operations and the users thereof.

ARTICLE 14: HIGH GROUNDWATER COMBINING ZONE: H-G

Section 14.01 Purpose: The purpose of this zone is to minimize damage to public and private property due to high groundwater and to minimize adverse impacts on such groundwater.

Section 14.02 Standards. In any zone which is combined a H-G Zone, the following standards shall apply:

- A. In any zone with which is combined an H-G Zone, the requirements and procedures of this Article shall apply in addition to those otherwise specified for such zone, provided that if a conflict in regulations or procedures occurs, the more restrictive provisions shall govern.
- B. Utilities and Services: Design of water, sewage disposal and other utilities and services shall be such that high groundwater will not result in health or safety hazards to users thereof.
- C. In a zone with which is combined a H-G Zone, a lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied or used only in accord with the above provisions, and only after the following procedural and substantive requirements have been met:
  1. An applicant shall submit sufficient evidence to show that the proposed development will not be damaged or adversely affected by the high groundwater. Such evidence shall include written and drawn information showing:
    - a. Structural or design provisions or construction methods to be used to avoid or limit effects of high groundwater.
    - b. Drainage, filling, grading or other site improvements to be made to avoid or limit effects of high groundwater.

ARTICLE 16: WASTE DISPOSAL, INACTIVE URANIUM MILL TAILINGS,  
ZONE: WD

Section 16.01 Waste Disposal, Inactive Uranium Mill Tailings, Zone. The purpose of this zone is to allow placement of this overlay zone to provide for a disposal site for certain inactive uranium mill tailings currently located in Lake County, Oregon and identified in the Uranium Mill Tailings Radiation Control Act of 1978 (42 USC 7901). A disposal site is necessary to stabilize and control the mill tailings in a safe and environmentally sound manner to prevent unauthorized use of the tailings and minimize health hazards to the public.

Section 16.02 Permitted Uses. In the zone with which is combined the WD Zone, the following uses may be permitted outright:

- A. Waste disposal site for the inactive uranium mill tailings identified in the Uranium Mill Tailings Radiation Control Act of 1978.
- B. Long-term maintenance, including custodial maintenance and contingency response measures, and monitoring activities.
- C. Livestock grazing.

Section 16.03 Use Limitations. In the zone with which is combined the WD Zone, the following use limitations apply:

- A. Uses listed as a permitted or conditional use in the underlying zoning district in which the land is located are prohibited.
- B. No land-disturbing uses or activities are permitted, including but not limited to mining, well drilling for stock water or any other use and soil disturbance in conjunction with livestock grazing, that will jeopardize the integrity of the disposal site.
- C. No structures are permitted.

Section 16.04 Minimum Parcel Size. Lot area for the disposal site will be that area identified in the Remedial Action Plan necessary to meet design standards, including a buffer area.

Section 16.05 Standards. In the zone with which is combined the WD Zone, the following standards shall apply:

- A. Compliance with Environmental Protection Agency standards. Uses shall be in accord with applicable health and environmental protection standards for uranium mill tailings of the Environmental Protection Agency. (Federal Register, Volume 48, No. 3, January 5, 1983, 40 CFR Part 192).
- B. Groundwater and surface water protection. Groundwater and surface water quality will be protected through site specific hydrological and geochemical assessment and applicable design standards necessary to prevent contamination.

- C. Remedial Action Plan. Disposal site shall be developed in accord with a remedial action plan concurred to by the State of Oregon.
- D. Nuclear Regulatory Commission licensing. Disposal site shall be licensed by the Nuclear Regulatory Commission.
- E. The disposal site shall include a liner engineered to a thickness and permeability appropriate for the composition of the tailings and characteristics of the disposal site.
- F. The disposal site shall be posted.

Section 16.06 Procedure for Adoption. The WD zone may be placed on an existing zone by complying with the following procedures:

- A. An application for an amendment to the zoning map requesting placement of the WD zone must be filed with the Planning Office.
- B. Any application for consideration of placement of the WD zone shall follow the procedures of Article 28 of this Ordinance.
- C. In determining placement of the zone, in addition to the standards in Article 28, findings will include an exception as that term is defined by Oregon Administrative Rule to applicable statewide planning goal(s) and the DEQ environmental hazard notice process is complied with.
- D. In placement of the zone, the County may impose any conditions or restrictions, including, but not limited to fencing, it deems necessary in the public interest to achieve the purposes of this zone.

ARTICLE 17: GEOLOGICAL HAZARD COMBINING ZONE: G-H

Section 17.01 Geological Hazard Combining Zone. In any Zone which is a combined G-H Zone, the requirements and standards of this Article shall apply in addition to those set forth by the primary Zone, provided that if a conflict should occur in such standards, the more restrictive shall apply.

Section 17.02 Application of G-H Combining Zone. The provisions of this Zone shall apply to all areas of special geological hazards such as landslides, major faults, etc. within the County as may now or in the future be identified and so designated. Until such time as specific hazards are accurately identified and so designated, each development proposal shall be reviewed pursuant to general information available regarding such hazards (SCS Soils Survey data) with emphasis on slopes >30%.

Section 17.03 Permitted Uses. In a Zone with which the G-H Zone is combined, the following uses are the only uses permitted outright, and these uses are permitted only if such uses are permitted by the underlying primary zone:

- A. Agricultural use conducted without locating a structure in the Zone, except for boundary fences and portable accessory structures not requiring a foundation, and shall be restricted to prevent destruction of vegetation to such a degree as to cause erosion.
- B. Industrial or commercial use that does not require a structure other than surfacing at ground level such as a loading/unloading area, parking area, or that requires only temporary structures without foundations that will not necessitate ground excavation.
- C. Recreational use that requires no structures, alteration of the natural geology or vegetation removal without immediate replacement.
- D. Portions of a residential use that do not contain buildings such as a lawn, garden, parking area or play area, or a related use thereof that does not require alteration of the natural geology or excavation thereof.

Section 17.04 Conditional Uses. In a Zone with which the G-H Zone is combined, those uses permitted by the primary zone shall be permitted subject to the provisions of this Article and the provisions of the primary zone.

Section 17.05 Permit for Use or Development in G-H Zone. No person shall construct, reconstruct, or install a use or development, install a mobile home, or divide land in a G-H Zone unless a permit has been approved for such use or development, except for those uses permitted by Section 17.03 of this Article as permitted by the primary zone. Except for the improvement of an existing structure which is less than substantial as determined by a Certified Building Official or by the County upon appeal of such Building Official decision, no permit shall be issued unless the

work will be reasonably safe from geological hazard and otherwise comply with this Article and other applicable local, State and/or federal regulations. Said permits shall be processed in the same manner as required for the primary use under the primary zone provisions, and shall be processed as a "Consolidated" permit process. For uses permitted as either an Outright Use or Use permitted by a Zoning Permit by the primary zone, permits required by this Article shall be processed as a Type I Conditional Use as set forth by this Ordinance.

Section 17.06 Application Requirements for a Use or Development in a G-H Zone. An application for a use or development in a Zone with which the G-H Zone is combined shall be accompanied by the following:

- A. Site Investigation Report. An application for a use or development in a G-H Zone requires a site investigation report for the subject affected area. Said report shall provide information on the site of the use or development and adjacent land that is likely to be affected by the proposed use or development. Unless the County determines specific items are not required, the report shall include the information set forth in Subsection B of this Section together with appropriate identification of information sources and the date thereof. Before a permit can be issued or given final approval, the site investigation report must be approved as a part of the use or development permit.
  
- B. Site Investigation Report Requirements. The site investigation report shall contain the following information at a minimum:
  1. A general analysis of the site and area topography and geology including the faults, folds, geologic and engineering geologic units and any soil, rock and structural details important to engineering or geological interpretations and their relative activity.
  2. A history of problems on site and adjacent lands which may be derived from discussions with local residents and officials, and the study of old photographs, reports and other information.
  3. The extent of the surface soil formation and its relationship to the vegetation of the site, the activity of the land form, and the location of the site.
  4. The following ground photographs of the site with information showing the scale and date of the photographs and their relationship to the relevant topographic map and profiles:
    - (a) A view of the general area.
    - (b) The site of the proposed development.
    - (c) Any features which are important to the interpretation of the hazard potential of the site, including all sites of erosion or accretion.

- C. Topography Map. A topography base map of 1:100 scale with a contour interval of two (2) feet shall be accompanied by references to the source and date of information used, showing the following:
1. Lot line boundaries of the subject property.
  2. Each geological feature classification type.
  3. Areas of open ground and boundaries and species identification of major plant communities.
  4. Any springs, streams, marshy areas, wetlands, standing bodies of water or intermittent waterways.
  5. Cut terraces, erosion scarps and areas exhibiting significant surface erosion due to improper drainage and runoff concentration.
  6. Geological information, including lithologic and structural details important to engineering and geologic interpretation.
- D. Subsurface Analysis. If, upon initial investigation, it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques shall be conducted by the applicant or by the person responsible for the site investigation report to include the following data which shall be provided as deemed appropriate or necessary.
1. The lithology and compaction of all subsurface horizon to bedrock.
  2. The depth, width, slope and bearing of all horizons containing significant amounts of silt and clay and any other subsurface layers which could reduce the infiltration or surface water.
- E. Development Proposal. The site investigation report shall include the following information on the proposed development as applicable:
1. Plans and profiles showing the position and height of each structure, paved area and areas where cut and fill is required for construction.
  2. The percent and location of the surface of the site which will be covered by impermeable surfaces.
  3. A stabilizing program for the development describing:
    - (a) Area of site that will be exposed during construction and what measures will be taken to reduce wind erosion and soil movement.
    - (b) A revegetation program designed to return open soil areas, both pre-existing and newly created, to a stable condition and a schedule for the completion thereof.
    - (c) Areas to be protected from vegetation loss or ground water pollution shall be identified and means for protection described.

- F. Conclusions in the Site Investigation Report. The site investigation report shall contain conclusions stating the following:
1. How the intended use is compatible with site conditions.
  2. Any existing or potential hazards noted during the investigation.
  3. Mitigating recommendations for specific areas or factors.

Section 17.07 Standards for Building Construction in a G-H Zone.

- A. Building construction shall only be approved under conditions that do not adversely affect geological stability or vegetation. The grading of land and the orientation and design of a building shall avoid creating conditions that will cause erosion or accretion of soil. Where there is some risk of these conditions occurring, a "qualified" geological expert shall certify that the design and control measures will comply with this standard.
- B. <sup>2</sup> Construction work shall be scheduled and conducted to avoid erosion, and temporary stabilization measures may be required until permanent installations are completed.

Section 17.08 Standards for Access Routes in G-H Zone. An access route within a G-H Zone shall comply with the following standards and requirements:

- A. A road or street shall be stabilized by planking, gravel or pavement as deemed necessary.
- B. A roadway shall be built without installation of excessive fill, diversion of water, or excessive cuts unless the site investigation report determines that such conditions will not be detrimental to the area or create unwarranted maintenance problems or additional hazards.

Section 17.09 REGULATIONS NOT A GUARANTEE. The degree of geological hazard protection afforded by the provisions of this Ordinance, and more specifically this Article, is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Greater hazards than those anticipated by these provisions may occur or the natural hazard may be increased by human or natural causes. The identification of sites or areas subject to geological hazards pursuant to the provisions of this Ordinance and the County Plan does not imply that lands not so identified or designated will be free from such hazards. This Ordinance and specifically this Article, shall not create liability on the part of the County or any Commission, official or employee thereof for any damages that result from reliance on the provisions or designations of this Ordinance or any decisions lawfully made hereunder.



ARTICLE 18: SIGNIFICANT RESOURCE COMBINING ZONE: S-R

Section 18.01 Purpose. The purpose of the Significant Resource S-R Combining Zone is to protect significant mineral, geothermal, scenic, geological, unique, archaeological, fish and wildlife habitat, historical and other natural resources identified by the County's Plan, and to permit development which is compatible with such uses and the protection thereof.

Section 18.02 Application. The S-R Zone shall be applied to those sites and resources designated as Significant Resource Sites by the County Plan's Goal 5 Resource Map, and determined by said Plan Element to be worthy of full protection (i.e. "3A" Site) or limited protection (i.e. "3C" Site).

Section 18.03 Permissible Uses. If a use or activity permitted outright or requiring a Zoning Permit by the underlying primary Zone is listed in Section 18.06 of this Article as a "Conflicting Use or Activity," it shall become a Conditional Use subject to the provisions of this Article.

Section 18.04 Review Process and Procedures.

- A. When a "3A" decision (i.e. to fully protect the resource) has been made for the significant resource site as indicated in the County Plan, any application for a conflicting use or activity listed in Section 18.06 shall be denied unless the applicant can clearly demonstrate that the proposed use or activity will have no negative impacts on the resource and findings thereof are established by the County. Findings for this demonstration shall be based, at a minimum, on consultation with the responsible agency(s) listed in Section 18.07 of this Article.
- B. When a "3C" decision (i.e. partial resource protection) has been made for the significant resource site as indicated in the County Plan, any application for a conflicting use or activity listed in Section 18.06 shall be reviewed according to the requirements set forth herein:
  1. The applicant shall submit a map(s) of the location of the resource site affected by the proposed use or activity, a written description of the proposed use or activity and the resource site to be affected, and the potential impacts, positive or negative, on the affected resource site.
  2. The applicant shall consult with the responsible resource agency(s) listed in Section 18.07 for the purpose of identifying any limitations on the siting, construction or operation of the proposed use or activity which would reduce or eliminate any negative impacts to the resource site.
  3. The applicant shall submit a written statement stipulating to the proposed mitigation measures to be provided for to minimize or eliminate any potential adverse impacts on the affected resource site.

4. In addition to other applicable requirements of this and other County Ordinances, the County shall approve the application only if it can be clearly demonstrated that the proposed use or activity will have no significant negative impact on the resource site, or that the reduced preservation review criteria of Section 18.05 of this Article are met.

Section 18.05 Reduced Preservation Review Criteria. The environmental, social, economic and energy consequences of allowing the proposed use or activity shall be described in sufficient detail to provide a clear demonstration that the applicable criteria set forth hereinafter are met.

A. All Significant Resource Sites.

1. The resource site shall not be altered or impacted to the point where it no longer has significant resource value.
2. The amount of alteration or impact to the significant resource shall be the minimum necessary to accommodate the proposed use or activity or the primary purpose thereof.
3. There shall be no significant loss of habitat for threatened or endangered species of animals or plants as listed by the U.S. Fish and Wildlife, the Oregon Department of Fish and Wildlife or other appropriate State or federal agency.
4. An alternative site for the proposed use or activity which would have less impact on the resource value of the site does not exist on the applicant's lot or parcel, or on contiguous lots or parcels that are reasonably available for the proposed use or activity.
5. Forest operations for which notification is required by ORS 527.570(2) shall be governed by the Oregon Forest Practices Act and not by the provisions of Section 18.05.A.

B. Riparian Vegetation.

1. The criteria of this Subsection shall apply within an area of 100 feet measured horizontally from the ordinary high water line of Class I and II Streams inventoried in the County Plan as identified by ODFW.
2. Roadways and structures shall not be located within the riparian area defined above, except:
  - a. For a bridge crossing; or
  - b. Direct water access is required in conjunction with a water-dependent use; or
  - c. Because of natural features such as topography, a narrower riparian area protects equivalent riparian area habitat values; or
  - d. The established riparian area as designated by ODFW is less than 100 feet; or
  - e. No amount of riparian vegetation or habitat is present; or

- f. Roadway access is required for an otherwise approved use; or
  - g. The use or activity is regulated by the State Forest Practices Act.
3. All trees and at least 50 percent of the understory vegetation shall be retained within areas listed in Subsection 1. hereinbefore, with the following exceptions:
- a. Removal of dead, diseased or dying trees or leaning trees which pose an erosion, fire or safety hazard.
  - b. The mowing, planting or maintenance of existing lawn, pasture and agricultural crops, including the control of noxious weeds;
  - c. Vegetation removal necessary to provide direct access for a water-dependent use, or an otherwise approved use;
  - d. Structural shoreland stabilization; and
  - e. Vegetation removal necessary in conjunction with an approved in-water project, such as a bridge, rip-rapping, streamback stabilization, etc.
  - f. Forest activities regulated under the Forest Practices Act.

C. Mineral and Aggregate Resource Sites.

A conflicting use listed under Section 18.06(A) within 2,640 feet from a significant mineral or aggregate resource site (active or potential) may be required to establish setbacks in excess of those required in the underlying primary Zone. The required setback shall be determined by the County Planning Director after consultation with the applicant and the owner of the mineral resource land (or vice versa) to ensure visual and sound screening between present and future resource uses and the proposed conflicting use or activity. Such setbacks shall be no less than those of the primary Zone.

D. Big Game Habitat Restrictions.

- 1. New structures shall be located as close as possible to existing adjacent structures.
- 2. Structures shall share a common access road wherever possible.
- 3. Where it is impractical or unreasonable to share a common access road, the structure shall be located as close as possible to the nearest existing public road in order to minimize the length of access from said existing public road.
- 4. In areas identified as Critical, Sensitive or Crucial Big Game Winter Range, no dwelling shall be authorized where the overall density exceeds one dwelling per each 160 acres applicable to each single-contiguous ownership existing on or before the effective date of this Ordinance.

5. If the County Planning Director finds, after consultation with ODFW, that a proposed development or dwelling at a higher density would not adversely affect the resource, the standards of this Subsection may be waived accordingly. In no instance, however, shall a lot size or dwelling density exceed those set forth by the applicable primary Zone.
- E. Sensitive Eagle or Other Bird Nesting Habitat.
1. The proposed use or activity shall not destroy or cause abandonment of the nesting or roosting trees or sites.
  2. Within 600 feet of an eagle nesting site or 300 feet of other critical bird nesting sites, no tree removal or other conflicting use shall be allowed unless the Planning Director, after consultation with ODFW, and in consideration of critical nesting periods, buffer areas and necessary trees for nesting and roosting, finds that the conflicting use will not destroy or reasonably be expected to cause the abandonment of the site.

Section 18.06 Listing of Conflicting Uses and Activities.

- A. Mineral and Aggregate Resources:
1. Dwellings, except those in conjunction with mining operations.
  2. Parks, playgrounds, campgrounds, hunting and fishing preserves.
  3. Community and neighborhood centers and recreation facilities and establishments.
  4. Schools, day care centers, children nurseries.
  5. Dude or guest ranch or resort facility.
  6. Commercial residential use.
  7. Tourist or travelers' accommodations.
  8. Mobile home park or RV campground.
- B. Natural Areas:
1. Utility facilities including powerlines and transmission towers.
  2. Dwellings and other residential uses.
  3. Solid waste disposal sites and facilities.
  4. Exploration, mining or processing of geothermal, aggregate or mineral resources.
- C. Big Game Habitat:
1. Residential dwellings and uses.
  2. Campgrounds.
  3. Highways and roads.
  4. Community and other recreational facilities.
  5. Golf courses.
  6. Schools and Churches.
  7. Exploration, mining or processing of geothermal, aggregate or mineral resources.

- D. Wetlands:
  - 1. Ditching, draining or diking, usually but not necessarily in conjunction with farm use.
  - 2. Fill for any purpose.
  - 3. Water withdrawals or impoundments.
  
- E. Riparian Habitat:
  - 1. Vegetative removal for any use.
  
- F. Sensitive Bird Habitat:
  - 1. Tree removal.
  - 2. Residential dwellings or uses.
  - 3. Solid waste disposal sites or facilities.
  - 4. Commercial uses.
  - 5. Mineral and aggregate extraction and processing.
  - 6. Parks, playgrounds and campgrounds.
  - 7. Community or recreation centers or facilities.
  - 8. Schools and churches.
  - 9. Highways and roads.
  - 10. Commercial utility facilities.
  - 11. Commercial processing of farm and forest products.
  - 12. Off-road vehicles.
  - 13. Destination resorts.
  
- G. Archaeological Resources:
  - 1. Any activity disturbing more than an average of 12" in depth below the natural surface and more than 10,000 square feet.
  - 2. Mineral or aggregate extraction disturbing soil overburden of more than 10,000 square feet or where facing rock may contain petroglyphs or pictographs.
  - 3. Activities resulting in permanent coverage of an identified resource site.
  
- H. Scenic Resources and Sites:
  - 1. Any permanent use screening, inhibiting or detracting from public view of the subject resource.
  - 2. Any activity directly altering the scenic value of the resource.
  - 3. Wrecking yard, junk yard, or solid waste disposal site or facility.
  - 4. Signs.
  - 5. Alteration of the scenic resource site.
  - 6. Exploration, mining and processing of geothermal, mineral or aggregate resources.
  
- I. Unique Resources:
  - 1. Any use identified as having an adverse impact on a specific identified and designated "Unique" resource.
  
- J. Historic Resources or Sites:
  - 1. Demolition or alteration.

K. Geothermal Resources:

1. Degradation or depletion of the resource.
2. Withdrawals adversely affecting the resource.
3. Surrounding uses which impede development.
4. Degradation of surrounding uses or resources by industrialization.

Section 18.07 Responsible Agency List.

<u>Resource</u>	<u>Agency</u>
1. Mineral and Aggregate Resources:	County Road Dept. State Highway Div. DOGAMI Applicable Fed. Agencies
2. Natural Areas:	State Parks/Recreation State Highway Division Applicable Fed. Agencies
3. Big Game Habitat:	ODFW U.S. Fish and Wildlife Applicable Fed. Agencies
4. Energy Resources:	ODOE
5. Geothermal Resources:	ODOE ODWR DOGAMI
6. Wetlands:	Division of State Lands ODWR ODFW U.S. Fish and Wildlife Applicable Fed. Agencies
7. Archaeological Resources:	County Historical Society SHPO Indian Tribes and/or Community Indian Services Applicable Fed. Agencies
8. Scenic Resources:	State Parks and Rec. Division ODOT Applicable Fed. Agencies
9. Unique Resources:	Town of Lakeview Applicable State and Federal Agencies
10. Historic Resources:	County Historical Society SHPO

Abbreviations:

DOGAMI	Dept. of Geology & Mineral Industries
Fed. Agencies	Federal Agencies
ODFW	Oregon Department of Fish & Wildlife
U.S. F & W	U.S. Dept. of Fish & Wildlife
ODOE	Oregon Dept. of Energy
ODWR	Oregon Dept. of Water Resources
SHPO	State Historic Preservation Office
ODOT	Oregon Dept. of Transportation

Section 18.08 Historic Buildings and Sites.

- A. Alteration/Demolition Permits. A permit is required for alteration or demolition of any structure listed in the Lake County Plan inventory of Historic Resources and designated as a significant historic resource. Said inventory may be added to or deleted from at any time as an amendment thereto.
- \* This Section applies to a structure included in said inventory at the time of proposed alteration or demolition thereto.
1. Alteration as governed by this Section means any addition to, removal of, or change in the exterior part of a structure, and shall include modification of the surface texture, material, or architectural detail of the exterior part of the structure, but shall not include paint color.
  2. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature on any property covered by this Section that does not involve a change in design, material, or external appearance thereof. Nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the Building Official, State Fire Marshal, or other such public official determines that such emergency action is required for public safety due to an unsafe or dangerous condition.
- B. Review Procedure.
1. Application: A property owner or authorized agent may initiate a request for a permit for alteration or demolition of a historic structure by filing an application with both the Building Official and the County Planning Director using forms prescribed for that purpose.
  2. The Planning Director shall initiate a Type I Conditional Use Permit process on the permit request within 5 working days of the receipt of a "complete" application.
- C. In addition to the notice requirements set forth for a Type I Conditional Use Permit, the Planning Director shall provide for notice to "Responsible Agency(s)" as set forth in Section 18.07(10).

1. Notice of the permit request and the review thereof shall be given no less than 10 days nor more than 20 days prior to the date of the response deadline.
- D. If no objection is received within said response period, the Planning Director may take action on the application for approval, approval with modifications and/or conditions, denial, or referral to the County Planning Commission (or County Historical Review Committee as may be applicable) for public hearing. If one or more objections are received, such referral for hearing shall be mandatory.
- E. A copy of the decision by the Planning Director (or the Commission or Committee as may be applicable) shall be mailed to the applicant, the owners of the affected property, to persons or parties responding to the review notice, and to persons or parties specifically requesting such notification. Such shall be completed within 7 working days following the decision.
- F. Planning Director Action.
1. Alteration: In the case of an application for alteration of a historic structure, the Planning Director (or Planning Commission or Review Committee as applicable) shall:
    - a. Approve the request as submitted;
    - b. Approve the request with modifications or conditions; or
    - c. Deny the request.
  2. Demolition: In the case of an application for demolition of a historic structure, the Planning Director (or Commission or Committee) shall:
    - a. Approve immediate issuance of the permit; or
    - b. Delay issuance of the permit for up to 90 days, during which time the Planning Director, together with the "Responsible Agency(s)", shall attempt to determine if public or private acquisition and preservation of the structure is feasible, or if other alternatives are possible which could be carried out to prevent demolition of the structure.
    - c. The Planning Director shall authorize immediate issuance of a demolition permit if it is found that all of the following is evident:
      - aa. Structure cannot be economically rehabilitated;
      - bb. A program or project does not exist which may reasonably result in preservation of the structure;
      - cc. Delay of the permit would result in unnecessary and substantial hardship to the applicant and property owner; and
      - dd. Issuance will not act to the detriment of the public welfare considering the economic, cultural and social consequences of demolishing the structure.
- G. Criteria: Exterior Alteration. The Planning Director shall approve an application for exterior alteration if the pro-



posed alteration is determined to be harmonious and compatible with the appearance and character of the historical building, and shall disapprove any application if found detrimental as unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, or the educational or historical value of the building. The following guidelines apply to exterior alterations of historical buildings:

1. Retention of original construction: So far as practicable, all original exterior materials and details shall be preserved.
2. Height: Additional stories may be added to historic buildings provided that:
  - a. The added height complies with requirements of the uniform building code and zone height limitations.
  - b. The added height does not exceed that which was traditional for the style of the building.
  - c. The added height does not alter the traditional scale and proportions of the building style.
  - d. The added height is visually compatible with adjacent or other historic buildings in the immediate area.
3. Bulk: Horizontal additions may be added to historic buildings provided that:
  - a. The bulk of the addition does not exceed that which was traditional for the building style.
  - b. The addition maintains the traditional scale and proportion of the building style.
  - c. The addition is visually compatible with adjacent and area historic buildings.
4. Visual Integrity of Structure: The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
5. Scale and Proportion: The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to walls), shall be visually compatible with the traditional architectural character of the historic buildings of the the general area.
6. Materials, Color and Texture: The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic buildings of the area.
7. Signs, Lighting and Other Appurtenances: Signs, exterior lighting and other appurtenances such as walls, fences, awnings and landscaping shall be visually compatible with the traditional architectural character of the historic buildings of the area.

#### Section 18.09 Archaeological Resources.

- A. Application. Until such time as a specific inventory accurately identifies and designates archaeological resources, a use or activity which is identified as a conflicting use in Section 18.06 shall be reviewed pursuant to

general information (high or medium probability areas) available regarding such resources. When a use or activity is determined to fall within a high or medium probability area for archaeological resources, and is identified as a conflicting use, provisions of this Section shall apply.

High probability areas include: location of previously recorded sites, not having completed the Goal 5 rule process; length of linear features such as trails, roads, ditches, railroads; areas adjacent to springs, seeps, ponds and lakes; benches and terraces adjacent to second order or higher streams; bottomlands next to rivers and streams; foothills near rivers at edge of floodplains; meadow edges; slopes less than 10%; areas near extinct water systems; scabland plateau; lava and tuff tablelands; rhyolite domes where obsidian is present; well drained deep soils in low level areas; obsidian sources, fine grained basalt sources and cryptocrystalline source areas; Class I streams with anadromous fish runs; areas of valued food plants that are abundant and predictable; lava tubes, caves; alluvial/colluvial slopes; toe slopes; creek headwaters less than 20% slopes.

Medium probability areas include areas adjacent to second order or higher floodplains; geologic formations that could contain caves, rock shelters or overhangs; ponderosa parklands or other sugar pines near habitation sites; prominences offering panoramic views; feeder ridges for trails systems; isolated or discontinuous ridges; first order floodplains; open slopes less than 15%; floodplains and benches of intermittent streams; Class 2 streams with anadromous fish runs.

Low probability areas include slopes greater than 15%, steep vegetated slopes, known areas of ground disturbance, areas of deep ash and heavily forested areas with no known water source.

- B. Permissible Uses. If a use or activity permitted outright or requiring a Zoning Permit by the underlying primary zone is subject to the provisions of this Section, it shall become a Type I Conditional Use subject to the provisions of this Section. When a conditional use is subject to the provisions of this Section, it shall be permitted subject to the provisions of this Section, the provisions of the primary zone and Article 24 of this Ordinance.
- C. Survey Required. An application for a use or activity subject to the provisions of this Section shall be accompanied by sufficient documentation identifying archaeological resources on the subject affected area, providing a determination of significance based upon the following criteria and identifying adverse impacts to the site by the proposed use or activity:

1. The resource possesses integrity of the original or historically evolved design, setting, materials, and workmanship, feeling and association, and one or more of the following criteria apply:
  - a. It is associated with events that have made a significant contribution to the broad patterns of our history;
  - b. It is associated with the lives of persons significant in our past;
  - c. It embodies distinctive characteristics of a style, type, period, or method of construction, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
  - d. It has yielded, or may be likely to yield, information important in prehistory or history.
2. Documentation Requirements. Sufficient documentation shall be a letter from a professional archaeologist (ORS 97.740) or a duly authorized representative of a local Indian tribe. A letter shall include the time and date of survey, who completed the survey, methodology of the survey (including description of how the parcel was examined), description and identification of knowledgeable persons and published and unpublished reports which were consulted regarding information on the type of archaeological resources potentially present in the area, description of findings, and, significance determination and, as applicable, discussion of adverse impacts and appropriate measures taken as provided in Subsection D of this Section.
- D. If a site is identified and is determined significant, the documentation will include a review of adverse impacts to the site by the proposed use or activity and what appropriate measures will be taken so the archaeological values of the site will not be adversely impacted. Appropriate measures are:
  1. Avoid the site, unless demonstrated to be impracticable; or
  2. Bury or cover the site without disturbing it, unless demonstrated to be impracticable; or
  3. Redesign the project to minimize impacts and excavate/recover data from any disturbed area(s) at the developer's expense.
- E. If a site is identified and is not determined significant, the proposed use or activity may proceed without any additional consideration for the archaeological resource.
- F. Before a use or activity can be given final approval, the documentation required must be approved as part of the approval.

- G. Compliance with State law. Any use or activity encountering archaeological resources requires compliance with State statutes regarding the removal of historical material (ORS 273.705 et. seq.), archaeological sites and objects (ORS 358.905 et. seq.), Indian graves (ORS 97.740 et. seq.), and Indian tribe notification (ORS 358.950).
- H. Exceptions. The provisions of this Section do not apply to the following:
  - 1. A use or activity proposed in a low probability area.
  - 2. Forest operations for which notification is required by ORS 527.670(2) which is governed by the Oregon Forest Practices Act, and not by the provisions of this Section.
  - 3. Accepted farming practices.
  - 4. Single-family dwellings and associated infrastructure.

Section 18.10 Review Procedures. The following permit review procedures shall apply to applications involving or affecting Significant Resources, with the exception of Historic Resources for which review procedures are set forth by Section 18.08 hereinbefore.

- A. For uses and developments classified as a Conditional Use, Type I or II, by the primary Zone, applications for such uses or developments shall be processed as set forth by said primary Zone except that notice shall also include the applicable "Responsible Agency(s)" set forth in Section 18.07 of this Article.
- B. For uses and developments classified as Outright or Uses permitted with a Zoning Permit by the primary Zone, such uses shall be applied for and processed as Type I Conditional Uses with notice thereof to include those "Responsible Agency(s)" set forth in Section 18.07 of this Article.

ARTICLE 19: LIMITED USE COMBINING ZONE: L-U

Section 19.01 Purpose. The purpose of the Limited Use Combining Zone is to limit the list of authorized uses and general activities allowed in the underlying primary zone to only those uses and general activities which are justified in the Comprehensive Plan's 'reasons' exception statement under ORS 197.732(1) (c). The L-U Zone is intended to carry out the administrative rule requirement for reasons exceptions pursuant to OAR 660-04-018(3) (a).

Section 19.02 Combining Zone Requirements. When the L-U Zone is applied, the uses authorized in the underlying primary zone shall be limited to those uses and activities specifically referenced or set forth in the ordinance adopting the L-U Zone. Reasonable conditions may also be imposed by the L-U Zone when found necessary to carry out the provisions of the Comprehensive Plan and this Ordinance. Until the L-U Zone has been removed or amended, through the Plan and land use regulation amendment process, the only authorized uses and general activities in the zone shall be those specifically referenced or set forth in the adopting ordinance.

Section 19.03 Procedures. The L-U Zone is to be applied through the Plan amendment and rezoning process at the time the underlying primary plan and zone designations are being changed. The L-U Zone shall be applied in accordance with the following procedures. Findings regarding each of the steps listed below shall be included in the adopting ordinance.

- A. The uses and activities subject to the rezoning are required to be limited to those uses and activities justified in the exception (OAR 660-04-018(3) (a).
- B. A review of all zones in the Zoning Ordinance determines that none of those zones limit the uses and activities as required by OAR 660-04-018(3) (a).
- C. The proposed underlying zone is found to be better suited than any other zone in the Zoning Ordinance.

Section 19.04 Official Plan/Zoning Map. The County's official plan and zoning map(s) shall be amended to show an L-U designation on any parcel where the L-U Zone has been applied.

Section 19.05 Site Plan Requirement. In addition to limiting the uses in the zone, it may be necessary to require County approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. Site plan requirements may be added by specific reference or provision in the adopting ordinance. The process for reviewing the site plan shall also be described at the time of the L-U Zone application. The adopting ordinance shall also indicate any special concerns or locational requirements that must be addressed in the site plan and be approved by the approving authority. All other specifications and standards of the underlying primary zone remain in effect unless specifically altered by the site plan approval.

## ARTICLE 20: SUPPLEMENTARY PROVISIONS

Section 20.01 Supplementary Provisions. The following provisions generally apply to all uses in all zones except as specified in respective sections.

Section 20.02 Accessory Use or Structure. An accessory use shall comply with all requirements for principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following:

- A. An accessory structure not used for human habitation and separated from the main building may be located in the required side yard, except in the required street side yard of a corner lot, provided it is not closer than three (3) feet to a side property line.
- B. An accessory structure not used for human habitation and separated from the main building may be located in the required rear yard provided that if the structure is not located on the rear property line, that it be at least three (3) feet from such line.
- C. A greenhouse or hothouse may be maintained accessory to a dwelling provided there are no sales of products produced therein unless such use is authorized as a Home Occupation or Commercial Use, or such use is located in an A-1 or A-2 Zone and is conducted as a Farm Use.
- D. Except in the A-1, A-2 and F-1 Zones, a guest house may be maintained accessory to a dwelling provided there are no cooking facilities in said guest house and if at least one off-street parking space is provided for each bedroom therein.
- E. Boats, trailers, travel trailers, pickup campers, recreational vehicles, motor homes and similar recreational vehicles and equipment may be stored on a lot within the yard/ setback areas on a lot but shall not be used as an accessory use in any Zone.

Section 20.03 Distance to Property Line. In areas where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three (3) feet from the property line.

Section 20.04 Exterior Lighting. Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face or shine directly onto a lot in a residential zone, street or highway.

Section 20.05 Maintenance of Minimum Ordinance Requirements. No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum

required for it by this Ordinance, and no lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard, or other open space for another use.

Section 20.06 Mobile Home Construction and Placement Standards.

- A. Any application required for placement or use of a mobile home may be made by the mobile home owner or the real property owner.
- B. The real property owner shall be the person responsible for providing legal sewage, water, and electric facilities and achieving the standards set forth herein. The owner of the mobile home shall, in addition, be responsible for items C through I herein.
- C. The mobile home shall be provided with a water closet, lavatory and bathtub or shower which are connected to running water and drain systems which are located in a room or rooms which afford privacy to the occupant. The water closet space must be at least 30 inches in width and have not less than 21 inches of clear space in front.
- D. The mobile home shall be provided with a kitchen area or room containing a sink with running water and which is connected to a drain system.
- E. The mobile home shall have the "Oregon Insignia of Compliance" or "HUD Certification Label" as provided by State law. However, upon submission of evidence indicating substantial compliance with the standards required for an "Insignia of Compliance", the "Insignia of Compliance" requirement may be waived for units manufactured prior to September, 1969. All pre-owned and pre-occupied units (i.e. used) shall be inspected by a certified Building Official prior to the installation and occupancy thereof to insure that such units are in such condition as to not be detrimental to the public health, safety and general welfare of the occupants or to the adjoining properties. The costs of such inspection shall be borne by the applicant.
- F. The mobile home unit shall be placed on pier blocks or a foundation and securely anchored. Further, unless the foundation is continuous, a skirting of decay and rust resistant material shall be installed. The skirting or continuous foundation shall have provisions for ventilation and access to the space under the unit, but such openings shall be secure against the entrance of animals.
- G. Additions or alterations shall comply with the requirements of the Uniform Building Code. Additions shall not total more than 30% of the total living space of the original unit, and shall be constructed of the same roofing and siding materials and of the same texture and color as the original unit, and complimentary to said unit.
- H. The mobile home shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit exclusive of any trailer hitch device.

- I. The owner of the property shall remove the foundation and all additions to the mobile home and permanently disconnect sewer, water and other utilities if the mobile home is removed from its foundation. Such work is to be accomplished within 60 days of the removal. The condition shall not apply in the event that the mobile home is replaced by another mobile home within 60 days of the removal.
- J. Except for factory constructed components intended to be joined together to form a single dwelling unit, no two or more individually constructed units may be joined together in any manner to form a single dwelling unit, nor may a "mobile home" unit be joined together with an existing conventionally constructed dwelling to form a single or multiple unit dwelling. "Mobile home" units shall not be interconnected in any manner for utilization as two or three family dwelling units.

Section 20.07 Authorization of Similar Uses. The Commission may authorize a use that is not specifically listed in a specific Zone if the use is of the same general type as other uses permitted in the subject Zone, is compatible to the uses permitted in the subject Zone and upon the following findings by the Commission:

- A. The proposed use is not specifically permitted in another Zone;
- B. The proposed use is not more similar to uses provided for in another Zone; and
- C. That permitting the proposed use in the subject Zone would not be detrimental to the intent and purpose of said Zone.

The application for and processing procedure for a Similar Use shall be as required for a Type II Conditional Use as set forth by this Ordinance.

Section 20.08 Vision Clearance Area. A clear-vision area shall be maintained on the corners of all property at the intersection of any two streets or a street and a railroad.

- A. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance of 20' or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- B. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height eight (8) feet above grade.



Section 20.09 Riparian Habitat. In A-1, A-2 and F-1 zones, structural setbacks as follows shall be provided to recognize the value of riparian habitat.

- A. On perennial streams and rivers, structural development shall be set back at least 50 feet from the high water mark.
- B. On intermittent streams or drainages, structural development shall be set back at least 25 feet from the high water mark.
- C. On lakes or reservoirs, structural development shall be set back a sufficient distance determined by the Planning Commission as needed to protect riparian habitat.

Section 20.10 Solar Access.

- A. All new construction should be sited so as to allow maximum solar access to south-facing building walls and roofs unless it is demonstrated that such access is not feasible because of property size, configuration, orientation, vegetation, or topography.
- B. Setback adjustments to optimize or enhance solar access shall be considered relevant grounds for a variance request under this Ordinance.

Section 20.11 Density Factor in Lieu of Minimum Lot Size. In the case of a development proposal found to be of public benefit in consideration of the factors set forth hereinafter, the Planning Commission may approve the utilization of an overall density factor in lieu of the applicable Zone minimum lot size standards. For example, for such a development in the R-3 Zone the Commission may waive the minimum lot size standards for an overall density of 6.2 units per acre (i.e. 43,560 sq.ft. divided by 7,000) provided all yard, setback, lot coverage, off-street parking-loading-access, and other requirements are met. Factors to consider in the approval of such a density factor include, but are not limited to the following:

- A. Excellence in design and site utilization.
- B. Provisions for a variety of housing or other use types.
- C. Maximization of cost-benefit ratios for purchasers and providers of public services and facilities.
- D. Preservation of significant natural or other significant public benefiting features or resources.
- E. Inclusion of publicly available recreation, social, educational or other publicly beneficial uses and developments.
- F. Donation of land area for public purposes identified as a need or benefit in the area or the County.
- G. Other factors beneficial to the general public, residents of the proposed development, and/or to the general area of the development.

Section 20.12 Fences. Fences are permitted in any Zone and do not require a permit for construction, however, with the exception of the A-1, A-2, F-1 and other "resource zones", barbed wire and

similar hazardous materials are not permitted except as approved otherwise by the County. Also, in the non-resource zones, fences exceeding a height of six (6) feet require a building permit. In no zone shall sight-obscuring fences be maintained in violation of vision clearance requirements and in all zones fences shall be maintained in good condition.

Section 20.13 Compliance With and Consideration of State and Federal Agency Rules and Regulations. Approval of any use or development proposal pursuant to the provisions of this Ordinance shall require compliance with and consideration of all applicable State and Federal Agency rules and regulations. Specific rules and regulations which may affect any specific use or development proposal, and for which compliance is required for approval by the County include, but are not limited to, the following:

- A. Air quality standards administered by DEQ and EPA.
- B. Noise pollution standards administered by DEQ.
- C. Water quality standards administered by DEQ and WRD.
- D. Sewage Disposal regulations administered by DEQ.
- E. Uniform Building Code.
- F. Surface and Ground Water Withdrawals by WRD.
- G. Scenic Area rules administered by State Highway Division.
- H. Forest Practices Act administered by DOF.
- I. Access regulations administered by State Highway Div.
- J. Surface mining regulations administered by DOGAMI.

Section 20.14 Farm and/or Forest Dwellings in A-1, A-2 and F-1 Zones. In an A-1, A-2 or F-1 Zone, a dwelling approved as a farm or forest dwelling shall meet the following criteria:

- A. The dwelling shall be found to be accessory to and necessary for the farm or forest use for which it is intended.
- B. The parcel upon which the proposed dwelling is to be located shall be found to be devoted to a bona fide farm or forest use, and will continue to be so used.
- C. The dwelling will be occupied by a person or persons engaged in either farm or forest use on the subject property.
- D. The dwelling will not adversely affect other farm or forest uses on adjacent or area lands.
- E. The dwelling will not interfere with accepted farm or forest practices on the subject or adjoining lands.
- F. Access shall be assured, and DEQ approval for sewage disposal shall be evident.
- G. The dwelling is to be placed upon land generally found to be unsuitable or the least suitable for farm or forest use on the overall parcel.
- H. In the case of a farm dwelling, said dwelling shall not be placed upon land with assigned irrigation rights.
- I. In neither case, shall the placement of the dwelling require a land division, nor be the grounds for a future land division.

Section 20.15 Limitations on Livestock in Non-Resource Zones.

In all Zones, except for the A-1, A-2 and F-1 Zones, the following limitations on livestock shall apply:

- A. Livestock shelters shall not be located closer than 40 feet from any property line.
- B. Animals other than cats, dogs and other domestic pets shall be provided at least 20,000 square feet of open area, and shall be limited to the following densities per each 10,000 square feet of open area: one adult horse, pig or cow, five sheep or goats, 24 chickens or rabbits. A nursing horse or cow up to 200 days of age, or a sheep or goat up to 100 days, shall not be considered in calculating the number of allowable animals.
- C. Improper sanitation, feeding and/or housing of such animals shall be considered a violation of this Ordinance.

ARTICLE 21: OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 21.01 Application. Except as specified in other sections of this Ordinance, the following off-street parking and loading standards are required.

Section 21.02 Standards. At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this ordinance.

- A. Requirements for types of buildings and uses not specifically listed herein shall be based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. 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 in the form of deeds, leases or contracts to establish the joint use.
- D. Off-street parking spaces for dwelling(s) shall be located on the same lot with the dwelling(s). Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.
- E. 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 business or use.
- F. Areas used for parking and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height except where vision clearance is required.
- H. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4 1/2) feet from the property line.
- I. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone or on any adjacent building.
- J. Required off-street parking areas shall not be provided in

the required front or street side-yard areas in a residential zone.

- K. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
- L. Passengers loading. 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 twenty-five (25) students.
- M. Loading of merchandise, materials, or supplies. Buildings or structures which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- N. Off street parking space requirements:

- 1. Dwelling: Two spaces for each dwelling unit.
- 2. Duplex or multi-family: Three spaces for each two dwelling unit.
- 3. Mobile Home: Three spaces for each two trailer spaces.
- 4. Motel, hotel or resort: One space for each guest accommodation.
- 5. Hospital: Three spaces for each two beds.
- 6. Nursing home or similar institution: One space for each three beds.
- 7. Church, club or similar place of assembly: One space for each six seats, or one space for each 50 square feet of floor area used for assembly.
- 8. Library: One space for each 300 square feet of floor space.
- 9. Dance hall, skating rink, or similar commercial amusement enterprise: One space for each 100 square feet of floor area.
- 10. Bowling alley: Five spaces for each alley.

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| 11. Retail store, eating and drinking establishment:   | One space for each 200 square feet of floor area.              |
| 12. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: | One space for each 600 square feet of floor area.              |
| 13. Bank, office:  | One space for each 300 square feet of floor area.              |
| 14. Medical and dental clinic:   | One space for each 200 square feet of floor area.              |
| 15. Warehouse, storage and wholesale business:   | One space for each 2,000 square feet of floor or storage area. |
| 16. Manufacturing establishment:   | One space for each 1,000 square feet of floor area.            |

Section 21.03 Urban Area Standards. In the case of uses or developments located within an Urban Growth Boundary Area, the off-street parking and loading requirements set forth by the affected City or Town may be utilized in lieu of or in addition to the standards set forth in this Ordinance and more specifically in this Article.

Section 21.04 Completion Time for Off-Street Parking and Loading Facilities. Required off-street parking and loading facilities, including parking lots, shall be improved and available for use by the time the use to be served thereby is ready for occupancy. An extension of time may be granted by the Commission providing a performance bond, or an equivalent assurance, is posted equalling the cost to complete the required improvements as established by actual contractor's bid or by a licensed Engineer. Such extension shall not exceed one year.

Section 21.05 Access to Off-Street Parking and Loading. Access aisles or driveways to off-street parking and loading facilities shall be surfaced and of sufficient width for all vehicles turning and maneuvering, and in no case shall such access aisles or driveways be approved which are less than 11.0 feet in width per driving lane. Access approval for such aisles or driveways from the intersecting public street or highway shall be obtained from the appropriate jurisdiction prior to construction thereof.

## ARTICLE 22: SIGN REQUIREMENTS

Section 22.01 Sign Limitations and Regulations. The minimum limitations and regulations set forth in this Article shall apply to any sign hereafter erected, moved or structurally altered within the jurisdiction of the County. In addition, signs shall be installed in accordance with applicable regulations of State and federal agencies, and more particularly shall be approved by the Building Official as being in compliance with the Uniform Building Code. No sign shall hereafter be erected, moved or structurally altered without being in compliance with the provisions of this Article and this Ordinance.

Section 22.02 Definitions. As used in this Article, unless the context requires or provides otherwise, the following words and phrases shall mean:

Back-to-Back Sign. A sign with multiple display surfaces mounted on a single structure visible to traffic from opposite directions of travel.

Building Directory Sign. A sign giving the name, address number or location of the occupants of a building or buildings.

Cutout. Means every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to and superimposed upon a sign.

Directional Sign. An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, motor vehicle route or similar place, service or route.

Display Surface. The area of a sign made available for the purpose of displaying the advertising or informational message.

Double-faced Sign. A sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

Free-Standing Sign. A sign supported by one or more uprights or braces and not attached, or only incidentally attached, to any building or structure but does not include ground mounted signs.

Ground Mounted Sign. A sign which is not attached to any structure or building, and has a support which places the bottom thereof less than four (4) feet from the ground.

Logo. A symbol or design used by a business as a means of identifying its products or services.

Motor Vehicle Directional Sign. A sign identifying motor vehicle entrances or exits to or from the premises on which the

sign is located.

Off-Premise Sign. A sign which advertises goods, products, or services which are not sold, manufactured, distributed or sold on or from the premises or facilities on which the sign is located.

Projecting Sign. A sign which extends perpendicular or nearly perpendicular from the building face to which it is attached.

Residential Directional Sign. A sign erected and maintained by an individual to indicate the location of the residence of the individual.

Roof Sign. A sign located on or above the roof of any building, not including a false mansard roof or other fascia.

Sign. Means, any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign. When the dimensions of a sign are specified, the term includes panels and frames; and, the term includes both sides of a sign of specified dimensions or area.

Sign Structure. Means the supports, uprights, braces, framework and display surfaces of a sign.

Temporary Sign. A banner, pennant, poster or advertising display intended to be displayed for a limited period of time.

Traffic Control Sign or Device. An official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the direction of a governmental unit.

V-Type Sign. Means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

Visible. Means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main-traveled way of a public street or highway.

Wall Sign. A sign painted or otherwise affixed to the face of a building, marquee, or roof overhang in a plane parallel to such face and extending not more than 18 inches therefrom.



Section 22.03 Sign Area. The overall dimensions of all panels capable of displaying messages on a sign structure measured within lines drawn between the outermost edges of a sign including nonstructural trim, facing announcements and display, but exclusive of essential structural supports.

- A. Three-Dimensional Signs. Where a sign is of three-dimensional shape, the largest cross section shall be used in a flat projection for the purpose of determining sign area.
- B. Open Area Signs. Where open area is employed between sections, modules or characters of words forming the display surface, sign area shall be the smallest outline which encloses the entire group.
- C. Two-Faced Signs. For a two-faced sign with sign faces parallel and not more than three feet apart, only one face is measured for determining sign area.
- D. V-Type Signs. For a V-type sign with not more than three feet between display surfaces at the farthest point, only one face is measured for determining sign area.

Section 22.04 General Provisions. Except as may be specified in other provisions of this Ordinance, or by applicable State or federal regulations, the following provisions shall apply to signs in the County.

- A. Sign Permit. Except as provided otherwise in this Article, no sign shall be erected, structurally altered, replaced or relocated until a sign permit therefore has been issued by the County Planning Director and Building Official.
- B. Off-Premise Signs Subject to State Approval. All off-premise signs visible to the traveling public from State highways within the County are subject to the approval of the State Department of Transportation in accordance with the provisions of ORS 377 and other State regulations. Where the rules and regulations of the State and the County differ, the more restrictive shall govern.
- C. Uniform Building Code. All signs shall comply with the provisions of the Uniform Building Code.
- D. Sign Clearance. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing and projecting signs. Signs located under a marquee shall have a vertical clearance of 8 feet between the bottom of the sign and the grade below.
- E. Setbacks. No permanent sign shall be placed in or extend over a required side yard or street right-of-way or within 10 feet of the front property line in a required front yard setback, except that in a Commercial, C-1, Zone, such front yard setback may be reduced to one-half of the required setback.

- F. Blanketing. No sign shall be so situated and of such scale as to effectively result in the blanketing (total visibility coverage) of an existing sign on an adjacent lot or use.
- G. Multiple Signs. Except as approved otherwise by the County, not more than one permanent sign is permitted on a single lot or parcel, except in the case of multiple uses or businesses on a single lot or parcel.
- H. Maintenance. All signs, together with all supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint or other surface deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained.

Section<sup>2</sup> 22.05 Exempt Signs. The following types of signs are exempted from the provisions of this Article except as specifically stated otherwise.

- A. Signs with an area of not more than 260 sq. inches identifying motor bus stops or fare zone limits of common carriers.
- B. Signs erected and maintained by a government agency showing the place and time of services or meetings of churches and civic organizations within the jurisdictional area where the sign is located.
- C. Official traffic control signs erected, maintained and operated by a governmental unit.
- D. Small signs displayed for the direction, instruction or convenience of the public, including signs which identify restrooms open to the public, freight entrances, posted areas or the like, with a total surface area not exceeding four sq. ft.
- E. Memorial signs or tablets, or markers for historical, natural phenomena, scenic attractions, educational, cultural, scientific, archaeological and religious sites, and outdoor recreation areas and facilities open to the general public with a total surface area not exceeding eight square feet.
- F. Signs warning of hazards or danger on the property upon which they are located, or warning against hunting, fishing or trespassing upon such property with a total surface area not exceeding two square feet for each such sign.
- G. Individual house or building numbers limited to one per unit with a total surface area of two square feet, and a name plate or sign not exceeding one and one-half sq. ft. in area for each dwelling.
- H. Christmas or seasonal decorations as customarily used and displayed.
- I. Non-illuminated directional and motor vehicle directional

- signs painted on paving or otherwise limited to a maximum dimension of four feet and a sign area of eight square feet.
- J. Small signs not exceeding three square feet in area, attached flat against a building, non-illuminated and announcing only the name and occupation of the building tenant.
  - K. Interior signs designed primarily to be viewed from a sidewalk or street when maintained inside a building, provided however that the area of such signs shall be subject to the area requirements for wall signs, and that such signs conform to the illumination requirements of this Article.
  - L. Garage or yard sale signs posted on the premises of which the sale is to be held, limited in size to 8 sq. ft. in area, and removed at the end of the sale.

Section 22.06 Temporary Signs. The following signs shall be permitted as temporary signs without a Sign Permit, but shall comply with the Uniform Building Code as applicable.

- A. Construction signs which identify the architects, engineers, contractors and other individuals, firms or agencies involved with the subject construction project. Said signs shall be located on the site of construction, shall not exceed 32 sq. ft. in area, and shall be removed within 14 days of the beginning of occupancy of the intended use of the project.
- B. A sign advertising the sale, lease or rental of the premises or portion of the premises on which the sign is located and displayed, up to a total area of 32 sq. ft., located at least 10 feet from a property line, and shall be removed within 14 days of the sale, lease or rental of the premises or portion thereof.
- C. Open house directional signs for the purpose of directing the public to "Open House" events providing for the sale, rental or lease of premises other than upon which the sign is located. Said signs shall not be located on a public street right-of-way and shall not be located upon private property without the owners permission, shall be located in an area which does not cause a public safety hazard or nuisance, shall not exceed an area of 4 sq. ft., shall not be displayed more than 5 days prior to the event and shall be removed within 3 days following the event.
- D. Political campaign signs, if located on private property with the consent of the owner, and not located on utility poles, trees or rocks. Political signs shall not exceed a sign area of 8 sq. ft., and shall not be displayed for more than 90 days before and 10 days after the election for which they are used.
- E. Signs identifying or advertising a nonprofit civic, charitable or benevolent event. Said signs shall not exceed a sign area of more than 32 sq. ft., shall not be displayed more than 30 days prior to such event, and shall be removed within 7 days after the event.
- F. Street banners advertising a public entertainment, special

- community business promotion, special public event sponsored by a nonprofit community organization, school event, or other similar types of public events. Street banners may be displayed for 14 days prior, during, and for 5 days after an event, unless otherwise approved or limited by the County.
- G. Land development project signs pertaining to the sale, lease, rental or development of a subdivision, office complex, shopping center, commercial or industrial development, or similar development are permitted for a period of one year unless otherwise approved or limited by the County. The maximum sign area shall be 32 sq. ft. and shall be located on the development site.
  - H. Signs, off-premise and not exceeding 8 sq. ft., for a total time period not exceeding six weeks for local or County fairs, rodeos, round-ups, derbys, races, expositions and similar community type event and functions.
  - I. On-premise signs not exceeding 12 sq. ft. advertising the seasonal sale of farm products.

Section 22.07 Prohibited Signs. No sign shall be constructed, erected or maintained if it:

- A. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic as determined by the County Planning Director, the County Roadmaster or an official of the State Highway Division.
- B. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
- C. Contains, includes, or is illuminated by any flashing intermittent, revolving, rotating or moving light, or moves, or has any animated or moving parts, excluding traffic control signs or signs providing public service information such as time, date, temperature, weather or similar information.
- D. Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a street or highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle.
- E. Is located or placed upon a utility pole, tree or painted or drawn upon a rock or other natural feature.
- F. Advertises or calls attention to a business or other activity or profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.
- G. Advertises activities that are illegal under any local, County, state or federal law or in violation of this Ordinance at the location of the sign or of the use or activities.
- H. Is not maintained in a neat, clean and attractive condition and in good repair.
- I. Is not able to withstand a wind pressure of 20 pounds per

- square foot of exposed surface.
- J. Is placed on, affixed to or painted on a motor vehicle or trailer, and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this Ordinance or by any applicable State or federal regulation.
  - K. Is not otherwise in conformance with the provisions of this Ordinance and more specifically with this Article.

Section 22.08 Signs Permitted in Resource Zones (A-1, A-2 or F-1).  
In an A-1, A-2 or F-1 Zone, the following signs are permitted, in addition to those permitted hereinbefore, when authorized in accordance with the provisions of this Article and when in compliance with ORS 377 regarding "Scenic areas."

- A. One sign identifying a ranch, farm, forest or other non-residential use such as a church or golf course, limited to 32 sq. ft. in area and 10 feet in height.
- B. For a use within a platted subdivision, one sign which does not exceed 6 sq. ft. and 4 feet in height.
- C. One sign identifying a home occupation which does not exceed 12 sq. ft. in area.
- D. One sign not exceeding 12 sq. ft. directing vehicular traffic to places of interest to the public such as tourist accommodations and recreation sites, which would otherwise be difficult to find because the site is not visible from a highway. Such signs shall be located within 300 feet of the intersecting roadway which provides access from the highway to the place of interest.
- E. Signs may be illuminated, but not flashing and shall not shine on or create glare on a public roadway.
- F. Signs shall only be placed on the property upon which the use is located with the exception of signs permitted by Subsection 'D' hereinbefore.
- G. Exempt and temporary signs are permitted as provided for in Sections 22.05 and 22.06 of this Article.

Section 22.09 Signs Permitted in the Rural Center (A-3) Zone.

- A. One wall sign which does not exceed 15 percent of the area of the front building facade, but which may be increased to 30% coverage provided no free-standing signs are utilized on the property. In no case shall the maximum sign area exceed 200 sq. ft.
- B. In addition to a wall sign, one ground mounted or one free-standing sign which does not exceed an area of 50 sq. ft. or a height of 15 feet is permitted for each lot. One building directory sign is also permitted which does not exceed 2 sq. ft. in area.
- C. Signs for residential uses within this Zone shall be as permitted in the R-1 and R-2 Zones as set forth in Section 22.10 that follows.
- D. Signs may be illuminated by indirect lighting only.
- E. Signs shall only be placed on the property upon which the

- use is located, except for those signs permitted by Subsection 'D' of Section 22.08.
- F. Exempt and temporary signs are permitted as provided for in Sections 22.05 and 22.06 of this Article.

Section 22.10 Signs Permitted in Residential Zones (R-1, R-2).

- A. For multiple family dwellings, one sign per project not to exceed 32 sq. ft. in area. Such signs shall be wall or ground mounted type.
- B. For subdivisions and mobile home parks, one ground mounted sign not to exceed 50 sq. ft. in area.
- C. One sign for a building other than a dwelling, unless it identifies a home occupation at the dwelling, not to exceed 12 sq. ft. and wall or ground mounted type.
- D. For public and semi-public facilities, schools, churches, hospitals, medical and dental clinics, and similar uses, one sign not to exceed 50 sq. ft. In addition, a building directory sign may be provided which does not exceed one sq. ft. for each occupant of the building up to a maximum area of 12 sq. ft.
- E. No signs in a residential district may be illuminated.
- F. Signs shall only be placed on the property upon which the use is located, with the exception of those signs permitted by Subsection 'D' of Section 22.08.
- G. Exempt and temporary signs are permitted as provided for in Sections 22.05 and 22.06 of this Article.

Section 22.11 Signs Permitted in the Suburban Residential (R-3) Zone.

- A. For multiple family dwellings, one sign per project not to exceed 32 sq. ft. in area, wall or ground mounted on-premise, and non-illuminated.
- B. For subdivisions, planned unit developments and mobile home parks, one ground mounted sign on-premise not to exceed 43 sq. ft. in area and non-illuminated.
- C. For a home occupation, one wall or ground mounted sign on-premise not exceeding 4 sq. ft. and non-illuminated.
- D. For public and semi-public facilities, schools, hospitals, churches, medical and dental clinics, residential care facilities, residential homes, or similar uses, one wall or ground mounted sign on-premise not to exceed 48 sq. ft. and non-illuminated. In addition, a building directory sign may be provided which does not exceed 12 sq. ft. of display area.
- E. For all other uses, one sign for a building or use other than a dwelling or residential use, wall or ground mounted on-premise, not exceeding 12 sq. ft., and non-illuminated.
- F. Exempt and temporary signs are permitted as provided for in Sections 22.05 and 22.06 of this Article.

Section 22.12 Signs Permitted in the Commercial and Industrial (C-1, M-1, M-2) Zones.

- A. One wall sign not exceeding 15 percent of the wall area upon which the sign is located, but which may be increased to 30% coverage provided no free-standing signs are utilized on the property. In no case shall the total area of all signs exceed 500 sq. ft.
- B. A business may have a secondary wall sign on a second wall of the same building. The area for such sign shall not exceed 15% of such wall or 25% of the total allowable sign area of 500 sq. ft., whichever is less.
- C. In addition to the primary and secondary wall signs, one ground mounted or one free-standing on or off-premise sign is permitted for each lot. Such sign shall not exceed a total area of 200 sq. ft., or one square foot of sign area for every one foot of lot frontage along streets, other than alleys, whichever is less. Such sign shall not exceed 35 feet in height measured from road level and display surface shall not be greater than 12 feet in height nor 25 feet in length.
- D. One building directory sign not to exceed 12 sq. ft. or 2 sq. ft. per occupant whichever is greater. The term "occupant" is not intended to include the total person or employee occupancy load of the building, but is intended to mean the number of individual businesses, offices, units, departments, agencies, etc. located within the subject building or complex.
- E. One motor vehicle service or drive-in window sign which shall be limited to a wall or ground mounted sign not exceeding 12 sq. ft.
- F. One alley sign limited to a wall sign of 6 sq. ft. identifying a business. Such sign shall not be located on the same fascia as any other sign.
- G. Signs may be internally or indirectly illuminated, subject to Subsection 22.04(H) of this Article.
- H. Exempt and temporary signs are permitted as provided in Sections 22.05 and 22.06 of this Article.

Section 22.13 Signs Permitted in the Public Facility (P-F) Zone. Signs permitted in the (P-F) Zone are subject to the provisions of Section 22.09 (Rural Center Zone provisions) of this Article.

Section 22.14 Signs Permitted in the Waste Disposal, Inactive Uranium Mill Tailings Zone (W-D). Signs within this Zone shall be subject to the provisions of Section 22.09 of this Article.

Section 22.15 Signs in Combining Zones. Signs within the Combining Zones of this Ordinance shall be subject to the provisions of the underlying primary zone, but shall in all cases be in compliance with applicable standards specifically set forth by the applicable Combining Zone(s).

Section 22.16 Signs Visible From State Designated Scenic Highway Areas. Where applicable, signs affected by the provisions of ORS 377 relative to "Scenic Areas" shall be in compliance with such provisions as administered by the State Highway Division.



## ARTICLE 23: SITE PLAN REVIEW

Section 23.01 Application. Site plans are required for (1) planned developments, (2) all development in M-1 and M-2 zones and those other zoned areas located within the Lakeview Industrial Site Master Plan boundaries, (3) all developments in the P-F, A-A Combining, H-G Combining, G-H Combining and L-U Combining Zones and (4) for other developments where so specified by the applicable primary or combining zone.

Section 23.02 Site Plan Requirements. A site plan and accompanying written information shall include the following data as appropriate:

- A. Proposed land uses, and if applicable, building location and densities.
- B. Lot and setback dimensions.
- C. Proposed circulation patterns indicating access, type of streets, and status of street ownership.
- D. Proposed open space and use.
- E. Proposed method of water supply and sewage disposal.
- F. Economic and supporting data to justify any proposed commercial and industrial elements in an area not so zoned.
- G. Building elevation or perspective drawings.
- H. Relation of the proposed development to the surrounding area and to the Comprehensive Plan.

Section 23.03 Conditions of Approval. As required by this Article or by the applicable primary and/or combining zone, both outright and conditional uses may be subject to the provisions of this Section. The provisions of this Article shall not, however, be applied as a separate review process or requirement for uses or developments required to be reviewed under the Conditional Use Permit process. Before a use may be substantially changed, a new use added, an existing building substantially enlarged or altered, or a new building constructed involving a development or a use requiring a site plan review, such a development plan shall be submitted to the Planning Commission or designate thereof for approval. Construction and development of the site shall be in substantial conformance with the plans approved by the Planning Commission. In considering a site plan for proposed use, the Planning Commission shall take into account the impact of the proposed use on nearby property, on the capacity of the street to carry that volume of traffic, appearance of the use, and other considerations determined applicable. The Planning Commission may require any of the following as conditions of site plan approval:

- A. An increase in the required yards and setbacks.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping.
- D. Limitations on signs or lighting.
- E. Limitations on the number and location of curb cuts.
- F. Any other conditions which it considers necessary to achieve the purposes of this Ordinance.

Section 23.04 Approval Authorization. The Planning Commission may authorize the Planning Director to approve or conditionally approve minor site improvements and small scale developments which have a construction cost of less than \$25,000, or site improvements or development enlargements or alterations not exceeding 10% of the area or value of the existing development. The Commission may also authorize the Planning Director to approve or conditionally approve site development plans for uses or developments subject to review pursuant to the provisions of a combining zone when such use or development is permitted as an outright use or use permitted by a zoning permit by the primary zone.

## ARTICLE 24: CONDITIONAL USES

Section 24.01 Authorization to Grant or Deny Conditional Uses. Conditional Uses listed in this Ordinance may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this Article. In the case of a use existing prior to the effective date of this Ordinance, and classified herein as a Conditional Use, a change in use, enlargement or alteration of such use shall conform with the provisions for a conditional use. An application for a Conditional Use may be approved, modified, approved with conditions or denied.

- A. General Criteria. In determining whether or not a Conditional Use shall be approved or denied, it shall be determined that the following criteria are either met or can be met through the compliance with specific conditions.
1. The proposal is in compliance with the applicable Comprehensive Plan and Policies set forth thereby.
  2. The proposal is in compliance with the standards and requirements set forth by the applicable primary Zone, any applicable Combining Zone, and the standards and conditions set forth by this Article and any other provisions of this Ordinance.
  3. That, for proposals requiring approvals or permits from other local, State and/or federal agencies, evidence of such approval or permit compliance is established or can be assured prior to final approval.
  4. That no approval be granted for any use which is or is expected to be found to exceed resource and public service/facility carrying capacities, or for any use which is found to not be in compliance with applicable air, water, land, solid waste, or noise pollution standards.
- B. General Conditions. In addition to the standards and conditions set forth in a specific primary Zone, a Combining Zone, this Article, this Ordinance, and other applicable local, State and/or federal regulations, additional conditions may imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the County, and to otherwise protect the general welfare and interests of the surrounding area, the County as a whole, and the general public. Such conditions may include, but are not limited to, the following:
1. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restrictions to minimize environmental effects such as noise, vibration, air or water pollution, glare and odor.
  2. Establishing special setback or other open space requirements, including increasing the required lot size or other dimensional standards.

3. Increasing street width and/or requiring improvements to public streets and other facilities, on-site and off-site, serving or required to serve the proposed use or development.
4. Limiting the height, size or location of buildings or other structures or uses.
5. Designating the size, number, improvements, location and nature of vehicle access points and routes, off-street parking and loading, and assurance that use of public rights-of-way is in compliance with the regulations of the affected agency.
6. Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor lighting.
7. Requiring diking, screening, fencing, landscaping, or other improvements or facilities, including reclamation plans and assurances, deemed necessary to protect adjacent or nearby properties, and the environment, and establishing requirements, standards and assurances for the installation and maintenance thereof.
8. Protecting and/or preserving existing trees, other vegetation, water, scenic, historic, archaeological, unique or other natural or significant resources.
9. Requiring any additional information or documentation deemed necessary as a part of the application for such a use in order to render a proper decision on the subject proposal as related to environmental, social, economic or other factors.
10. A requirement that the permit be reviewed on an annual or other periodical established basis.
11. A requirement that the permit be renewable on an annual or other periodical established basis.
12. A requirement that the permit not be transferable.

Section 24.02 Procedures. The procedures for taking action on an application for a Conditional Use shall be as follows:

- A. Application. A property owner or duly authorized agent may initiate a request for a Conditional Use or the modification of an existing Conditional Use by filing an application therefore with the County Planning Director using forms prescribed by the County. Said application shall be in completed form, and shall be accompanied by a site plan, drawn to scale, and showing the dimensions, arrangement and intended use of the proposed development. Said application shall also be accompanied by a vicinity map showing the subject property and the names and addresses of all property owners within 750 feet of the subject property. In addition, a written description of the proposed use in sufficient detail to fully describe all proposed uses and activities shall be submitted, together with any additional information deemed necessary. If an application is submitted by any person or persons other than the property owner or authorized agent thereof, the application

shall be jointly signed by the owner or his agent or there shall be submitted an accompanying certified statement from the owner or agent attesting to the knowledge and approval of such submittal. An application shall not be deemed complete unless accompanied by the required filing fee established by County Ordinance.

B. Processing Procedures: Type I and Type II Conditional Uses. Conditional Uses set forth by this Ordinance may be classified as either Type I or Type II Conditional Uses and processed as set forth hereinafter. If such a classification is not set forth for a specific Zone, all Conditional Uses therein shall be processed in accordance with the Type II requirements.

1. Type I Conditional Uses. The County Planning Director shall, within 5 working days after the receipt of a "completed" application for a Type I Conditional Use, provide written notice of such application to the owners of property within 250 feet of the exterior boundaries of the subject property, excluding public streets and ways, other persons or parties to which notice is required by this Ordinance, any other local ordinance, or by State and/or federal regulation, and to any persons or parties specifically requesting such notice. Such notice shall provide for a minimum of 10 days, but not more than 20 days, for response regarding the subject proposal. If no objection is received within the stated response period, the Planning Director may take action on the subject application for approval, approval with conditions and/or modifications, or denial, "or" may refer the application to the Planning Commission for public hearing. If one or more objections are received (in writing) within said response period, the Planning Director "shall" refer said application to the Commission for public hearing.

2. Type II Conditional Uses. An application for a Type II Conditional Use shall be subject to review by the Planning Commission in accordance with the public hearing requirements set forth by Subsection "C" of this Section.

C. Public Hearing Requirements. Before the Commission may act on any request for a Conditional Use, it shall conduct a public hearing in the matter thereof. The hearing shall be held within 45 days after the application is received and deemed complete. Notice of the hearing shall be given in the following manner:

1. Notice shall be published in a newspaper of general circulation in the area not less than one time and at least 10 days prior to the date of said hearing.
2. Not less than 10 days prior to the date of the hearing, individual notices shall be mailed or otherwise delivered

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to all property owners within 250 feet of the subject property, those persons and parties required notice by this or other local, State and/or federal regulation, and to those persons specifically requesting such notice. Failure of any person or party to receive such notice shall not invalidate the proceedings in connection with the subject application.

- D. Recess of Hearing. The Commission may recess or continue a hearing on an application for a Conditional Use as deemed necessary to obtain additional information, to conduct onsite reviews, to solicit input from other agencies, persons or parties, to obtain legal opinions or advice, or to serve further notice on other "affected" parties. Upon recessing or continuance, the Commission shall publicly announce the date, place and time that the hearing will be resumed.
- E. Notification of Action. Within 10 working days after a decision has been rendered, the Planning Director shall provide the applicant, the property owner if different than the applicant, and other persons or parties participating in the hearing or specifically requesting such notice, with written notice of the decision on the subject application. Such notice shall clearly set forth the procedures and conditions for appeal of such decision.

Section 24.03 Time Limit on a Permit for Conditional Use.

- A. Authorization of a Conditional Use shall be void after one year or such other time as the authorization may specify, unless substantial development and/or investment has taken place.
- B. Should the Planning Commission find that a Conditional Use applied for is of a type, or to be located in an area, which warrants a time limit being placed on the Conditional Use Permit, it may allow such Conditional Use for a specified period of time. Issuance of such a Conditional Use Permit shall confer no right to the applicant beyond the time period for which it is issued. Affirmative action by re-application for Conditional Use shall be required by the Conditional Use Permit holder to obtain an extension of time beyond that allowed by the original permit.
- C. Should the Planning Commission find it necessary that approval be valid only to the requestor, transfer of the permit may be specifically prohibited.
- D. If the conditions for Conditional Use Permit approval are not fulfilled within a reasonable time, the Planning Commission may revoke a conditional use approval after giving notice to affected property owners, and upon holding a public hearing to make such determination.

Section 24.04 Standards Governing Conditional Uses. A Conditional Use shall comply with the standards of the Zone in which it is located, with the standards of any applicable Combining Zone, with the general standards set forth by this Ordinance, the specific

standards set forth in the applicable Section of this Article that follows, and with any additional standards and conditions that may be set forth by the County Planning Director or Planning Commission in the approval of such use.

Section 24.05 Limited Home Occupation. When permitted as a Conditional Use, such use shall comply with the following conditions and limitations:

- A. Will be operated by the resident of the property on which the business is located.
- B. The use shall be secondary to the main use of the property as a residence, shall be conducted within the residence or an existing accessory building on the same property, and shall be limited to an area not exceeding 25% of the main floor of the primary dwelling.
- C. No structural alterations or additions shall be permitted to accommodate the use except when otherwise required by law, and in such case such alteration shall not detract from the outward appearance of the property as a residential use.
- D. Total employment shall not exceed five (5) persons including the owner/operator/resident(s) and members of the immediate family.
- E. No use shall be permitted which will be detrimental to the residential use of the subject property or adjoining or area properties because of noise, vibration, dust, smoke, odor, traffic, interference with radio or television reception, or other factors not in compliance with applicable DEQ regulations.
- F. Retail sales shall be limited to those commodities and/or materials used in conjunction with or directly related with the home occupation.
- G. No materials or commodities shall be delivered to or from the premises at a time, or of such bulk or quantity, as to create undesirable traffic or congestion.
- H. Hours of operation and associated activities shall be within normal business hours and in no case shall the operation infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes or detract from the residential character of the area.
- I. The existence of a home occupation shall not be used as the justification for a zone change.
- J. All parking shall be accommodated off-street on the subject premises except as approved otherwise.
- K. Permits issued for such uses may be required to be reviewed every 12 months following the date of approval, may be required to be renewable on an annual basis, and may be made non-transferable.

Section 24.06 Home Occupation. When permitted as a Conditional Use and conducted as an accessory use to the primary use, a home occupation may be permitted subject to the following standards and limitations.

- A. Will be operated by the resident of the property on which the use is located, and shall be secondary to the main use of the property as a residence.
- B. Shall employ no more than five (5) full or part-time persons.
- C. Will be operated in the owner/operator/resident's dwelling, or in other buildings normally associated with uses permitted in the zone in which the property is located.
- D. Shall not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- E. No structure shall be permitted to accommodate the proposed use that would not otherwise be allowed and normally associated with uses allowed in the zone in which the use is located.
- F. The existence of the home occupation shall not be used as justification for a zone change.
- G. Each such permit shall be reviewed by the County every 12 months following the date the permit was issued, and may be continued if the use continues to comply with the conditions of this Section and any additional conditions set forth in the approval thereof.
- H. Such permits may be required to be renewed on an annual basis and may be non-transferable.

Section 24.07 Mineral or Aggregate Resource Extraction and/or Processing and Surface Mining. When permitted as a Conditional Use, the application for and operation of such activities shall comply with the following standards, conditions and limitations:

- A. An application for such use or activities shall contain the following information and whatever additional information the applicant deems relevant or whatever additional information the County deems necessary.
  1. Name and address of the landowner and operator.
  2. Legal description and map of the property to be mined and included as the property base for the proposed use.
  3. Identification of existing or proposed roads providing access to the mining site that lead from public thoroughfares to the property, and a description of the existing conditions and proposed improvement/maintenance standards for such access roads.
  4. A list of known materials for which the use and/or operation is to be conducted, and "qualified" evidence that specifications applicable to intended uses can be met by materials onsite.
  5. If the use and/or operation is intended for a specific project, evidence that materials onsite will meet the specifications thereof, identification of the specific project and the responsible agency or party, the estimated beginning and completion dates of said project and the estimated materials/quantities required



therefore.

6. A site development and operation plan showing:
  - a. Areas to be mined or excavated.
  - b. Areas for settling ponds and washing plants.
  - c. Areas for processing and stockpiling.
  - d. Areas for facilities for resource-related operations.
  - e. Locations of buildings and other structures.
7. A site and vicinity map showing:
  - a. Location and names of all streams, roads, railroads, and utility facilities within or adjacent to the site.
  - b. An area land use map showing adjoining and area land uses and structures by type.
  - c. Identification of any "other" Significant Resources within or in the general area of the site.
  - d. Topographical and vegetative conditions of the general area.
8. A general description of the modes of excavation, the types of equipment to be used and the disposition of overburden.
9. A starting and ending date for the operation.
10. An estimate of the total volume of material to be excavated and processed.
11. A reclamation plan meeting the requirements of the State Department of Geology & Mineral Industries, providing for the following as applicable:
  - a. Rehabilitation of stream channels and banks to prevent erosion, sedimentation, and other water polluting effects of stream flow.
  - b. Sloping and other control to stabilize final surfaces and minimize public hazards.
  - c. Vegetating disturbed areas in a manner conducive to restoring them to a natural state or to a state consistent with the future use stated in the plan.
  - d. Preventing pools of water from becoming public nuisances or health hazards.
  - e. Removing structures and equipment that otherwise would be abandoned after termination of the operation.
12. The methods of controlling contaminants and disposing of refuse.
13. Provisions where applicable or feasible for visual screening by use of native plants and trees, or plants and trees with a demonstrated or known ability to thrive under the conditions required, and/or use of natural topographical features or manmade berms.
14. In the case where the applicant does not own the land on which the mining is to take place, the written consent of the owner of that land for the mining to take place there, the owner's written acknowledgment of the owner's obligation to insure that the land is reclaimed after the mining ceases and the owner's written consent for the County to impose on the land, if necessary as

security, a lien for expense the County may necessarily incur in reclaiming the land.

15. Any or all of the information required for applications for the same operation to DOGAMI that meets any of the foregoing requirements may be submitted in lieu thereof as a part of the application to the County.
- B. No processing shall be permitted in Commercial or Residential Zones, nor shall processing be permitted within 200 feet from a lot or parcel in a Residential or a Commercial Zone.
- C. Equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration or dust which are injurious or substantially annoying to persons living in the vicinity, or to crops or livestock being raised in the vicinity. An access or service road, while used for mining, shall be dust-free for 300 feet from public thoroughfares and residences in the area.
- D. Permanent asphalt plants, concrete products manufacture, cement plants, and similar uses associated with such operations shall not be permitted in A-3, R-1, R-2, C-1, A-A, or R-3 Zones.
- E. Screening of mining sites may be required to obscure the view or minimize dust and other annoyances from adjoining occupied properties and public thoroughfares. Unless otherwise approved, such screening shall be at the boundary of the mining site and shall be accomplished by one or more of the following:
  1. An ornamental fence or wall.
  2. A landscaped berm or preservation of a natural slope.
  3. Vegetation, natural or planted and established.
- F. Compliance shall be maintained with the noise, air and other applicable environmental standards administered by the Department of Environmental Quality (DEQ).
- G. Vehicular parking, loading and maneuvering areas off public thoroughfares shall be provided and maintained for employees, customers, visitors and other associated needs at the mining site.
- H. A fence to control access to the mining site shall be maintained at least 10 feet outside the site except as approved otherwise by the County.
- I. Compliance with applicable standards and regulations administered by the State Department of Geology & Mineral Industries (DOGAMI), and other state and federal agencies shall be maintained.
- J. The County may require a bond, property lien or other assurance relative to insuring site reclamation. If required, such assurance shall be in addition to those assurances required by other agencies.

Section 24.08 Mobile Home Park. In addition to the standards and conditions set forth herein for a mobile home park, such a facility shall be in compliance with applicable State standards, and compliance with the standards and conditions set forth herein and by applicable State regulations may be required prior to occupancy.

- A. Plans and Specifications: An application for a mobile home park shall be accompanied with three sets of construction plans and specifications. Such plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the development and show in detail that it will conform to the standards set forth herein and the standards set forth by applicable State standards and regulations. At a minimum, such plans shall contain the following:
1. Name of park and location (vicinity map).
  2. Names of the owner and/or operator.
  3. Scale and date of plans.
  4. Both proposed and existing construction.
  5. General layout of the entire park at a scale no smaller than 1"=50' showing:
    - a. Distances from park boundaries to existing public utilities.
    - b. Play areas where required and/or proposed.
    - c. Permanent buildings (washrooms, recreation, and similar type structures).
    - d. Location, size and materials of patio or slab for each mobile home.
    - e. Property line boundaries and identification of property by Tax Lot number.
    - f. Designation of each mobile home lot by number, letter or name.
    - g. Location of each mobile home lot.
    - h. Park utilities systems including:
      - \*Sewer connections and electrical service outlets.
      - \*Domestic water supply outlets.
      - \*Location of water and sewer lines; size, type of material and construction.
      - \*Location of light fixtures for lighting streets and walkways.
      - \*Streets layout, within the park and connecting to public streets or roads.
      - \*Source of water supply and sewage disposal.
      - \*Solid waste collection and disposal.
    - i. Park topography: Required when any existing grade or slope exceeds 5%.
    - j. Proposed landscaping and preservation of existing vegetation.
- B. Each access road to a park intersecting a public street or road shall have a surface width of not less than 30 feet. Driveways within a park shall be at least 20 feet in width, or if parking is permitted thereon at least 30 ft. in width. All roads, driveways, walkways and bikeways shall be surfaced to minimum County standards, and shall be well-drained and lighted.
- C. Walkways and bikeways may be required, and if required or proposed shall not be less than 3 feet in width.
- D. Each space in the park shall be serviced with water and sewer facilities, and electrical power. Receptacles for garbage and fire hydrants shall be provided as required

- or deemed necessary.
- E. Mail facilities shall be installed as required by the U.S. Postal Service.
  - F. When possible and reasonable, the park shall have a public or private telephone available to the tenants, at a minimum for outgoing emergency calls.
  - G. There shall be constructed on each mobile home space, adjacent and parallel thereto, one or more wooden decks, or slabs or patios of concrete, asphalt, flagstone or the equivalent, which, singly or in combination, total at least 120 square feet.
  - H. In no case shall an individual mobile home space be permitted which is less than 30 feet in width or less than 40 feet in length.
  - I. In no case shall a mobile home park be established on a lot or parcel less than one (1) acre, and except as provided otherwise herein, in no case shall the overall density exceed 12 units per acre. Said density may be increased as follows as approved by the County:
    - 1. If dedicated open space equals 30% or more of the total area of the park, and a program is established and approved for the maintenance thereof, a maximum increase of 5%.
    - 2. If in addition to I.1. above, an approved recreation and/or community use building is provided, an additional increase of 10%.
    - 3. If not otherwise required herein or by applicable State regulations, if in addition to I.1. and I.2. above, a developed and maintained playground or park area with approved equipment and facilities such as swings, slides, merry-go-rounds, basketball and/or tennis courts, picnic tables, etc. is proposed, an additional increase of 10%.
  - J. For any mobile home park accommodating or permitting children under 14 years of age and proposing to have one or more spaces less than 4,000 square feet, a separate general play area or park as described in I.3. above shall be provided. No such area shall be less than 2,500 sq. ft. or 100 sq. ft. per each mobile home space occupied by or permitted to be occupied by children within the park, whichever is the greater area.
  - K. No mobile home shall be located closer than 15 feet from another mobile home, 20 feet from a general use building or facility in the park, or 15 feet from a property line.
  - L. No "recreational vehicle" shall be permitted to be located within a mobile home park and occupied as a residential use.
  - M. A mobile home permitted in a mobile home park shall be provided with a continuous skirting within 30 days of placement.
  - N. The total land area used for a mobile home park may be required to be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.
  - O. Each vehicular way in the park shall be named and marked

with signs which are similar in appearance with those used to identify public streets, and a map of the entire development shall be provided to the appropriate fire protection agency(s), other emergency service agencies and the County Planning Department.

- P. An updated listing of the names and addresses of the occupants of each space in a mobile home park shall be provided to the County Planning Department within 3 days of request therefore.
- Q. Copy of proposed use and occupancy restrictions.

Section 24.09 Recreation Vehicle Park; Campgrounds. A Recreational Vehicle Park or Campground shall be constructed, maintained and operated in accordance with the applicable State regulations, and shall also comply with the standards and conditions set forth herein.

- A. Plans and Specifications: An application for a RV Park or Campground shall be accompanied by development plans for such facility, drawn to scale and clearly showing the nature and extent of the work proposed and shall show in detail how conformance with applicable State regulations and the standards set forth herein will be achieved. The following information, at a minimum, shall be furnished on all such plans:
  - 1. Name of the development.
  - 2. Legal description of the property and identification by Tax Lot number.
  - 3. Names of the owner and operator.
  - 4. Scale and date of plans.
  - 5. Identification of proposed and existing construction.
  - 6. General layout of the proposed development.
  - 7. Location, dimensions, layout and numbering of all RV or camping spaces and/or facilities.
  - 8. Provisions for water supply, sewer disposal, electrical services, other public utility services, and solid waste collection and disposal.
  - 9. Locations and plans for any common use facilities or areas such as shower facilities, laundry facilities, playgrounds, picnic area, recreation facilities, etc.
  - 10. Location and schematic drawings of signs.
  - 11. Copy of proposed use restrictions and other rules.
- B. Water supply service to each camping space is not required, but at least one water supply service shall be provided on site.
- C. In lieu of individual sewer connections, at least one sewage disposal station shall be provided on site except as approved otherwise by the County if such facility, available for public use, is available within a reasonable distance.
- D. All solid waste shall be stored in individual garbage containers, storage bins, or storage vehicles that have tight-fitting lids, covers or closable tops, and are durable, rust-resistant, watertight, rodent-proof and readily washable. All solid waste shall be collected for disposal

- at regular intervals not to exceed once every seven (7) days.
- E. Liquified petroleum gas storage tanks onsite shall be approved by the appropriate agency.
  - F. Eating and drinking establishments or facilities, commissaries, mobile units, vending machines, toilet-hand-washing-bathing facilities, swimming pools, spas and other such facilities shall be constructed, maintained and operated in accordance with applicable State standards and regulations.
  - G. The owner and/or management of such facilities shall maintain all buildings, grounds, rental units, spaces and furnishings in good repair and appearance, and in clean and sanitary condition at all times.
  - H. Either the owner, an operator, resident manager, or other such supervisor shall be available on the premises of such facilities at all times while it is open for use, except as approved otherwise by the County.
  - I. Each camping space shall be identified by letter, number or name, and each such space shall be large enough to accommodate the use intended, but in no case less than 30 feet in width nor less than 40 feet in length. Each camping space is limited to one camping vehicle, tent vehicle or tent.
  - J. Each camping space shall maintain at least 15 feet separation between camping vehicles or tents, 10 feet from any property line, and 20 feet from any public street or road right-of-way.
  - K. No such facility shall be permitted on a lot or parcel less than one (1) acre, and, except as approved otherwise by the County, shall not exceed an overall density of 18 units per acre.
  - L. Each such facility shall have direct access to either an arterial or major collector street or road, and each access road intersecting a public street or road shall have a surface width of not less than 30 feet. Driveways within such a facility shall not be less than 20 feet in width, or 30 feet in width if parking is permitted thereon. All access roads and driveways shall be constructed to and maintained to minimum County standards. Each space in such a facility shall have direct access to a park driveway or road.
  - M. Toilet facilities shall be provided in all such facilities in the following ratios:

<u>Number of Spaces</u>	<u>Number of Toilets</u>
1 - 15	2
16 - 30	3
31 - 60	5
61 - 100	7

Section 24.10 Multi-family Dwellings.

- A. Structures will meet lot area and coverage and height requirements of the zone in which they are located.
- B. Access shall be by an improved street with safe ingress and egress.
- C. A minimum of 1-1/2 parking spaces per dwelling unit shall be provided and designed to be buffered from adjacent residential uses.
- D. Any lot area not occupied by structures, improved parking or sidewalks, shall be landscaped and/or developed recreation and maintained.
- E. A minimum 50 square feet, 7 feet in height, per dwelling unit for storage space shall be provided.
- F. Laundry facilities may be required.
- G. Notwithstanding the foregoing provisions, multi-family dwellings proposed within an Urban Growth Boundary shall be approved and constructed in accordance with the applicable standards set forth by the affected City or Town.

Section 24.11 Planned Unit Development. A Planned Unit Development may be permitted when authorized by the applicable Zone and when approved in accordance with the provisions of this Ordinance and the provisions of the County Land Development Ordinance as amended.

Section 24.12 Automobile Wrecking Yard or Junk Yard. In considering an application for such a facility, the following factors, conditions and limitations shall be applicable. In addition, such facilities shall be found to be in compliance with applicable State regulations.

- A. No such facility shall be permitted within 1,000 feet of the right-of-way of a State highway or other arterial or major collector unless hidden or adequately screened by terrain or other natural objects, or by plantings, fences or other appropriate means so as not to be visible from the main traveled way of such right-of-way.
- B. A building and/or enclosure, or other barrier of at least six feet in height shall be constructed and maintained, and that the subject use shall be totally contained within such building(s) and or enclosure except as otherwise provided for herein.
- C. Premises on the outside of the buildings(s) and/or enclosure shall be maintained in a clear and clean condition at all times.
- D. No activity involving any wrecking, dismantling or altering of vehicles shall be permitted outside the building(s), enclosure or barrier at any time.
- E. In an industrial zone, the display and offer for sale of vehicle parts or vehicles outside the building(s), enclosure or barrier may be permitted, but shall be limited to a single defined area limited to not more than five (5) percent of the total area of the business and to not more than 8 vehicles

at any one time. In any Zone except an industrial zone, such outside display shall be limited to not more than 4 vehicles.

- F. In addition to the outside display area permitted by E. above, an open area may be maintained for customer vehicle parking.
- G. All parking, loading, unloading and maneuvering areas and facilities shall be accommodated totally onsite.
- H. Special considerations shall be given to the following factors, and additional setbacks, screening and other conditions and limitations may be established relative thereto:
  - 1. Extent of development of surrounding property as residential.
  - 2. Proximity of churches, schools, hospitals, public buildings, or other places of public gatherings, particularly recreational facilities.
  - 3. Proximity of significant scenic and other natural resources.
- I. State licensing is complied with as is applicable.

Section 24.13 Adult Foster Home or Residential Facility. When permitted as a conditional use, such facilities shall be subject to the following conditions and limitations:

- A. A provider must live in the home that is to be used for such purpose.
- B. Such facilities shall only be permitted in an existing residential structure.
- C. Except as approved otherwise, off-street parking shall be provided for all such needs generated by such use.
- D. Such facilities shall be maintained in compliance with applicable State regulations, shall maintain compliance with such annual licensing requirements as may be applicable, and a copy of all State inspection reports shall be provided to the County.

Section 24.14 Bed and Breakfast Facility. In the review and approval of such a facility as a conditional use, the following conditions and limitations shall apply:

- A. Such a use shall only be permitted within an existing residential structure.
- B. Compliance with all applicable State regulations shall be established or assured, and continued compliance therewith shall be a condition of the approval.
- C. No exterior structural alterations shall be permitted to accommodate the proposed use except as required by law, and in no case shall such alterations detract from the residential appearance of the subject structure.
- D. No persons shall be employed except members of the immediate family of the owner/operator, and the owner/operator shall reside on premise in the subject resident structure.



- E. All parking demands shall be accommodated totally off-street on premise except as approved otherwise.
- F. As applicable, State licensing requirements shall be complied with on a continuing basis and a copy of inspections required as a part thereof shall be provided to the County Planning Department. Failure to comply herewith shall constitute grounds for immediate revocation of the Conditional Use Permit authorizing such use.

Section 24.15 Dog Pounds and Kennels. When authorized as a conditional use, such may be permitted when found to not be detrimental to the adjoining properties or surrounding area because of noise, odor and other associated nuisance factors. In the review of an application for such use, the following factors shall be considered:

- A. Building and site design adequacy to minimize noise and odor.
- B. A sight-obscuring and/or sound reducing fence, hedge or other vegetation screening or barrier may be required.
- C. Holding cages and facilities may be restricted to being located totally within a building, and minimum levels of sound-proofing thereof may be established.
- D. Outside animal runs may be prohibited, or the period of use thereof restricted.
- E. Vehicular access and loading-unloading facilities may be restricted.
- F. The types of animals permitted may be specified.
- G. Receipt of a valid complaint concerning odor and/or noise shall constitute grounds for immediate permit review and possible revocation.

Section 24.16 Radio or Television Transmitter Tower, Utility Station or Substation. When authorized as a conditional use, the following standards and limitations shall apply:

- A. In a residential zone, all equipment storage on site shall be enclosed within a building or sight-obscuring fenced enclosure.
- B. The use may be required to be fenced and landscaped.
- C. Coloring of structures, buildings and other permanent installations shall be of neutral colors.

Section 24.17 Standards for Conditional Uses in the F-1, Forest Use, Zone. In addition to the specific provisions that may be applicable to a specific use as set forth in this Article, in Article 5, Forest Use Zone, or by any other applicable provisions set forth by this Ordinance, the following considerations shall be taken into account in the review and approval of a Conditional Use in the F-1, Forest Use, Zone:

- A. Compliance with the State Forest Practices Act and any management agreements entered into relative thereto by the State Department of Forestry.
- B. Compatibility with forest uses.

- C. Non-interference with accepted forestry practices.
- D. Location upon land generally determined to be unsuitable for forestry uses.
- E. Compliance with the standards set forth by the handbook "Fire Safety Considerations for Developments in Forested Areas" as applicable.

Section 24.18 Renewable Energy Facilities. For proposed facilities under Oregon Energy Siting Council (EFSC) jurisdiction, conditional use permits shall be granted consistent with the EFSC siting standards as adopted in Oregon Administrative Rules Chapter 345, or amended hereafter. For facilities not under EFSC jurisdiction, the following siting standards shall apply:

- A. General. All facilities shall be subject to the following standards:
  - 1. Air and water quality. Facilities shall be designed, operated, and monitored, such that water supplies and effluents, and air emissions, do not violate or threaten to violate, applicable state and federal water quality standards.
  - 2. Scenic quality. Facilities shall be designed and operated so as to be as compatible as practical with surrounding scenic resources. Insofar as practical, vegetation shall be restored on the portions of the site disturbed by construction. Upon completion of construction all temporary structures not required for future use, and all other construction debris, shall be removed. Facilities shall be painted or prepared so as to be non-reflective, and of colors which blend with, and reduce contrast with, existing landscape colors.
  - 3. Fish and wildlife resources. Facilities shall be designed, operated, and monitored, so as to protect surrounding fish and wildlife resources as much as practical. Facilities shall not jeopardize, in a material way, habitat areas which are necessary to sustain local or migratory populations of such resources which are federally designated endangered.
  - 4. Historic and cultural resources. Facilities shall be designed and operated so as to minimize disturbance to identified historic and cultural resources. The developer shall promptly inform the County of any such resources encountered during construction or operations, and shall also provide the County with a plan for preservation and interpretation of such resources.
  - 5. Fire protection. Facilities shall be designed and operated so as to provide fire protection measures acceptable to the County and any adjacent land management agency.
  - 6. Public health and safety. Facilities shall be designed so as to be capable of withstanding, without failure, reasonably expected structural loads.
  - 7. Water rights. Facilities shall be designed, operated, and monitored so as not to infringe upon existing water

rights of others as established by the Oregon Water Resources Department.

8. Beneficial use of wastes. Facilities shall be designed and operated so as to make beneficial use, to the extent practical, of waste and byproducts produced by the facility.
  9. Waste Disposal. All waste not otherwise beneficially used shall be disposed of in compliance with all applicable laws and regulations.
  10. Earth stability. Facilities shall be designed and operated so as to avoid massive earth movement, prevent erosion, and minimize disturbance to natural drainages. Fill areas shall be benched and keyed into undisturbed ground where necessary. Embankments shall be placed in layers not to exceed eight inches in depth, and compacted to a minimum of 95% density. Fill slopes shall have a maximum gradient of 1-1/2 to 1. Deposits of expansive soils shall be avoided or removed. Temporary roads must be returned as closely as possible to a natural state by removing outside berms and constructing water checks at appropriate intervals to disperse runoff to the outside of temporary roads. Discharge points shall be designed with adequate erosion control and energy dissipation features. Natural drainage crossings shall be provided with properly sized culverts, and natural drainage ways shall be cleared of temporary construction material after completion of the facility. Top soil material shall be stockpiled and reused after construction wherever practical.
  11. Access roads. Access roads to facilities, both on-site and off-site, shall be improved to County standards when deemed necessary to assure adequate, safe, and efficient access.
  12. Access protection. Facilities shall be designed and operated such that unattended equipment and operational areas shall be protected from access by unauthorized persons.
  13. Noise. Facilities shall be designed, operated, and monitored, to assure that noise generated by such facilities do not violate or threaten to violate applicable state and federal noise standards.
- B. Geothermal. Facilities utilizing geothermal resources shall be subject to the following standards:
1. Subsidence and seismic activity. Facilities shall be designed, operated, and monitored so as to minimize land subsidence or induced seismic activity which could result from the withdrawal and/or injection of geothermal resources. A description of the potential for such activity and proposed precautionary measures shall be submitted for all proposed facilities.
  2. Groundwater protection. Facilities shall be designed, operated, and monitored so as to maintain and protect the integrity of groundwater and geothermal aquifers respectively and prevent adverse interference between them. All

facilities shall comply with applicable Oregon Department of Water Resources laws and regulations.

3. Pipeline. Facilities shall be designed and operated such that pipelines do not impede vehicular traffic; and are equipped with acceptable receptacles for condensates, such as catch-basins or drainage.
  4. Sumps. Sumps shall be designed so as to withstand both static loads, and dynamic loads imposed by potential seismic events. Sumps shall be constructed of material compacted to a minimum of 90% density, and shall be lined with either clay or an equivalent in permeable membrane. Safety fencing surrounding the sump may be required. Sumps shall be operated in such a manner as to preclude overtopping by maintaining three feet of free board at all times when in use. Upon completion of drilling, sumps shall be purged of environmentally harmful chemicals and back filled immediately thereafter.
- C. Wind. All facilities utilizing wind resources shall be subject to the following standards:
1. Public health and safety. Facilities shall be designed, operated and monitored in compliance with octave band limitations established by the Oregon Department of Environmental Quality.
  2. Rotor safety. Facilities shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor.
  3. Guy wires. Anchor points for guy wires shall be located within the property lines of the facility and not across any electric transmission lines.
  4. Electromagnetic interference. Facilities shall be designed, operated, and monitored so as not to cause harmful interference with an existing microwave communications link or other airwaves broadcasts.
  5. Height. The lowest reach of the rotor shall be 75 feet from the ground, unless it can be demonstrated by the applicant that a lower height would not subject the rotor to excessive turbulence. In no case shall the rotor be less than 15 feet from the ground.
  6. Wind access. Towers shall be set back five rotor diameters from the downwind property lines in the direction of the dominant winds across the property, and two diameters from all other property lines, unless it can be demonstrated that a lesser setback can protect the wind access of the downwind properties.
- D. Solar. All facilities utilizing solar resources shall be subject to the following standards:
1. Surface run-off. Facilities shall be designed and operated so as to collect, channel, or otherwise control surface run-off in order to avoid ponding, increased run-off velocity, gullying, or other adverse run-off conditions.
  2. Ground leveling. Facilities shall limit massive ground leveling only to those areas needed for heliostat and structure installation. Other facility grounds shall

retain the natural ground contour to the greatest extent practical. A plan to mitigate potential wind erosion from leveled areas shall be submitted for all proposed facilities.

3. Heliostat cleaning solvent. Facilities shall be designed and operated such that any cleaning solvent used in heliostat washing is applied, collected, and disposed of in compliance with all applicable state and federal environmental quality standards.
  4. Misdirected solar radiation. Facilities shall be designed and operated so as to prevent inadvertent focusing of the reflected concentrated beam of heliostats on nearby persons or property. Exclusion areas and operating procedures shall be established to prevent access to hazardous areas and off-site focusing during heliostat movements. Facilities shall be designed such that public roads are not exposed to potential glare. All proposed facilities shall obtain an opinion from the Federal Aviation Administration as to the necessity for restrictive overflight regulations in the vicinity of the facility. Stowing and unstowing of heliostats shall be conducted primarily during periods of low insolation in order to minimize the potential for inadvertently misdirected reflections.
  5. Airport proximity. Facilities shall not be located adjacent to, or within the control zone of, any airport.
- E. Hydro. All facilities utilizing hydro resources shall be subject to the following standards:
1. Fish resources. Facilities shall be designed and operated so as not to jeopardize local anadromous fish populations. A program for allowing upstream and downstream migratory game fish, food fish, and anadromous fish through the facility shall be established.
  2. Stream flow. Facilities shall be designed and operated so as to accommodate low, normal, and flood flows of the stream. A description of the minimum flow proposed to be released during periods of low water, and a full description of any proposed ponding of the flow shall be provided. A decision by the Oregon Water Resources Department and/or Policy Review Board to grant or approve use of the amount of water needed by the facility shall be considered proof that the facility complies with this standard.

Section 24.19 Criteria for Nonfarm Uses, Excluding Farm Related or Accessory Uses, in an A-1 or A-2 Zone. Nonfarm uses, excluding farm related or farm accessory uses, may be approved in an A-1 or A-2 Zone upon findings that each such use:

- 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;
  - E. Complies with other applicable natural resource provisions; and
  - F. Complies with such other conditions as the County considers necessary.

Section 24.20 Criteria for Nonfarm Dwellings in an A-1 or A-2 Zone. In addition to the provisions set forth in Section 24.19, the land upon which a nonfarm dwelling is proposed in an A-1 or A-2 Zone shall meet the following criteria:

- A. Is not predominately soils of SCS Capability Class I through VI;
- B. Had no irrigation rights on the effective date of this Ordinance, or such rights are approved for transfer to more productive lands;
- C. Does not affect the base for a public grazing allotment;
- D. Not capable or feasible for cultivation;
- E. Will not decrease carrying capacity or overall productivity of the existing farm operation;
- F. Will not adversely affect existing balance of forage and hay supply of the overall farm operation;
- G. Will not adversely affect surrounding agricultural operations;
- H. Will not have an adverse impact on critical winter wildlife habitat;
- I. Is disqualified for special farm use assessment as required by ORS 215.236; and
- J. Required public access and public services and facilities are available.

Section 24.21 Slaughtering Facility. Commercial Slaughtering Facilities or Slaughter Houses may be approved upon a finding that each such use is licensed pursuant to ORS 603 and in compliance with the provisions of said statute.

Section 24.22 Facility for the Primary Processing of Forest Products in an A-1 or A-2 Zone. Such a facility may be approved in an A-1 or A-2 Zone upon findings that each such use:

- A. Is intended to be only portable or temporary in nature.
- B. Does not seriously interfere with acceptable farming practices.
- C. Is compatible with farm uses described in ORS 215.203(2).
- D. Such facilities may be approved for a one-year period which is renewable.

Section 24.23 Criteria for Farm Units in an A-1 or A-2 Zone.  
Considerations to be taken into account in determining whether a parcel proposed to be created will continue to be used for agriculture include, but are not limited to the following:

- A. Parcel size and location.
- B. Proposed development and other uses of the property and vicinity properties.
- C. Consideration as to whether the proposed uses meet the State definition of farm use, and is consistent with the intent and purposes of the State Legislative Agricultural Land Use Policy as follows:
  1. Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
  2. The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.
  3. Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
  4. Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.
- D. Whether or not the parcel is a "management unit."
- E. Whether or not the parcel size is appropriate for similar commercial agricultural operations within the County.
- F. Whether or not the parcel is suitable for agricultural uses.
- G. Whether or not the parcel is irrigable land, the source of water and method of irrigation.
- H. Availability of access and services.
- I. Economic (market), social, physical and other considerations determined to be relevant.
- J. Statements from the buyer, seller, and other interested parties addressing the above and any other appropriate concerns.

ARTICLE 25. EXCEPTIONS AND NONCONFORMING USES.

Section 25.01 Nonconforming Uses.

- A. The lawful use of any building, structure or land in existence at the time of enactment or amendment of this Ordinance may be continued. Alteration of any such use may be permitted as a "Type II Conditional Use" permit application if found to be reasonably necessary to continue the use and if found to be no more detrimental to the intent and purposes of this Ordinance or any applicable provision(s) set forth herein than the present use, or if found to be necessary to comply with any lawful requirement mandated for continuation of the subject use. A change of ownership or occupancy shall also be permitted.
- B. Restoration or replacement of a nonconforming use may be permitted when the restoration or replacement is made necessary by fire, other casualty or natural disaster. Such restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster, and shall be completed within not more than 18 months from the date of commencement. If such use is destroyed by any cause to an extent exceeding 80% of its fair market value as indicated by the records of the County Assessor, and is not returned to use and in actual operating condition within 18 months from the date of destruction, a future use or structure shall conform to the requirements of this Ordinance. An extension of such time period may only be granted by the Planning Commission, and then only when the owner can show that conditions beyond his or her control, such as an insurance claim settlement, have effectively prohibited reconstruction within said 18 month period. An application for such time extension shall be processed in the same manner as an application for a "Variance" as set forth in this Ordinance, and the filing fee shall be the same as for such an application.
- C. A nonconforming use may not be resumed after a period of interruption or abandonment of more than one year unless the resumed use conforms with the requirements of this Ordinance, except as otherwise approved by the Commission for certain types of uses which are commonly inactive for periods exceeding one year. In no case, however, shall the period of inactivity exceed two years in any three year period.
- D. If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.
- E. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration or designated use of a building or structure for which construction has commenced prior to the enactment of this Ordinance or any amendments hereto.



Section 25.02 General Exceptions to Lot Size Requirements.

- A. If, at the time of enactment of this Ordinance, a lot or the aggregate of contiguous lots or parcels held in a common ownership has an area or dimensions which do not meet the lot size requirements or dimensional standards of the applicable Zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements thereof; providing, however, if there is an area deficiency, residential use shall be limited to a single-family dwelling unit or to the number of dwelling units consistent with the density requirements of the applicable zone (Density factor = 's Lot area divided by minimum sq. ft. requirements). A duly platted lot contiguous to other lands under control of the same owner shall be aggregated with such other lands as necessary to meet the standards of this Ordinance and more specifically the applicable Zone.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes where applicable shall be considered as standard metes and bounds land section divisions, i.e. 160, 80, 40, 20, etc.; lot sizes, therefore, may be reasonably smaller than required if a total section acreage reduction is due to a survey adjustment or other manmade barriers over which the applicant has had no control.
- C. Any parcel of land, or portion thereof, which is to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this Ordinance, provided, however, that if only a portion of a lot or parcel is involved, the remaining portion shall comply with the minimum lot size standards of the applicable zone.

Section 25.03 General Exceptions to Yard (Setback) Requirements.

The following exceptions to yard or setback requirements are authorized for a lot in any zone.

- A. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and said buildings have front yards less than the required front yard of the applicable zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots. If there is a building on only one abutting lot within 100 feet with a front yard less than the required yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the abutting lot and the required yard of the applicable zone.
- B. Architectural features such as cornices, eaves, sunshades, gutters, chimneys and flues may project into a required yard two feet, provided that such projection is not closer than three feet to a property line. Also, steps, terraces, plat-

forms, patios and porches having no roof covering, and fences not interfering with vision clearance requirements may be permitted in required yards but not closer than three feet to a property line.

Section 25.04 General Exceptions to Building Height Limitations.

Except in a A-A Zone, the following types of structures or structural parts are not subject to the building height limitations of this Ordinance: Chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors and other similar projections.

Section 25.05 Exception for Minor Repair and Rehabilitation.

Except for nonconforming uses and historic structures, activities involving rehabilitation, replacement, minor betterment, repairs and maintenance, improvements and other similar construction activities involving a lawful use permitted within a specific zone are exempt from the requirements of this Ordinance provided such activities do not change the use or expand the capacity or use level.

Section 25.06 Exception for Mining on Federal Lands, Patented Mining Claims, and Federal Reserve Mineral Rights.

Mining activities on such lands, claims or rights that are regulated by the federal government and for which a special permit for such mining is required thereby are exempt from the provisions of this Ordinance.

Section 25.07 Exception for Certain Highway Improvements. Except as specifically regulated by a specific Zone, the following public highway improvements are exempt from this Ordinance:

- A. Addition of climbing and passing lanes with a right-of-way existing as of July 1, 1987.
- B. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- C. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- D. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations, rest areas and wildlife viewing sites, within a right-of-way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation, maintenance and purpose of public roads and highways.

Section 25.08 Exception for Temporary Camping Sites. The provisions of this Ordinance regarding Recreational Vehicle Parks or Campgrounds do not apply to: Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting, hunting or other such

expedition, unless such expedition is part of an organizational camp program. Such provisions also do not apply to temporary camping sites used solely and incidentally in the course of agricultural, forestry or public agency, educational or research operations.

## ARTICLE 26. TEMPORARY USES

Section 26.01 Purpose. A permit may be issued for a temporary use to allow the limited use of structures or activities which are temporary or seasonal in nature and do not otherwise conflict with the zone in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zone.

Section 26.02 Procedures. An application for a temporary use shall be processed in accordance with the procedures set forth for a Type I Conditional Use Permit as set forth by Section 24.02(B) (1) of this Ordinance.

Section 26.03 Criteria for Approval. In addition to the standards and limitations that may be set forth for a specific use permitted as a temporary use by this Article, no permit for a temporary use shall be issued except upon a finding that approval of the proposed structure, activity or use would not permit the permanent establishment within a zone of any use which is not permitted within the zone, or for any use for which a Conditional Use Permit is required.

Section 26.04 Conditions of Approval of Temporary Use Permits. In addition to the standards and limitations set forth in this Article and a specific zone, reasonable conditions may be imposed in connection with the approval of a temporary use permit to minimize the potential impact of the proposed use on other uses in the same zone or vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include but are not limited to:

- A. Special yards, setbacks and other open spaces.
- B. Fences, walls or other sight-obscuring provisions.
- C. Control of vehicular ingress and egress points.
- D. Special provisions on signs.
- E. Landscaping and maintenance thereof.
- F. Improvement and/or maintenance of grounds.
- G. Control of noise, odors or other nuisance factors.
- H. Limitations of time for certain activities.
- I. All structures for which such a permit is issued shall:
  1. Meet all other requirements of the applicable zone.
  2. Meet all applicable environmental regulations.
  3. Meet all health, sanitation and building regulations.
  4. Be removed upon expiration of the temporary permit unless renewed by the County Planning Director.

Section 26.05 Permitted Temporary Uses and Standards Governing Such Uses. Specific structures, activities or uses that may be permitted as a temporary use are set forth hereinafter together with specific standards and limitations governing each use. Other uses not specifically set forth hereinafter as permitted temporary uses but which may be permitted as temporary uses include temporary

signs, outdoor gatherings, short term uses, roadside stands, or other similar uses not specified in this Ordinance which are not so recurrent as to require a specific or general regulation to control them.

Section 26.06 Residential Trailer, Mobile House or Recreation Vehicle as a Temporary Residence on an Individual Lot. A residential trailer, mobile house or recreation vehicle may be authorized as a temporary residence on an individual lot if found to comply with the following conditions:

- A. The unit shall be occupied by the owner of the lot on which the unit is located.
- B. The unit shall only be placed upon a lot and occupied by the owner for which a building permit for a conventional structure has been obtained.
- C. The unit shall only be occupied during a period in which satisfactory progress is being made towards the completion of the conventional structure for which the building permit has been obtained, and in no case shall such time period exceed 18 months except as approved by the Planning Commission.
- D. Electrical, sewage disposal and water connections shall be made to the unit as approved by the appropriate authority.
- E. The owner of the lot agrees, in writing, to remove said unit from the lot no later than 18 months from the date on which the building permit for the conventional structure was issued, or not later than one month following the completion of said housing unit, whichever occurs first.
- F. Permits issued for this purpose may be reviewed at any time, and may be revoked when found to not be in compliance, including evidence of unsatisfactory progress in completion of the intended housing unit.

Section 26.07 Recreational Vehicle as Temporary Guest Lodging. A recreation vehicle or other camping vehicle may be used as a temporary housing facility by guests of the owner for a period not to exceed seven (7) days out of any 30 day period, particularly during major local events such as rodeos, fairs, races, etc.

Section 26.08 "Mobile Home" Authorized as Temporary Residence for Care of a Relative in Conjunction with an Existing Residential Use. It is the intent of this provision to provide a set of procedures and standards for the temporary placement and use of certain housing units, which because of personal hardship and special needs, require special consideration for such temporary usage.

- A. No permit for such a use shall be issued which would result in a hardship when the use is not permitted to continue at the expiration of the permit period.
- B. One accessory "mobile home" dwelling unit may be approved in conjunction with an existing dwelling unit upon the following findings and limitations:
  1. That such unit is necessary to give care for or provide

- custody of an elderly, handicapped or infirm relative who a medical doctor certifies is in need of this special kind of care or custody.
2. That no additions to the unit shall be permitted except for a covered walkway from the temporary unit to the primary residence; said walkway to be removed upon the expiration of the subject permit.
  3. That required utilities, sewage disposal and water services can be provided, and that all evidence thereof shall be removed upon expiration of the subject permit.
- C. A permit granted under this Section shall be null and void when the elderly, handicapped, or infirm relative, who shall be the subject of the permit, moves to another residence, or is absent from the residence for more than 120 days, or leaves the residence with no likelihood of returning. Exception to the 120 day limit may be approved because of extraordinary circumstances such as extended hospitalization, but in no case shall the subject unit be occupied by any other person(s) than originally intended.
- D. The same occupancy and residency requirements shall apply to the applicant; i.e. the resident relative of the primary dwelling by whom care and/or custody of the elderly, infirm or handicapped person(s) occupying the subject temporary unit.
- E. Such permits shall not be transferable.
- F. Within 30 days of the permit becoming void or revoked, the subject unit shall be removed by the owner of the real property unless approved otherwise by the Planning Commission.
- G. Permits issued under this Section may be reviewed at any time, but shall, at a minimum, be reviewed on an annual basis. Revocation of such a permit shall be effected upon a findings of noncompliance with the provisions of this Section or with any additional conditions set forth as a part of the permit approval.
- H. A unit placed under a permit authorized by this Section shall be located as close as possible to the primary dwelling, and unless there are physical limitations of the land, this should be within 100 feet.

Section 26.09 Temporary Real Estate Office. A temporary real estate or sales office may be approved onsite for an approved subdivision, planned unit development, recreational development, or other development for a maximum time period of two (2) years. An extension of time may be approved for a maximum time period of one additional year.

Section 26.10' Temporary Mobile Home Storage Permits.

- A. The Planning Director shall be authorized to issue a permit not to exceed 90 days to a property owner for the temporary storage of a mobile home, provided such unit shall not be hooked to any public facilities or services, and shall not be utilized or occupied for any purpose.
- B. Upon conclusion of the 90 day period, the mobile home shall

- be removed from the property.
- C. No more than one such permit shall be issued to any one person, nor may more than one such permit be issued on any one lot or parcel under the same ownership.

Section 26.11 Temporary Mobile Home Parks. With the exception of standards governing water supply, sewage disposal, electrical service, solid waste disposal, and access, the County may approve a temporary mobile home park in a zone authorizing such use without full compliance with the provisions set forth in Section 24.08 of this Ordinance.

- A. Except as set forth in Subsection B. of this Section, such a permit may only be issued to a construction company, timber company or farm if:
1. There is no available space in a mobile home park within reasonable distance, and
  2. A mobile home park is necessary for the proper housing of the company's employees until the construction, farm or logging project is finished.
- B. In lieu of the requirements set forth above, the County may issue a permit for such a facility to a person to establish a temporary mobile home park on the person's own premises in areas having critical housing shortage due to large construction projects; i.e. if those findings set forth in A.1. and A.2. above are evident.

Section 26.12 Conditions of Permit Approvals. The following conditions shall apply to all temporary use permits:

- A. All such permits shall be issued for a specified time period, or for specific factors related to a definitive expiration date or criteria.
- B. Such permits shall not be transferable.

## ARTICLE 27. VARIANCES

### Section 27.01 Authorization to Grant or Deny Variances.

Variances from the provisions of this Ordinance may be approved in accordance with the provisions of this Article where it can be shown that owing to special and unusual circumstances related to a specific lot or parcel, strict application of the Ordinance would cause an undue or unnecessary hardship. No variance shall be granted that would 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, conditions may be attached which are found necessary to protect the best interests of the surrounding property or vicinity, and to otherwise achieve the purposes of this Ordinance and the Zone in which the property is located.

Section 27.02 Circumstances for Granting a Variance. A Variance may be granted unqualifiedly or may be granted subject to prescribed conditions and limitations, provided that the following findings are evident:

- A. That the literal application of the Ordinance would create practical difficulties for the applicant resulting in greater private expense than public benefit, however, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience; and
- B. That the condition creating the difficulty is not general throughout the surrounding area or within the same zone, but is unique to the applicant's site; therefore, the granting of a variance shall not set a precedent for future applications; and
- C. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew, or should have known, of the restriction at the time the site was purchased or created. Self-created hardship also results when an owner negligently or knowingly violates this Ordinance. A substandard lot, deliberately made so by the owner's conveyance, is considered a self-created hardship. Violations made in good faith, or circumstances arising from pre-existing circumstances are treated more leniently, as is the condition of an area deficiency created by the expansion of a public right-of-way, public utility easement or right-of-way, or other public use in the public interest; and
- D. In the case of the "Use" variance, that the literal application of the Ordinance would result in an unnecessary hardship to the applicant. An unnecessary hardship will be found only when there is no reasonable return from the property as it may lawfully be used under the applicable provisions of this Ordinance.

Section 27.03 Minor Variances. For the purposes of this Ordinance, a "Minor Variance" is an area or dimensional variance that meets one of the following conditions:



signs, outdoor gatherings, short term uses, roadside stands, or other similar uses not specified in this Ordinance which are not so recurrent as to require a specific or general regulation to control them.

Section 26.06 Residential Trailer, Mobile House or Recreation Vehicle as a Temporary Residence on an Individual Lot. A residential trailer, mobile house or recreation vehicle may be authorized as a temporary residence on an individual lot if found to comply with the following conditions:

- A. The unit shall be occupied by the owner of the lot on which the unit is located.
- B. The unit shall only be placed upon a lot and occupied by the owner for which a building permit for a conventional structure has been obtained.
- C. The unit shall only be occupied during a period in which satisfactory progress is being made towards the completion of the conventional structure for which the building permit has been obtained, and in no case shall such time period exceed 18 months except as approved by the Planning Commission.
- D. Electrical, sewage disposal and water connections shall be made to the unit as approved by the appropriate authority.
- E. The owner of the lot agrees, in writing, to remove said unit from the lot no later than 18 months from the date on which the building permit for the conventional structure was issued, or not later than one month following the completion of said housing unit, whichever occurs first.
- F. Permits issued for this purpose may be reviewed at any time, and may be revoked when found to not be in compliance, including evidence of unsatisfactory progress in completion of the intended housing unit.

Section 26.07 Recreational Vehicle as Temporary Guest Lodging. A recreation vehicle or other camping vehicle may be used as a temporary housing facility by guests of the owner for a period not to exceed seven (7) days out of any 30 day period, particularly during major local events such as rodeos, fairs, races, etc.

Section 26.08 "Mobile Home" Authorized as Temporary Residence for Care of a Relative in Conjunction with an Existing Residential Use. It is the intent of this provision to provide a set of procedures and standards for the temporary placement and use of certain housing units, which because of personal hardship and special needs, require special consideration for such temporary usage.

- A. No permit for such a use shall be issued which would result in a hardship when the use is not permitted to continue at the expiration of the permit period.
- B. One accessory "mobile home" dwelling unit may be approved in conjunction with an existing dwelling unit upon the following findings and limitations:
  1. That such unit is necessary to give care for or provide

of a public hearing by the Commission shall be sent to the applicant, all property owners within 250 feet of the subject property, and to all affected agencies or parties set forth by the SR Combining Zone as applicable.

- B. In addition to said individual notice, a notice of the hearing shall be published one time in a newspaper of general circulation in the County not less than 10 days prior to the hearing date.
- C. The Commission may approve, approve with modifications and/or conditions, or deny an application for a variance. Written notice of such decision shall be provided to the applicant, "affected" persons or parties, and any persons or parties requesting such notice within five working days of the decision.

Section 27.07 Time Limit on a Permit for a Variance. Authorization of a variance shall be null and void after one year unless substantial construction has taken place or the proposed use has occurred. The Commission may grant an extension of time, not to exceed six months, upon request and in the same manner and filing requirements as for the initial permit. The filing fee shall be the same as for the initial permit application.

## ARTICLE 28: ZONING AMENDMENTS

Section 28.01 Authorization to Initiate Amendments. An amendment to the text of this Ordinance or to a zoning map may be initiated by the Commission, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Administrator using forms prescribed pursuant to Article 28 of this Ordinance.

Section 28.02 Application for a Zone Amendment. An application for a Zone Change or Zone Text Amendment by a property owner or authorized agent thereof shall be filed with the County Planning Director on forms prescribed by the County and shall be accompanied by the required filing fee. Said application shall be filed not less than 21 days prior to the date of the Commission hearing thereon. The applicant shall provide reasons for the requested change, and shall present sufficient facts to show that the amendment will be in substantial compliance with the goals, objectives and policies of the County Comprehensive Plan and applicable Statewide Planning Goals and LCDC Administrative Rules.

Section 28.03 Public Hearings on Amendments. The Planning Commission shall, at its earliest practicable meeting date following the 21 day filing period, duly advertise and conduct a public hearing on the proposed amendment, and shall within five working days following the conclusion of such hearing, recommend to the Board of County Commissioners, approval, disapproval or modified approval of the proposed amendment. Within 30 days of the receipt of the Commission's recommendations, the Board shall duly advertise and conduct a public hearing on the proposed amendment. The Board shall approve, approve with modifications, or disapprove the proposed amendment. The Commission or the Board may recess or continue a hearing in order to obtain additional information and input on the proposed amendment.

Section 28.04 Public Notice Requirements. The following public notice requirements shall apply to applications for a zoning amendment:

- A. Each notice of a public hearing regarding a zoning amendment shall be published once a week for the two successive weeks prior to the date of the hearing in a newspaper of general circulation in the County.
- B. In addition to the notice requirements set forth in Sub-section A. above, for an amendment that proposes to rezone property individual notice shall be given as set forth by ORS 215.503(2) (c) except as provided otherwise by ORS 215.508. If such rezoning is for a single lot or parcel, individual notice shall be provided to all property owners within 250 feet of the exterior boundaries of the subject property.
- C. Notice of an application for a zone amendment shall be provided to the owner of a public use airport if the property

subject to the zone amendment is:

1. Within 5,000 feet of the side or end of a runway of a "visual airport"; or
  2. Within 10,000 feet of the side or end of the runway of an "instrument airport"; and
  3. If the zone amendment would allow a structure greater than 35 feet in height on property located inside the runway "approach surface."
- D. Notice of an application for a zone change of property which includes all or part of a mobile home park shall be given by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing.
- E. Notice of an application for a proposed zoning amendment, together with a copy or description of the proposed amendment, shall be provided to the State Land Conservation & Development Commission (LCDC) at least 45 days prior to the date of the final hearing thereon.

Section 28.05 Record of Amendments. The Planning Administrator shall maintain records of amendments to the text and zoning map of the ordinance.

Section 28.06 Limitation on Re-application. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be reconsidered by the Planning Commission within one year of the previous consideration of the application, except 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.

Section 28.07 Compliance with Comprehensive Plan. In considering an amendment to an ordinance or map, the Planning Commission and Board of Commissioners shall seek to determine the following:

- A. That there has been a substantial change in the character of the area since the zoning was adopted.
- B. That the level of development in the other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best facilitate such needs.
- C. That the zoning adopted for the area is in error.

## ARTICLE 29: HEARINGS/FINDINGS

Section 29.01 Hearing Procedures. Hearings required for Conditional Uses, Plan, zone amendments, appeals or other Planning Commission or County Commission actions shall follow the notice and finding procedures below.

Section 29.02 Hearing Notice Requirements. Except as provided otherwise in this Ordinance, the notice requirements for public hearings required for permits or actions under this Ordinance shall be as follows:

- A. Each notice of a public hearing for any purpose except to change the text of the zoning 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. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of property within 250' of the exterior boundary of the property for which the application is made. For this purpose the name and addresses of the owners as shown on the records of the County Assessor may be used.
- B. Each notice of a public hearing regarding an amendment to the text of this Ordinance shall be published at least two (2) times in a newspaper of general circulation in the County during the two (2) weeks just prior to the hearing.
- C. A copy of any hearing notice for a proposed change of zone or use of land within one half mile of the urban growth boundary of any incorporated town in the County shall also be submitted to the appropriate municipal Planning Commission according to the time requirements above. Failure to submit recommendations or file a report prior to the hearing shall be construed as approval of said application, except that the County Planning Commission may request a specific report or a joint meeting for discussion of a proposal.
- D. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- E. The Planning Commission or the Board of County 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.

Section 29.03 Decisions. All decisions made pursuant to the provisions of this Ordinance for the approval or denial of an application authorized or required pursuant hereto shall be based upon and accompanied by a statement that explains the criteria and standards relied upon and considered relevant to the decision, that states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, facts and conclusions set forth. Written notice of the decision shall be given to all parties to the proceedings within ten (10) working days thereof, unless a lesser time is specifically set forth

for a specific permit decision by this Ordinance. Except as otherwise provided for in ORS 215.428, the County shall take final action on an application for a permit or zoning amendment, including resolution of appeals, within 120 days after the application is deemed complete. The 120 day period may be extended for a reasonable period of time at the request of the applicant. For an application involving a "residential facility", such time period shall not exceed 90 days as required by ORS 443.

Section 29.04 Sources of Findings. The following should be included as sources of provisions/criteria and facts cited as the bases of findings:

- A. Comprehensive Plan, Supplemental Atlas, and other ordinances and plan supplements.
- B. Information presented at hearings or other public discussions of related issues.
- C. Findings presented by applicants.
- D. Various sources of physical, social, legal, economic, environmental or other applicable information.

## ARTICLE 30. ADMINISTRATIVE PROVISIONS

Section 30.01 Appeals. A person may appeal a decision or requirement made by the County Planning Director or other County Official to the County Planning Commission, or a person may appeal a decision of the County Planning Commission to the Board of County Commissioners, if the person:

- A. Files a notice of appeal as provided in this Article; and
- B. Appeared or participated in the proceedings leading to the decision, either orally or in writing; and
- C. Meets one or more of the following criteria:
  1. Was entitled to right of notice and hearing prior to the decision to be reviewed; or
  2. Was a person who would have had a right to notice if a hearing had been scheduled; or
  3. Is aggrieved, or has interests adversely affected by the decision.
- D. Written notice of an appeal must be filed with the County Planning Director within 15 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement, a copy of the decision, the grounds for appeal, and shall specifically state the following:
  1. The facts that establish that the petitioner has standing; and
  2. The date of the decision; and
  3. The specific issues the petitioner seeks to have reviewed.
- E. The appeal shall not be deemed complete until the required filing fee therefore is submitted with the notice to appeal.
- F. The Planning Commission or Board of County Commissioners as the case may be shall hold a public hearing on the appeals within 30 days from the date the appeal is filed and deemed complete. A hearing on an appeal may be recessed or continued for good cause.
- G. The Planning Commission or Board of County Commissioners may review a lower decision or requirement upon its own motion after giving 10 days notice to the parties involved in the decision or requirement, and if such review is initiated within the 15 day appeal period after the decision or requirement is made.
- H. An appeal or review proceedings shall be based upon, but not limited to, the record of the decision being appealed or reviewed.
- I. All appeal or review proceedings shall require a public hearing by the reviewing authority. Notice of such hearing shall be published at least one time not less than 10 days prior to such hearing in a newspaper of general circulation in the County. In addition, individual notice shall be provided to all parties affected by the decision or requirement being reviewed. Such notice shall be mailed or otherwise delivered not less than 10 days prior to such hearing date.

- J. Following the hearing, the reviewing authority may uphold, overrule or modify any decision or requirement and shall set forth findings and conclusions for such decision.
- K. A decision or requirement of the Board of County Commissioners may be appealed as provided for by State law.

Section 30.02 Forms of Petitions, Applications and Appeals.

Peti-tions, 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 actual shape and dimensions of the lot, and of all existing and pro- posed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this Ordinance.

Section 30.03 Filing Fees. Upon filing an application for an Amendment, a Conditional Use Permit, a Variance, or other action requiring a public hearing the applicant shall pay a fee as may be established by the Board of Commissioners.



## ARTICLE 31: GENERAL PROVISIONS

Section 31.01 Interpretation. Where the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other ordinance, the provisions which are more restrictive shall govern.

Section 31.02 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 31.03 Abatement and Penalty. A person violating a provision of the ordinance shall be subject to the provisions of 215.185 and penalties prescribed for violation of County ordinance.

Section 31.04 Permit and Improvements Assurance. The approving authority for the County pursuant to the provisions of this Ordinance may require an applicant to furnish the County with a performance bond or such other form of assurance deemed necessary to guarantee development in accordance with the standards established by this Ordinance and/or conditions attached in the granting of a permit. The approving authority may also require an Occupancy Permit as an assurance of compliance with applicable standards and conditions.

Section 31.05 Revocation. The Planning Commission or Board of County Commissioners may revoke or modify any permit granted under the provisions of this Ordinance on any one or more of the following grounds:

- A. A permit may be revoked on the basis of fraud, concealment, or misrepresentation by the applicant to the approving authority during the application process.
- B. A permit may be revoked on the basis that the use for which such permit was issued is not exercised within the time limits set forth by this Ordinance or by the approving authority.
- C. A permit may be revoked on the basis that the use for which the permit was granted has ceased to exist or has been suspended for one year or more unless otherwise provided for in this Ordinance or in the approval of such use.
- D. A permit may be revoked or modified on the basis that the permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any local, State or federal statute, code, resolution, law or regulation.
- E. A permit may be revoked or modified on the basis that the use for which the approval was granted is so exercised as to be detrimental to the public health, safety or general welfare, or in such a manner as to constitute a nuisance.
- F. The Planning Commission or Board of County Commissioners

shall hold a public hearing on any proposed revocation or modification after giving written notice to the permittee and other affected persons and parties. Such notice shall be provided not less than 10 days prior to such hearing. The reviewing authority shall render its decision within 10 days after the conclusion of the hearing. Appeals thereof shall be as provided for in this Ordinance or as otherwise provided for by law.

Section 45. ENACTMENT. This Ordinance shall be in full force and effect on and after 30 days from the date of adoption by the Board of County Commissioners.

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Parks	2.04A(5), 2.04B(4), 3.04A(6), 3.04B(4), 4.02K, 5.04A(2), 6.04A(3), 7.04A(3), 8.03C
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<u>SUBJECT</u>	<u>SECTION</u>
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<u>SUBJECT</u>	<u>SECTION</u>
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<u>SUBJECT</u>	<u>SECTION</u>
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